

Local Transport Act 2008

2008 CHAPTER 26

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An Act to make further provision in relation to local transport authorities, the provision and regulation of road transport services and the subsidising of passenger transport services; to amend sections 74, 75 and 79 of the Transport Act 1985; to make provision for or in relation to committees which represent the interests of users of public transport; to rename Passenger Transport Authorities as Integrated Transport Authorities and to make further provision in relation to them; to make further provision in relation to charging for the use of roads; to make provision about the meaning of “street works” and “street works licence” in Part 3 of the New Roads and Street Works Act 1991; to amend Part 6 of the Traffic Management Act 2004 and section 90F of the Road Traffic Offenders Act 1988; to make provision in relation to the acquisition, disclosure and use of information relating to vehicles registered outside the United Kingdom; and for connected purposes.

[26th November 2008]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent

Preamble: England, Wales

PART 1

THE TRAFFIC COMMISSIONERS

Law In Force

1 Traffic areas

(1) Section 3 of the PPVA 1981 (traffic areas) is amended as follows.

(2) After subsection (2) (orders varying traffic areas) insert—

- “(2A) The power to make an order under subsection (2) above includes power to make—
- (a) such incidental, consequential, supplemental or transitional provision, and
 - (b) such savings,
- as the Secretary of State may consider necessary or expedient for the purpose of, or in consequence of, or for giving full effect to, any order under that subsection for varying the number or limits of traffic areas in England and Wales.
- (2B) The power conferred by subsection (2A) above includes power to amend or modify any provision of this Act or any other enactment (whenever passed or made) for the purpose of making any such provision or savings.
- (2C) The powers conferred by subsections (2A) and (2B) above are without prejudice to what may be done under subsection (3) below.”.

Commencement

Pt 1 s. 1(1)-(2): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 1 s. 1(1)-(2): England, Wales, Scotland

Law In Force

2 Traffic commissioners

- (1) Section 4 of the PPVA 1981 (traffic commissioners) is amended as follows.
- (2) For subsections (1) and (2) (commissioner to be appointed for each traffic area etc) substitute—
- “(1) For the purposes of this Act there shall be—
- (a) such number of commissioners for England and Wales as the Secretary of State may consider appropriate; and
 - (b) a single commissioner for the Scottish Traffic Area (the “Scottish traffic commissioner”).
- (2) The commissioners shall be appointed by the Secretary of State and shall be known as traffic commissioners.”.
- (3) In subsection (3) (function of issuing licences) for “The traffic commissioner for each traffic area” substitute “A traffic commissioner”.
- (4) After subsection (3) insert—
- “(3A) A traffic commissioner for England and Wales—
- (a) may exercise the functions of a traffic commissioner in any traffic area in England and Wales; and
 - (b) may exercise in relation to the Scottish Traffic Area any functions of a traffic commissioner that relate to reserved matters within the meaning of the Scotland Act 1998.
- (3B) The Scottish traffic commissioner—

- (a) is to exercise the functions of a traffic commissioner in relation to the Scottish Traffic Area; and
- (b) may exercise in relation to any traffic area in England and Wales any functions of a traffic commissioner that relate to reserved matters within the meaning of the Scotland Act 1998.”.

(5) In subsection (4) (terms of office) in the opening words, for “the traffic commissioner for a traffic area” substitute “a traffic commissioner”.

(6) In subsection (5) (declaration of certain financial interests before appointment) for “the traffic commissioner for a traffic area” substitute “a traffic commissioner”.

(7) In section 82(1) of the PPVA 1981 (general definitions) insert at the appropriate place—

““the Scottish traffic commissioner” is to be read in accordance with section 4(1)(b) (the traffic commissioner for the Scottish Traffic Area);”.

Commencement

Pt 1 s. 2(1)-(7): July 3, 2013 being the day after the day on which the Secretary of State first made an order under 2008 c.26 s.6 (2008 c. 26 Pt 1 s. 6; SI 2013/685 art. 3(2)(a); SI 2013/1644)

Extent

Pt 1 s. 2(1)-(7): England, Wales, Scotland

Law In Force

3 The senior traffic commissioner

(1) After section 4 of the PPVA 1981 (traffic commissioners) insert—

“4A Appointment of senior traffic commissioner

(1) One of the traffic commissioners shall be appointed by the Secretary of State to be the senior traffic commissioner.

(2) The senior traffic commissioner shall have such functions as may be conferred or imposed by or under any of the following enactments—

(a) section 4B below (deployment of traffic commissioners),

(b) section 4C below (guidance and general directions),

or any other provision of this Act or any other enactment.

(3) The senior traffic commissioner—

(a) shall hold office for such period as the Secretary of State specifies when making the appointment; but

(b) ceases to hold that office on ceasing to hold office as a traffic commissioner.

(4) A traffic commissioner who has been the senior traffic commissioner is eligible for re-appointment as the senior traffic commissioner.

(5) In the case of illness, incapacity or absence of the senior traffic commissioner, the Secretary of State may appoint another traffic commissioner to act as deputy for the senior traffic commissioner.

(6) Where the office of senior traffic commissioner becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as senior traffic commissioner pending the appointment of a new senior traffic commissioner.

(7) Any person appointed under subsection (6) above shall—

- (a) hold office for such period as the Secretary of State specifies when making the appointment; and
- (b) during that period be treated for all purposes as the senior traffic commissioner.

4B Power of senior traffic commissioner to deploy other commissioners

(1) In this section—

- (a) subsections (2) to (4) confer powers on the senior traffic commissioner in relation to traffic commissioners and deputy traffic commissioners for England and Wales; and
- (b) subsections (5) to (7) confer powers on the senior traffic commissioner in relation to the Scottish traffic commissioner and any deputy traffic commissioners for the Scottish traffic area.

(2) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of the functions of traffic commissioner for England and Wales as the senior traffic commissioner may determine—

- (a) in relation to such matters relating to England and Wales, or
- (b) as respects Scotland, in relation to such reserved matters,

as the senior traffic commissioner may determine.

(3) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of those functions as the senior traffic commissioner may determine at such places—

- (a) in England and Wales, or
- (b) in the case of functions which relate to reserved matters and are exercisable in relation to Scotland, in Scotland,

as the senior traffic commissioner may determine.

(4) Subsections (2) and (3) above also apply in relation to a deputy traffic commissioner for England and Wales as they apply in relation to a traffic commissioner for England and Wales, construing the references to functions accordingly.

(5) The senior traffic commissioner may require the Scottish traffic commissioner to carry out as respects England and Wales such of the functions exercisable by the Scottish traffic commissioner in relation to reserved matters by virtue of section 4(3B)(b) of this Act as the senior traffic commissioner may determine.

(6) The senior traffic commissioner may require the Scottish traffic commissioner to carry out such of those functions as the senior traffic commissioner may determine at such places in England and Wales as the senior traffic commissioner may determine.

(7) Subsections (5) and (6) above also apply in relation to a deputy traffic commissioner for the Scottish Traffic Area as they apply in relation to the Scottish traffic commissioner, construing the references to functions accordingly.

(8) In this section—

“deputy traffic commissioner for the Scottish Traffic Area” means any person appointed under paragraph 3 or 4 of Schedule 2 to this Act to act as deputy in the case of the Scottish traffic commissioner;

“reserved matters” means reserved matters within the meaning of the Scotland Act 1998.

4C Power of senior traffic commissioner to give guidance and directions

(1) The senior traffic commissioner may give to the traffic commissioners—

- (a) guidance, or
- (b) general directions,

as to the exercise of their functions under any enactment.

This subsection is subject, in relation to Scotland, to subsection (5) below.

(2) The guidance that may be given under subsection (1)(a) above includes guidance as to—

- (a) the meaning and operation of any enactment or instrument relevant to the functions of traffic commissioners;
- (b) the circumstances in which, and the manner in which, a traffic commissioner should exercise any power to impose any sanction or penalty;
- (c) matters which a traffic commissioner should or should not take into account when exercising any particular function.

(3) The directions that may be given under subsection (1)(b) above include directions as to—

- (a) the circumstances in which, and the manner in which, officers or servants of a traffic commissioner may exercise any function for or on behalf of the traffic commissioner, and any conditions which such officers or servants must meet before they may do so;
- (b) the information which a traffic commissioner must ask to be supplied in connection with the exercise of any particular function, and the steps which must be taken to verify the accuracy of any information so supplied;
- (c) the procedure to be adopted in conducting inquiries under section 54 of this Act, section 35 of the Goods Vehicles (Licensing of Operators) Act 1995 or any other enactment;
- (d) the manner in which a traffic commissioner must or may publish his decisions;
- (e) circumstances in which a traffic commissioner must consult some, or all, of the other traffic commissioners before exercising any particular function.

(4) The senior traffic commissioner must consult each of the following persons before giving any guidance or directions under subsection (1) above—

- (a) the Secretary of State;
- (b) the Scottish Ministers, if the senior traffic commissioner considers it appropriate;
- (c) the Welsh Ministers, if the senior traffic commissioner considers it appropriate;

- (d) such of the other traffic commissioners as the senior traffic commissioner considers appropriate;
 - (e) such organisations representative of the interests of local government, of London government, of Integrated Transport Authorities and of Passenger Transport Executives as the senior traffic commissioner considers appropriate;
 - (f) such organisations representative of the interests of users of public passenger transport services as the senior traffic commissioner considers appropriate;
 - (g) such organisations representative of passenger transport operators, and of road haulage operators, as the senior traffic commissioner considers appropriate;
- and such other persons as the senior traffic commissioner considers appropriate.

(5) The only guidance or directions under this section which the senior traffic commissioner may give to the Scottish traffic commissioner are guidance or directions as to the exercise of functions that relate to reserved matters within the meaning of the Scotland Act 1998.

4D Guidance to senior traffic commissioner by Secretary of State

- (1) The Secretary of State may give the senior traffic commissioner guidance as to the exercise of any of the senior traffic commissioner's functions.
 - (2) The senior traffic commissioner must have regard to any guidance given under subsection (1) above.”.
- (2) In each of the following provisions (which provide for traffic commissioners to act under general directions of the Secretary of State)—
- (a) section 4(4)(a) of the PPVA 1981,
 - (b) section 1(2) of the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23),
- for “the general directions of the Secretary of State” substitute “the general directions of, and shall have regard to any guidance given by, the senior traffic commissioner”.
- (3) In Schedule 2 to the PPVA 1981 (traffic commissioners) in paragraph 8, at the beginning insert “(1)” and at the end insert—
- “(2) There shall be paid to the senior traffic commissioner such additional remuneration in respect of the responsibilities of that office as may be so determined.”.
- (4) The person who, on the date on which section 4A(1) of the PPVA 1981 comes into force, is the person designated by the Secretary of State as senior traffic commissioner—
- (a) is to become, on that date, the first holder of the office of senior traffic commissioner, and
 - (b) is to remain in that office until the expiry of the term for which that person was so designated (but subject to section 4A(3)(b) of, and Schedule 2 to, the PPVA 1981).


Commencement

Pt 1 s. 3(1): March 4, 2009 for purposes specified in SI 2009/107 art.3 and Sch.3; July 3, 2013 being the day after the day on which the Secretary of State first made an order under 2008 c.26 s.6 otherwise (2008 c. 26 Pt 1 s. 6; SI 2009/107 art. 3, Sch. 3 para. 1; SI 2013/685 art. 3(2)(b); SI 2013/1644)

Pt 1 s. 3(2)-(4)(b): March 4, 2009 (SI 2009/107 art. 3, Sch. 3 para. 1)

Extent

Pt 1 s. 3(1)-(4)(b): England, Wales, Scotland

 Partially In Force

4 Amendments of Schedule 2 to the PPVA 1981

(1) Schedule 2 to the PPVA 1981 (traffic commissioners) is amended as follows.

(2) In paragraph 1 (removal of traffic commissioner for inability or misbehaviour) for “for inability or misbehaviour” substitute

“on the grounds that the traffic commissioner—

(a) has misbehaved; or

(b) is unable, unfit or unwilling to perform the functions of traffic commissioner to a standard which the Secretary of State considers satisfactory”.

(3) The amendment made by subsection (2) has effect in relation to traffic commissioners appointed before, as well as traffic commissioners appointed on or after, the day on which that amendment comes into force.

(4) After paragraph 2 insert—

“2A Deputy traffic commissioners for England and Wales

(1) The Secretary of State may appoint such number of persons to be deputy traffic commissioners for England and Wales as the Secretary of State thinks fit.

(2) A deputy traffic commissioner for England and Wales—

(a) may exercise any functions of a traffic commissioner in any traffic area in England and Wales; and

(b) may exercise in relation to the Scottish Traffic Area any functions of a traffic commissioner that relate to reserved matters.

(3) Appointment as a deputy traffic commissioner for England and Wales shall be upon such terms and conditions, including conditions as to the time to be devoted to the duties of the office, as the Secretary of State may determine.

(4) A deputy traffic commissioner for England and Wales shall carry out such of the functions of that office as the senior traffic commissioner may determine under section 4B of this Act—

(a) in relation to such matters relating to England and Wales, or

(b) as respects Scotland, in relation to such reserved matters,

as the senior traffic commissioner may so determine.

(5) A deputy traffic commissioner for England and Wales shall carry out such of those functions as the senior traffic commissioner may determine under section 4B of this Act at such places—

(a) in England and Wales, or

(b) in the case of functions which relate to reserved matters and are exercisable in relation to Scotland, in Scotland,

as the senior traffic commissioner may so determine.

(6) In this paragraph “reserved matters” means reserved matters within the meaning of the Scotland Act 1998.”.

(5) In consequence of the amendments made by this section, at the end of the italic heading preceding paragraph 3 there is inserted “in Scotland”.

(6) After that heading, insert—

“2B

Paragraphs 3 to 5 below have effect in relation to the Scottish Traffic Area only.”.

(7) After paragraph 5 insert—

“5A Appointment of acting traffic commissioner during vacancy

(1) Where the office of any traffic commissioner for England and Wales becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as a traffic commissioner for England and Wales pending the appointment of a new traffic commissioner under section 4 of this Act.

(2) Any person appointed under sub-paragraph (1) above shall—

(a) hold office for such period as the Secretary of State specifies when making the appointment; and

(b) during that period be treated for all purposes (except those of paragraph 9 below) as a traffic commissioner for England and Wales.”.

(8) In consequence of the amendment made by subsection (7), in paragraph 6(1) (appointment of acting traffic commissioner during vacancy) after “for any traffic area” insert “in Scotland”.

(9) In paragraph 9 (principal civil service pension scheme) for “traffic commissioner for each of the traffic areas” substitute “traffic commissioner for England and Wales or for the Scottish Traffic Area”.

Commencement

Pt 1 s. 4(1): April 6, 2013 for provisions specified in SI 2013/685 art.2; July 3, 2013 being the day after the day on which the Secretary of State first made an order under 2008 c.26 s.6 for provisions specified in SI 2013/685 art.3(2)(c); not yet in force otherwise (2008 c. 26 Pt 1 s. 6; SI 2013/685 art. 2, art. 3(2)(c); SI 2013/1644)

Pt 1 s. 4(2)-(3): April 6, 2013 (SI 2013/685 art. 2)

Pt 1 s. 4(4)-(9): July 3, 2013 being the day after the day on which the Secretary of State first made an order under 2008 c.26 s.6 (2008 c. 26 Pt 1 s. 6; SI 2013/685 art. 3(2)(c); SI 2013/1644)

Extent

Pt 1 s. 4(1)-(9): England, Wales, Scotland

Law In Force

5 Transitional provision for existing traffic commissioners etc

- (1) Any existing traffic commissioner for a traffic area in England and Wales—
 - (a) on the relevant commencement, becomes instead a traffic commissioner for England and Wales with all the powers and duties of such a commissioner,
 - (b) holds that office on the terms and conditions that applied to the commissioner immediately before the relevant commencement,
 - (c) is subject to paragraph 1 of Schedule 2 to the PPVA 1981 (grounds for dismissal), as amended by section 4, as from the coming into force of that amendment.
- (2) Any appointment of a person as a deputy traffic commissioner for a traffic area in England and Wales before the relevant commencement—
 - (a) continues in force notwithstanding the substitution of subsections (1) and (2) of section 4 of the PPVA 1981 effected by section 2,
 - (b) has effect as from the relevant commencement as an appointment under paragraph 2A of Schedule 2 to that Act as a deputy traffic commissioner for England and Wales with all the powers and duties of such a commissioner,
 - (c) as from the relevant commencement is held on the terms and conditions that applied to the deputy traffic commissioner immediately before the relevant commencement.
- (3) Any appointment of a person as an acting traffic commissioner for a traffic area in England and Wales before the relevant commencement—
 - (a) continues in force notwithstanding the substitution of subsections (1) and (2) of section 4 of the PPVA 1981 effected by section 2,
 - (b) has effect as from the relevant commencement as an appointment under paragraph 5A of Schedule 2 to that Act to act as a traffic commissioner for England and Wales with all the powers and duties of such a commissioner,
 - (c) as from the relevant commencement is held on the terms and conditions that applied to the acting traffic commissioner immediately before the relevant commencement.
- (4) Any existing traffic commissioner for the Scottish Traffic Area—
 - (a) on the relevant commencement, becomes instead the Scottish traffic commissioner with all the powers and duties of that commissioner,

- (b) holds that office on the terms and conditions that applied to the traffic commissioner immediately before the relevant commencement, and
- (c) is subject to paragraph 1 of Schedule 2 to the PPVA 1981 (grounds for dismissal), as amended by section 4, as from the coming into force of that amendment.

(5) In this section—

“acting traffic commissioner” means a person appointed under paragraph 6 of Schedule 2 to the PPVA 1981 to act as a traffic commissioner for a traffic area;

“deputy traffic commissioner” means a person appointed under paragraph 3 or 4 of Schedule 2 to the PPVA 1981 to act as deputy to a traffic commissioner for a traffic area;

“existing traffic commissioner” means a person—

- (a) who is a traffic commissioner for a traffic area immediately before the relevant commencement, and

- (b) who would, apart from the amendments made by this Act, have continued as such after the relevant commencement;

“the relevant commencement” means—

- (a) in relation to an existing traffic commissioner, the coming into force of the substitution of subsections (1) and (2) of section 4 of the PPVA 1981 effected by section 2;

- (b) in relation to a deputy traffic commissioner for a traffic area in England and Wales, the coming into force of paragraph 2A of Schedule 2 to the PPVA 1981 (which is inserted by section 4);

- (c) in relation to an acting traffic commissioner for a traffic area in England and Wales, the coming into force of paragraph 5A of Schedule 2 to the PPVA 1981 (which is inserted by section 4).

Commencement

Pt 1 s. 5(1)-(5) definition of "the relevant commencement" (c): July 3, 2013 being the day after the day on which the Secretary of State first made an order under 2008 c.26 s.6 (2008 c. 26 Pt 1 s. 6; SI 2013/685 art. 3(2)(d); SI 2013/1644)

Extent

Pt 1 s. 5(1)-(5) definition of "the relevant commencement" (c): England, Wales, Scotland

Law In Force

6 Consequential amendments

(1) The Secretary of State may by order make such provision as the Secretary of State may consider necessary or expedient for the purposes of, or in consequence of, or for giving full effect to, any amendment made by sections 2 to 5.

(2) The power conferred by subsection (1) includes—

- (a) power to make different provision for different cases or for different areas, and

- (b) power to make incidental, consequential, supplemental, or transitional provision, and savings.

(3) The powers conferred by subsections (1) and (2) include power to amend or modify any provision of this Act or any other enactment (whenever passed or made) for the purpose of making any such provision, or any such saving, as is mentioned in either of those subsections.

(4) The only provision that may be made by an order under this section in relation to Scotland is provision relating to reserved matters within the meaning of the Scotland Act 1998 (c. 46).

(5) The power to make an order under this section is exercisable by statutory instrument.

(6) A statutory instrument containing an order under this section may not be made unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

Commencement

Pt 1 s. 6(1)-(6): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 1 s. 6(1)-(6): England, Wales, Scotland

PART 2**TRANSPORT POLICIES**

Law In Force

7 Local transport policies

(1) The TA 2000 is amended as follows.

(2) In section 108 (local transport plans) after subsection (4) insert—

“(5) In this Part “local transport policies” means policies developed under subsection (1)(a).”.

(3) In section 162(1) (interpretation of Part 2) insert the following definition at the appropriate place—

““local transport policies” has the meaning given in section 108(5).”.

(4) In section 198(1) (interpretation of Part 3) insert the following definition at the appropriate place—

““local transport policies” has the meaning given in section 108(5).”.

(5) Schedule 1 to this Act (which substitutes references to local transport policies for certain references to local transport plans or bus strategies and makes other related amendments) has effect.

Commencement

Pt 2 s. 7(1)-(5): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Pt 2 s. 7(1)-(5): England, Wales

Law In Force

8 Nature of duty to develop transport policies

(1) Section 108 of the TA 2000 (local transport plans) is amended as follows.

(2) In subsection (1)(a), omit “facilities and services”.

(3) In subsection (2)—

- (a) for the words from the beginning to “are” substitute “In subsection (1), “transport” means”,
- (b) for “those”, in both places, substitute “the transport”,
- (c) for “include” substitute “includes”.

(4) After subsection (2) insert—

“(2ZA) Each local transport authority whose area is in England must—

- (a) in developing policies in accordance with subsection (1)(a), and
- (b) in carrying out their functions in accordance with subsection (1)(b),

comply with the duties set out in subsection (2ZB).

(2ZB) The duties are—

- (a) to take into account any policies announced by Her Majesty's government, and
- (b) to have regard to any guidance issued for the purposes of this paragraph by the Secretary of State,

with respect to mitigation of, or adaptation to, climate change or otherwise with respect to the protection or improvement of the environment.

(2ZC) The power to issue guidance under subsection (2ZB)(b) does not affect the generality of the power to issue guidance under section 112(1).”.

Commencement

Pt 2 s. 8(1)-(4): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(b))

Extent

Pt 2 s. 8(1)-(4): England, Wales

✔ Law In Force

9 Local transport plans

(1) For subsection (3) of section 108 of the TA 2000 (duty to prepare local transport plan) substitute—

“(3) Each local transport authority whose area is in England must prepare a document to be known as (or two or more documents to be known together as) the local transport plan containing—

- (a) their policies under subsection (1)(a);
- (b) their proposals for the implementation of those policies.

(3A) Each local transport authority whose area is in Wales must prepare a document to be known as the local transport plan containing—

- (a) their policies under subsection (1)(a), and
- (b) their policies under subsection (2A).

(3B) A local transport authority whose area is in England must, in complying with the duty under subsection (1)(b), have regard to the proposals contained in their plan.”.

(2) Section 109 of that Act (further provision about plans: England) is amended as follows.

(3) For subsection (2) substitute—

“(2) The authority may replace their plan as they think fit.”.

(4) After subsection (2) insert—

“(2A) In preparing their local transport plan, and in keeping it under review, an authority other than an Integrated Transport Authority must consult—

- (a) the Secretary of State in relation to functions which the Secretary of State has—
 - (i) as highway authority by virtue of section 1 of the Highways Act 1980, or
 - (ii) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984,
- (b) if the local transport authority is a county council, the councils of the districts in the county (if any).

(2B) In preparing their local transport plan, and in keeping it under review, an Integrated Transport Authority must consult—

- (a) each local traffic authority (within the meaning of the Road Traffic Regulation Act 1984) for any area within the integrated transport area of the Integrated Transport Authority,
- (b) the Secretary of State in relation to functions which the Secretary of State has—
 - (i) as highway authority by virtue of section 1 of the Highways Act 1980, or
 - (ii) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984,
- (c) each county council and each district council for any area within the integrated transport area of the Integrated Transport Authority.

(2C) In preparing their local transport plan, and in keeping it under review, the authority must consult such of the following persons as they consider appropriate—

- (a) operators of any network or station, or of any railway services, in their area;
- (b) operators or providers of other transport services in their area, or organisations appearing to the authority to be representative of the interests of such persons;
- (c) organisations appearing to the authority to be representative of the interests of users of transport services and facilities in their area;

and must also consult any other persons whom they consider appropriate.

(2D) Any expression which is used in subsection (2C)(a) or (b) and in Part 1 of the Railways Act 1993 has the meaning given in that Part, taking “railway” to have its wider meaning (see section 81 of that Act).”.

(5) Omit subsections (5) and (6).

Commencement

Pt 2 s. 9(1), (3): April 1, 2011 in relation to Wales; April 1, 2009 otherwise (SI 2009/107 art. 5(1); SI 2009/579 art. 2(b))

Pt 2 s. 9(2): February 9, 2009 for purposes specified in SI 2009/107 art.2(2) and Sch.2 Part 1; April 1, 2009 in relation to Wales; April 1, 2011 in relation to England for the purpose specified in SI 2009/107 art.5(1) (SI 2009/107 art. 2(2), art. 5(1); SI 2009/107 Sch. 2(1) para. 1; SI 2009/579 art. 2(b))

Pt 2 s. 9(4)-(5): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(b))

Extent

Pt 2 s. 9(1)-(5): England, Wales

Law In Force

10 Bus strategies no longer required

(1) The TA 2000 is amended as follows.

(2) Omit sections 110 and 111 (bus strategies).

(3) Section 112 (plans and strategies: supplementary) is amended as follows.

(4) In subsection (1)—

- (a) for “sections 108 to 111” substitute “sections 108 to 109B”;
- (b) omit “(and bus strategies)” and (in each place) “(and strategies)”.

(5) In subsection (2) omit “and their bus strategy”.

(6) In each of sections 113A(1) and 113B(1) (plans and strategies: Wales) for “sections 108 to 111” substitute “sections 108 to 109B”.

(7) In section 162(1) (interpretation) for the definition of “bus services” substitute—

““bus services” means services using public service vehicles.”.

(8) In section 9A of the TA 1968 (general functions of Passenger Transport Areas and Executives), in subsection (7), omit the words from “and to the bus strategy” to the end.

(9) The TA 1985 is amended as follows.

(10) In section 63 (functions of local councils with respect to passenger transport)—

- (a) in subsection (8), omit “and to the appropriate bus strategy”;
- (b) omit subsection (8A).

(11) In section 89 (obligation to invite tenders for subsidised services) omit subsections (7)(b) and (8).

Commencement

Pt 2 s. 10(1)-(11): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(b))

Extent

Pt 2 s. 10(1)-(11): England, Wales

Law In Force

11 Duty to have regard to transport needs of disabled persons

(1) Section 112 of the TA 2000 (plans and strategies: supplementary) is amended as follows.

(2) In subsection (2) (duty to have regard to needs of certain persons in developing transport policies)—

- (a) after “developing” insert “and implementing”;
- (b) after “needs of” insert “disabled persons (within the meaning of the Disability Discrimination Act 1995) and of”.

Commencement

Pt 2 s. 11(1)-(2)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(b))

Extent

Pt 2 s. 11(1)-(2)(b): England, Wales

Law In Force

12 Development of policies by ITA no longer joint duty with district councils

(1) Section 113 of the TA 2000 (role of metropolitan district councils) is amended as follows.

(2) Omit subsection (1).

(3) For subsection (2) substitute—

“(2) The duties imposed on an Integrated Transport Authority for an integrated transport area by—

- (a) section 108(1)(b), (2ZA) and (3B), and

(b) section 109(4),
are also duties of each of the councils for the metropolitan districts comprised in the area,
subject to the modifications set out in subsection (2A).

(2A) The modifications are—

- (a) in section 108(1)(b), the reference to “those policies” is a reference to the policies developed by the Integrated Transport Authority for that area;
- (b) in section 108(3B), the reference to “their plan” is a reference to the local transport plan of the Integrated Transport Authority for that area;
- (c) in section 109(4), the reference to “their local transport plan” is a reference to the local transport plan of the Integrated Transport Authority for that area.”.

(4) Omit subsection (3).

(5) In section 162 of that Act (interpretation for the purposes of Part 2) omit subsection (6).

(6) In section 198(2) of that Act (interpretation of certain references to authority's local transport plan)—

- (a) for “local transport plan” (in the first place) substitute “local transport policies”;
- (b) for “the local transport plan made jointly by” substitute “the local transport policies of”;
- (c) omit the words from “and the councils” to the end.

Commencement

Pt 2 s. 12(1)-(6)(c): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(b))

Extent

Pt 2 s. 12(1)-(6)(c): England, Wales

PART 3

BUS SERVICES

Quality partnership schemes

Law In Force

13 Quality partnership schemes

(1) Section 114 of the TA 2000 (quality partnership schemes) is amended as follows.

(2) In subsection (1), for the words from “will to any extent” to the end (which make it a condition that a scheme implement the policies in the authority's bus strategy) substitute “will contribute to the implementation of their local transport policies”.

(3) For subsection (3)(a) (authority must be satisfied that scheme will improve quality of local services) substitute—

“(a) bring benefits to persons using local services in the whole or any part of their area, or combined area, by improving the quality of those services, or”.

(4) After subsection (3) insert—

“(3A) If the authority or authorities consider that it is necessary or expedient for any restrictions to be imposed on the registration of—

- (a) any local services, or
- (b) any local services of a particular description,

they may impose those restrictions (“registration restrictions”) by specifying or describing them in the scheme.

(3B) Any restrictions so imposed must be for the purpose of preventing or restricting—

- (a) the provision of local services, or
- (b) the variation or withdrawal of local services,

in cases where the authority or authorities consider that any such provision, or (as the case may be) variation or withdrawal, of services might be detrimental to the provision of services under the scheme.

(3C) Where a scheme includes any registration restrictions by virtue of subsection (3A), it must also specify the criteria (“registration criteria”) by reference to which the traffic commissioners are to decide whether or not to accept an application for registration.

(3D) In subsections (3A) to (3C) “registration”, in relation to any service,—

- (a) means registration of prescribed particulars of the service under section 6 of the Transport Act 1985 (registration of local services), and
- (b) includes a reference to the variation or cancellation of any such registration.”.

(5) For subsection (6) substitute—

“(6) The standard of services which may be specified in a scheme includes—

- (a) requirements which the vehicles being used to provide the services must meet, and
- (b) requirements as to frequency or timing of the services,

but the specification of any such requirements is not to prevent operators from providing services in excess of those requirements.”.

(6) After subsection (6) insert—

“(6A) The standard of services which may be specified in a scheme may also include requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the scheme applies.

(6B) A scheme may include a requirement falling within subsection (6)(b) or (6A) only if there are no admissible objections to the requirement from relevant operators. Section 122(3) to (5) makes further provision with respect to such schemes.”.

(7) After subsection (6B) insert—

“(6C) The power to make a quality partnership scheme includes power to provide for different facilities, or different standards of services, to be provided under the scheme as from different dates after the scheme comes into operation.”.

Commencement

Pt 3 s. 13(1): February 9, 2009 in relation to England for the purpose specified in SI 2009/107 art.2(2) and Sch.2 Part 1; April 6, 2009 in relation to England otherwise; April 1, 2009 in relation to Wales for the purpose specified in SI 2009/579 art.2(c); January 31, 2010 otherwise (SI 2009/107 art. 2(2), art. 4(2); SI 2009/107 Sch. 2(1) para. 1, Sch. 5 para. 1; SI 2009/579 art. 2(c); SI 2009/3294 art. 2(a))

Pt 3 s. 13(2): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(c))

Pt 3 s. 13(3)-(7): April 6, 2009 in relation to England; January 31, 2010 otherwise (SI 2009/107 art. 4(2), Sch. 5 para. 1; SI 2009/3294 art. 2(a))

Extent

Pt 3 s. 13(1)-(7): England, Wales

Law In Force

14 Notice and consultation requirements

(1) Section 115 of the TA 2000 (notice and consultation requirements) is amended as follows.

(2) In subsection (2) (contents of notice etc) after “details of the facilities and standards of services” insert “, and of any registration restrictions and registration criteria.”.

(3) In subsection (4) (meaning of “relevant local authorities” for purposes of consultation) for paragraph (b) substitute—

“(b) district councils in England.”.

Commencement

Pt 3 s. 14(1)-(3): April 6, 2009 in relation to England; January 31, 2010 otherwise (SI 2009/107 art. 4(2), Sch. 5 para. 1; SI 2009/3294 art. 2(b))

Extent

Pt 3 s. 14(1)-(3): England, Wales

Law In Force

15 Making a scheme: different dates for different facilities or standards etc

(1) Section 116 of the TA 2000 (making of scheme) is amended as follows.

(2) In subsection (2) (contents of scheme) after “The scheme must specify” insert “each of the following”.

(3) After paragraph (b) of that subsection (standards of service) insert—

“(bb) any registration restrictions imposed by it and any registration criteria specified in it.”.

(4) After paragraph (d) of that subsection (duration of scheme) insert—

“(e) if any facilities or standards of services are to be provided under the scheme as from a date after the scheme comes into operation, the date as from which they are to be so provided.”.

(5) For subsections (4) and (5) (earliest date on which scheme may come into operation) substitute—

“(4) The date as from which any particular facilities, or any services of a particular standard, are to be provided must not be earlier than—

- (a) in the case of facilities, the latest of dates A to C (see subsections (4B) to (4D)),
- (b) in the case of services, the later of dates A and D (see subsections (4B) and (4E)),

unless the case falls within subsection (4A).

(4A) If under the scheme—

- (a) particular facilities are to be provided by the authority or authorities, and
 - (b) as from the date by which the facilities are to be provided, services of a particular standard are to be provided by operators of local services when using the facilities,
- the date as from which the facilities and the services are to be provided must not be earlier than the latest of dates A to D.

(4B) Date A is the date 3 months after the date on which the scheme is made.

(4C) Date B is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for the authority or authorities to provide the facilities.

(4D) Date C is the date 3 months after—

- (a) the date on which any traffic regulation order required for the provision of any of the facilities is made, or
- (b) if more than one such order is required for their provision, the date on which the last of them is made.

(4E) Date D is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for operators of local services to provide services of the particular standard.”.

(6) In section 162(4) of that Act (interpretation of references to authorities) for the entry relating to section 116 substitute—

“section 116(2)(a), (4)(a), (4A)(a) and, in the second place, (4C).”.

Commencement

Pt 3 s. 15(1)-(6): April 6, 2009 in relation to England; January 31, 2010 otherwise (SI 2009/107 art. 4(2), Sch. 5 para. 1; SI 2009/3294 art. 2(b))

Extent

Pt 3 s. 15(1)-(6): England, Wales

✔ Law In Force

16 Postponement of provision of particular facilities or standards of service

(1) In section 117 of the TA 2000 (postponement, for up to 12 months, of date on which scheme comes into operation) for subsection (1) substitute—

“(1) If it appears to the authority or authorities appropriate to do so, they may decide that any of the dates specified in subsection (1A) shall be postponed by such period as they think fit.

A date may not be postponed under this subsection by a period or periods which in total exceed 12 months.

(1A) The dates are—

- (a) the date on which the scheme is to come into operation,
- (b) the date as from which any particular facilities are to be provided under the scheme,
- (c) the date as from which any particular services are to be provided to a particular standard under the scheme.”.

(2) In consequence of the amendment made by subsection (1), the heading to the section becomes “Postponement of scheme or of provision of particular facilities or standards of service”.

Commencement

Pt 3 s. 16(1)-(2): April 6, 2009 in relation to England; January 31, 2010 otherwise (SI 2009/107 art. 4(2), Sch. 5 para. 1; SI 2009/3294 art. 2(b))

Extent

Pt 3 s. 16(1)-(2): England, Wales

✔ Law In Force

17 Effect of scheme: different dates for different facilities or standards etc

(1) Section 118 of the TA 2000 (effect of scheme) is amended as follows.

(2) For subsection (1) (facilities to be provided from date on which scheme comes into operation) substitute—

“(1) The authority or authorities must—

- (a) provide each of the specified facilities not later than the date specified for its provision under the scheme, and
- (b) continue to provide it throughout the remainder of the period for which the scheme is in operation.”.

(3) In subsection (4)(a) (operator of local services to give written undertaking to traffic commissioner) for the words from “that he will” to “when using the facilities” substitute “that,

when using the facilities on any date, he will provide the service to the standard specified in the scheme as it has effect in relation to that date”.

Commencement

Pt 3 s. 17(1)-(3): April 6, 2009 in relation to England; January 31, 2010 otherwise (SI 2009/107 art. 4(2), Sch. 5 para. 1; SI 2009/3294 art. 2(b))

Extent

Pt 3 s. 17(1)-(3): England, Wales

✔ Law In Force

18 Regulations about schemes which specify frequencies, timings or fares

(1) Section 122 of the TA 2000 (regulations about schemes) is amended as follows.

(2) In subsection (1) after paragraph (a) insert—

“(aa) the content or operation of schemes which include a requirement falling within section 114(6)(b) or (6A),”.

(3) After subsection (2) insert—

“(3) As regards schemes which include any requirement mentioned in section 114(6)(b) or (6A), regulations under subsection (1)(a) or (aa) may in particular make provision—

- (a) for section 114(6B) not to apply in such circumstances as may be prescribed,
- (b) requiring such schemes to include provision falling within subsection (4),
- (c) for any requirement as to frequencies, timings or maximum fares to be revised only if there are no admissible objections to the revision from relevant operators,
- (d) in prescribed circumstances where such schemes, or any provisions of such schemes, are subject to postponement under section 117, for any such requirement not to take effect unless prescribed conditions are satisfied,
- (e) as to the meaning of “admissible objection” for the purposes of section 114(6B) and paragraph (c) of this subsection,
- (f) as to the meaning of “relevant operator” for those purposes,
- (g) as to the determination of any question whether an objection is an admissible objection or an operator is a relevant operator.

(4) The provision referred to in subsection (3)(b) is provision—

- (a) as respects the setting of frequencies, timings or maximum fares to which the requirements relate,
- (b) for a minimum interval before any requirements as to frequencies, timings or maximum fares may next be reviewed,
- (c) for a maximum interval before any such requirements must next be reviewed,
- (d) as respects other circumstances in which any such requirements must or may be reviewed,
- (e) as respects revision of any such requirements after a review.

- (5) Subsections (3)(b) and (4) have effect subject to, and in accordance with, the following provisions—
- (a) the revision of requirements as to frequencies, timings or maximum fares under any provision made in accordance with those subsections is not to be regarded as a variation of the scheme for the purposes of section 120 (variation or revocation of scheme), but
 - (b) nothing in those subsections or in paragraph (a) of this subsection shall be taken to derogate from what may be done under or by virtue of that section.
- (6) The provision that may be made by virtue of subsection (3)(g) includes provision for and in connection with—
- (a) the appointment of a person (“an adjudicator”) to make such a determination as is mentioned in that paragraph;
 - (b) the appointment of a person (“an assessor”) to assist an adjudicator in considering any question which appears to arise in relation to such a determination;
 - (c) the payment—
 - (i) by the appropriate national authority to an adjudicator, or
 - (ii) by the appropriate national authority or an adjudicator to an assessor, of such remuneration as may be determined by or in accordance with the regulations.”.

Commencement

Pt 3 s. 18(1)-(3): April 6, 2009 in relation to England; January 31, 2010 otherwise (SI 2009/107 art. 4(2), Sch. 5 para. 1; SI 2009/3294 art. 2(b))

Extent

Pt 3 s. 18(1)-(3): England, Wales

Quality contracts schemes

 Partially In Force

19 Quality contracts schemes

- (1) Section 124 of the TA 2000 (bus services: quality contracts schemes) is amended as follows.
- (2) In subsection (1) (power of local transport authorities etc to make quality contracts schemes if satisfied it is the only way to implement policies in their bus strategies and it is economic etc) for paragraphs (a) and (b) substitute—
- “(a) the proposed scheme will result in an increase in the use of bus services (see subsection (9B)) in the area to which the proposed scheme relates,
 - (b) the proposed scheme will bring benefits to persons using local services in the area to which the proposed scheme relates, by improving the quality of those services,
 - (c) the proposed scheme will contribute to the implementation of the local transport policies of the authority or authorities,

- (d) the proposed scheme will contribute to the implementation of those policies in a way which is economic, efficient and effective, and
- (e) any adverse effects of the proposed scheme on operators will be proportionate to the improvement in the well-being of persons living or working in the area to which the proposed scheme relates and, in particular, to the achievement of the objectives mentioned in paragraphs (a) to (d).”

(3) For subsection (2) (need to comply with notice and consultation requirements and obtain approval of appropriate national authority) substitute—

- “(2) A quality contracts scheme may not be made unless the authority or authorities—
- (a) have complied with the requirements of section 125,
 - (b) in the case of a scheme for an area in Wales, have obtained the approval of the Welsh Ministers in accordance with section 126, and
 - (c) in the case of a scheme for an area in England, meet the requirements of subsection (2A).

- (2A) The requirements are that the authority or authorities—
- (a) have published under section 126C(5) the request which they sent to the QCS board under section 126C(4), and
 - (b) publish, in accordance with section 127(1A), a response prepared by them to the report published by the QCS board under section 126D(5) in relation to the scheme.”

(4) In subsection (3)(b) (under quality contracts scheme local services to be provided only under quality contracts) after “section 127(4)” insert “and section 132C”.

(5) After subsection (9) insert—

- “(9A) The power to make a scheme jointly may be exercised only if—
- (a) all the authorities are local transport authorities for areas in England, or
 - (b) all the authorities are local transport authorities for areas in Wales.”

(6) After subsection (9A) insert—

- “(9B) The reference in subsection (1)(a) to increasing the use of bus services includes a reference to reducing, arresting or reversing decline in the use of bus services.”

Commencement

Pt 3 s. 19(1)-(6): January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 19(1)-(6): England, Wales

 Partially In Force

20 Notice and consultation requirements

(1) Section 125 of the TA 2000 (notice and consultation requirements) is amended as follows.

(2) In subsection (1) for the words from “they must give notice” to the end (which require the authority to give notice of the proposed scheme in a local newspaper) substitute

“they must—

- (a) publish, in such manner as they think fit, a consultation document complying with subsection (1A),
- (b) supply a copy of that document to each of the persons mentioned in subsection (3),
- (c) give notice in accordance with subsection (2) of the proposed scheme in at least one newspaper circulating in the area to which it relates, and
- (d) if the proposed scheme relates to an area in England, send a copy of that notice to the senior traffic commissioner as soon as reasonably practicable after its publication.”.

(3) After subsection (1) insert—

“(1A) The consultation document mentioned in subsection (1)(a) must include—

- (a) a description of the proposed scheme;
- (b) a statement of the reasons why the authority or authorities are satisfied that the conditions in subsection (1) or, as the case may be, (1A) of section 124 are met;
- (c) a description of any arrangements which the authority or authorities intend to make (including arrangements with other authorities or other persons) for or in connection with the implementation of the scheme;
- (d) a statement of how any costs which the authority or authorities expect to incur under the scheme are to be defrayed;
- (e) a declaration by the chief finance officer or officers of the authority or authorities that, after taking into account—
 - (i) any estimated income from fares, and
 - (ii) any grants from Ministers of the Crown or government departments,any remaining funding required to implement the scheme can be provided from other resources available to the authority or authorities;
- (f) the date by which any written responses to the consultation must be submitted to the authority or authorities.

(1B) The description of the proposed scheme contained in the consultation document in accordance with subsection (1A)(a) must include—

- (a) an outline of the local services which are proposed to be provided under it;
- (b) a statement of any proposed exclusions from the scheme by virtue of section 127(4).

(1C) In subsection (1A)(e) “chief finance officer”, in relation to a local transport authority, means that officer of the authority who is responsible under—

- (a) section 151 of the Local Government Act 1972, or
- (b) section 73 of the Local Government Act 1985,

for making arrangements for the proper administration of the financial affairs of the authority.”.

(4) In subsection (2) (contents of notice)—

- (a) at the end of paragraph (a) insert “and”;
- (b) in paragraph (b) after “a copy of the scheme” insert “and the consultation document”;

(c) omit paragraph (c) and the word “and” preceding it.

(5) In subsection (3) (consultees) at the beginning of paragraph (e) (traffic commissioners for the area of the scheme) insert “if the proposed scheme relates to an area in Wales,”.


Commencement

Pt 3 s. 20(1)-(5): January 11, 2010 in relation to England subject to transitional provision specified in SI 2009/3242 art.3; not yet in force otherwise (SI 2009/3242 art. 2(1)(a), art. 3)

Extent

Pt 3 s. 20(1)-(5): England, Wales

QCS boards for England and approval by Welsh Ministers in Wales

 Partially In Force

21 Approval of proposed schemes: required for areas in Wales only

(1) Section 126 of the TA 2000 (approval of proposed scheme) is amended as follows.

(2) Before subsection (1) insert—

“(A1) This section has effect in any case where the scheme or proposed scheme relates to an area in Wales.”.

(3) In subsection (1) (which refers to compliance with section 125) after “complied with” insert “the requirements of”.

(4) In subsection (3) (right of person consulted under section 125(3) to make representations) for “consulted” substitute “who was consulted, or who is aggrieved at not being consulted,”.

(5) In subsection (4)(a)—

(a) for “paragraphs (a) and (b)” substitute “paragraphs (a) to (e)”, and

(b) omit “or (as the case may be) paragraphs (a) to (d) of section 124(1A)”.

(6) The heading to the section accordingly becomes “Approval of proposed schemes for areas in Wales”.

Commencement

Pt 3 s. 21(1)-(6): January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 21(1)-(6): England, Wales

 Repealed

22 [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.25 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.25 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

R Repealed

23 [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.25 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.25 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

R Repealed

24 [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.25 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.25 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

R Repealed

25 [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.25 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.25 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
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Making and duration of quality contracts schemes

P Partially In Force

26 Making of scheme

(1) Section 127 of the TA 2000 (making of scheme) is amended as follows.

(2) For subsection (1) (making of scheme to be not later than 6 months after approval by appropriate national authority) substitute—

“(1) The authority or authorities who proposed the scheme may make it—

- (a) in the case of a scheme for an area in England, in accordance with the requirements of subsection (1A);
- (b) in the case of a scheme for an area in Wales, in accordance with the requirements of subsection (1B).

- (1A) If the scheme is for an area in England, the authority or authorities who proposed it—
- (a) must not make the scheme until they publish a response prepared by them to the report published by the QCS board under section 126D(5) in relation to the scheme, but
 - (b) subject to that, may make the scheme at any time not later than 6 months after the publication of that report.

Any such response must state the actions (if any) which the authority or authorities have taken in relation to each of the board's recommendations (if any) under section 126D(2) or (3).

(1B) If—

- (a) the scheme is for an area in Wales, and
- (b) the Welsh Ministers approve the scheme under section 126,

the authority or authorities who proposed it may make it, as approved, at any time not later than 6 months after the date of the approval.”.

- (3) In subsection (2) (what the scheme must specify) for paragraph (b) (date on which scheme comes into operation etc) substitute—

“(b) the date on which it is to come into operation or, if the scheme provides for different provisions to come into operation on different dates, or on different dates for different purposes, those dates in the case of each provision, and”.

- (4) In subsection (2), in paragraph (c) (maximum period for which scheme to remain in operation) after “ten years” insert “from the earliest date on which the scheme or any of its provisions comes into operation.”.

- (5) After subsection (2) insert—

“(2A) No date that is to be specified under subsection (2)(b) may be earlier than 6 months after the scheme is made.”.

- (6) After subsection (3) insert—

“(3A) The scheme must specify the date or dates on which it is proposed that the authority or authorities will issue invitations to tender for the provision of any services to which the scheme relates (see section 130).”.

- (7) In subsection (9) (contents of notice under subsection (8)) for paragraph (c) (date on which scheme comes into operation) substitute—

“(c) the date or dates on which the scheme, or the different provisions of the scheme, are to come into operation.”.

- (8) For subsection (10) (power by order to vary the period mentioned in subsection (2)(b)) substitute—

“(10) The appropriate national authority may by order vary any of the periods mentioned in subsection (1A), (1B) or (2A).”.

(9) In section 162(4) of the TA 2000 (provisions where references to Passenger Transport Authorities or Integrated Transport Authorities are to be read as references to Passenger Transport Executives) insert at the appropriate place in the list of provisions—

“section 127(3A),”.

Commencement

Pt 3 s. 26(1)-(9): November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 26(1)-(9): England, Wales

R Repealed

27 [...]¹

Notes

¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.26 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.26 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

P Partially In Force

28 Postponement of scheme in part

In section 128 of the TA 2000 (postponement of scheme) in subsection (1)—

- (a) after “the scheme”, in the second place where those words occur, insert “, or any particular provision of the scheme,”;
- (b) after “would otherwise come into operation” insert “, or come into operation for any particular purpose or purposes,”.

Commencement

Pt 3 s. 28(a)-(b): January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 28(a)-(b): England, Wales

P Partially In Force

29 Effect of scheme: different operational dates and excepted services

(1) Section 129 of the TA 2000 (effect of scheme) is amended as follows.

- (2) In subsection (1) (consequences for period during which scheme is in operation)—
- (a) after “the scheme” insert “, or (in the case of a scheme which provides for different provisions to come into operation on different dates) any provision of the scheme,”;
 - (b) in paragraph (a), for “the area to which it relates” substitute “the area to which the scheme, or that provision, relates”;
 - (c) in paragraph (b), after “under a quality contract” insert “or is an interim service (see section 132C)”.

- (3) In subsection (2) (exception for services excluded from the scheme by virtue of section 127(4)) after “But subsection (1) does not apply” insert

“—

- (a) so as to prevent the application of sections 6 to 9 of the Transport Act 1985 in relation to any service by virtue or in consequence of section 6B of that Act (application for registration or variation where quality contracts scheme in force),
- (b) so as to prevent the provision of any service registered under section 6 of the Transport Act 1985 by virtue of section 6B of that Act, or
- (c) ”.


- (4) Subsection (4) (tenders to be invited not later than 3 months after the scheme has been made) shall cease to have effect.

Commencement

Pt 3 s. 29(1)-(4): January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 29(1)-(4): England, Wales

 Partially In Force

30 Extension of maximum period of quality contracts

- (1) Section 130 of the TA 2000 (tendering for quality contracts) is amended as follows.
- (2) In subsection (1) (authority to tender for provision of services) after “services to which the scheme” insert “, or each provision of the scheme,”.
- (3) In subsection (2) (period of contract not to exceed five years) for “five” substitute “10”.

Commencement

Pt 3 s. 30(1)-(3): January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 30(1)-(3): England, Wales

Continuation of quality contracts schemes

 Partially In Force

31 Continuation of schemes for further periods

After section 131 of the TA 2000 insert—

“131A Continuation of schemes for further periods

(1) If it appears to them appropriate to do so, the authority or authorities who made a quality contracts scheme (other than any to whose area the scheme no longer relates) may decide that the scheme should continue in operation for a further period, with or without modification.

(2) Before making such a decision, they must, unless the proposal that the scheme should continue is an exempt continuation proposal (see section 131B), comply with the requirements of—

- (a) section 124(2)(b) (approval by Welsh Ministers), if the scheme is for an area in Wales, or
- (b) section 124(2)(c) (publication of request to, and response to report of, QCS board), if the scheme is for an area in England.

(3) Section 125 applies in relation to the continuation of a scheme under this section as it applies in relation to the making of a scheme, but with the following modifications—

- (a) any reference to a proposal to make a scheme is to be read as a reference to a proposal for the continuation of a scheme,
- (b) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,

and with the further modifications specified in subsections (4) and (5), but this is subject to such modifications or exclusions as may be prescribed by regulations under section 133.

(4) If the proposal is an exempt continuation proposal—

- (a) section 125(1)(d) (duty to send copy of notice to senior traffic commissioner if scheme relates to area in England) does not apply, but
- (b) section 125(3)(e) (duty to consult traffic commissioners for areas to which scheme relates) applies with the omission of the words “if the proposed scheme relates to an area in Wales,”.

(5) The consultation document that is to be published by virtue of section 125(1)(a), as applied by subsection (3), must (instead of complying with section 125(1A)) include—

- (a) a description of the scheme, together with any proposed modifications to it;
- (b) a statement of the opinion of the authority or authorities as to the effectiveness of the scheme in achieving the objectives set out in paragraphs (a) to (e) of section 124(1) or, as the case may be, paragraphs (b) and (d) of section 124(1A) up to the date of the report;
- (c) a statement of the reasons why they are satisfied that the scheme as proposed to be continued (with any proposed modifications) will meet the conditions in subsection (1) or, as the case may be, (1A) of section 124;

- (d) a description of any arrangements which the authority or authorities intend to make (including arrangements with other authorities or other persons) for or in connection with the continuation of the scheme;
 - (e) a statement of the period for which it is proposed that the scheme should continue in operation, which must not be more than a further 10 years;
 - (f) if the authority or authorities consider that the proposal for the scheme to continue is an exempt continuation proposal, a statement of that fact;
 - (g) a statement of how any costs which the authority or authorities expect to incur under the scheme are to be defrayed;
 - (h) a declaration by the chief finance officer or officers of the authority or authorities that, after taking into account—
 - (i) any estimated income from fares, and
 - (ii) any grants from Ministers of the Crown or government departments, any remaining funding required to continue the scheme in operation can be provided from other resources available to the authority or authorities;
 - (i) the date by which any written responses to the consultation must be submitted to the authority or authorities.
- (6) For the purposes of this section—
- (a) subsection (1B) of section 125 (matters to be included in the description of the proposed scheme) applies for the purposes of subsection (5)(a) as it applies for the purposes of subsection (1A)(a) of that section, and
 - (b) subsection (1C) of that section (meaning of “chief finance officer”) applies for the purposes of subsection (5)(h) as it applies for the purposes of subsection (1A)(e) of that section.
- (7) The consultation document mentioned in subsection (5) must be published and supplied in accordance with section 125(1)(a) and (b) (as applied by this section) not less than 12 months before the scheme's expiry date.
- (8) For the purposes of this section, a scheme's “expiry date” is the later of the following dates—
- (a) the end of the period specified in the scheme in accordance with section 127(2)(c),
 - (b) if the scheme has been continuing in operation by virtue of the previous application of this section, the end of the period for which it is so continuing in operation.
- (9) The period for which a scheme continues in operation by virtue of a decision under subsection (1) may begin—
- (a) on such day falling before, on, or immediately after the scheme's expiry date as the authority or authorities decide, or
 - (b) if the circumstances are such that the continuation of the scheme cannot begin on a day falling within paragraph (a), on such later day as the authority or authorities decide in accordance with regulations made by the appropriate national authority for the purposes of such circumstances.
- (10) If the authority or authorities publish and supply a consultation document in accordance with subsection (7), the scheme remains in operation (without any modifications proposed by them under subsection (1)) until—

- (a) in a case where the scheme is to continue in operation for a further period, the day before the beginning of that period, or
- (b) in any other case, the scheme's expiry date.


(11) Section 130 (tendering) applies to a scheme that continues in operation under this section (whether or not the proposal for the scheme to continue in operation was an exempt continuation proposal) but subject to regulations made by the appropriate national authority under section 133(3).”.

Commencement

Pt 3 s. 31: January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 31: England, Wales

 Partially In Force

32 Exempt continuation proposals

(1) After section 131A of the TA 2000 insert—

“131B Meaning of “exempt continuation proposal”

(1) For the purposes of this Part a proposal that a quality contracts scheme should continue in operation is an “exempt continuation proposal” if—

- (a) any one or more of Conditions 1 to 3 are met and Conditions A and B are met, or
- (b) the circumstances are as prescribed in regulations made by the appropriate national authority.

(2) Condition 1 is that it is not proposed that the area to which the continuation scheme relates is to be greater than the area to which the existing scheme relates.

(3) Condition 2 is that it is proposed that the area to which the continuation scheme relates is to be greater than the area to which the existing scheme relates, but—

- (a) the additional area proposed to be included falls wholly within the area or combined area of the authority or authorities proposing the continuation of the scheme, and
- (b) it is not proposed that under the continuation scheme any descriptions of local services are to be provided under quality contracts in addition to the descriptions of local services so provided under the existing scheme.

(4) Condition 3 is that during the period while the existing scheme has been in force—

- (a) there has been a change in the area of the authority, or of any of the authorities, that last made or continued the scheme, or
- (b) a different authority has become the local transport authority for some or all of the area to which the scheme relates,

but it is not proposed that under the continuation scheme any descriptions of local services are to be provided under quality contracts in addition to the descriptions of local services so provided under the existing scheme.

(5) Condition A is that it is not proposed under the continuation scheme that any local services which, immediately before the coming into force of that scheme, were unregulated services are under the continuation scheme to be provided under quality contracts.

(6) Condition B is that it is not proposed under the continuation scheme that any services which, immediately before the coming into force of that scheme, were excluded services in the case of the existing scheme are not to be excluded services in the case of the continuation scheme.

(7) In this section—

“the continuation scheme” means the scheme as proposed to continue in operation; “excluded services”, in the case of any quality contracts scheme, means any local services, or class of local services, which are excluded from the scheme by virtue of section 127(4);

“the existing scheme” means—

- (a) the scheme as last continued or varied, or
- (b) if the scheme has not previously been continued or varied, the scheme as originally made;

“unregulated services” means any local services provided otherwise than—

- (a) under a contract with one or more local transport authorities, or
- (b) by an authority or authorities acting under section 132C(2) (power to provide interim services in exceptional circumstances);

and any reference to the coming into force of a scheme includes a reference to the coming into force of any particular provision of it.

(8) See also section 131E (which makes provision about appeals relating to exempt continuation proposals).”.

(2) In section 162 of that Act (interpretation of Part 2) insert the following definition at the appropriate place in subsection (1)—

““exempt continuation proposal” is to be read in accordance with section 131B,”.

Commencement

Pt 3 s. 32(1)-(2): January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent


Pt 3 s. 32(1)-(2): England, Wales

 Repealed

33 [...] ¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.27 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.27 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
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 Partially In Force

34 Continuation of schemes for areas in Wales: procedure

After section 131C of the TA 2000 insert—

“131D Continuation of schemes for areas in Wales: procedure

(1) This section has effect with respect to the continuation in operation under section 131A (or the proposed continuation in operation under that section) of a quality contracts scheme for an area in Wales (whether with or without modifications).

(2) Subsections (2) and (3) to (9) of section 127 apply in relation to the continuation of the scheme as they apply in relation to the making of a scheme, but with the modifications in subsection (4).

(3) Unless the proposal for the continuation of the scheme—

(a) is an exempt continuation proposal, or

(b) in a case where the authority or authorities have decided that the scheme should continue, was such a proposal,

subsections (1)(b) and (1B) of section 127 also apply in relation to the continuation of the scheme, and with the modifications in subsection (4).

(4) The modifications are—

(a) any reference to proposing to make a scheme is to be read as a reference to proposing the continuation of a scheme,

(b) any reference to making a scheme is to be read as a reference to deciding that a scheme should continue in operation,

(c) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,

(d) the references in section 127(2)(b) and (9)(c) to the date or dates on which the scheme is, or provisions of the scheme are, to come into operation are to be read as references to the day decided by the authority or authorities by virtue of section 131A(9),

but further or different modifications, or exclusions, may also be made by regulations under section 133(3)(b).

(5) Subsection (6) applies in any case where—

(a) an authority or authorities propose that a quality contracts scheme for an area in Wales should continue in operation (with or without modification) under section 131A, and

(b) the proposal is not an exempt continuation proposal.

(6) In any such case, section 126 (approval by Welsh Ministers of proposed schemes for areas in Wales) applies in relation to a proposal for the continuation of a scheme as it applies in relation to a proposal to make a scheme, but with the modifications set out in subsection (7).

(7) The modifications are—

- (a) any reference to a proposed scheme is to be read as a reference to a proposal for a scheme to continue in operation under section 131A;
- (b) the reference in section 126(2)(a) to wishing to make a scheme is to be read as a reference to wishing that a scheme should continue in operation;
- (c) any reference to any conditions set out in any paragraphs of section 124(1) being met is to be read as a reference to those conditions being met by the scheme as proposed to continue in operation (with any proposed modifications);
- (d) any reference to section 125 or any provision of that section is to be read as a reference to that section or provision as it has effect by virtue of section 131A.

(8) If, acting on the basis that the proposal for the continuation of the scheme is an exempt continuation proposal, the authority or authorities decide that the scheme is to continue, they must—

- (a) publish in such manner as they think fit, and within the time allowed, a notice announcing their decision on the proposal,
- (b) supply a copy of that notice to each of the persons mentioned in section 125(3) as it applies by virtue of section 131A, and
- (c) give notice of the decision in accordance with section 127(8) and (9).


(9) For the purposes of subsection (8)(a), the time allowed is the period of 6 months following the date of publication of the consultation document required by section 125(1)(a) as it applies by virtue of section 131A.”.

Commencement

Pt 3 s. 34: January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 34: England, Wales

 Partially In Force

35 Appeals where proposed continuation considered exempt

After section 131D of the TA 2000 insert—

“131E Appeals where proposed continuation considered exempt

(1) This section applies where an authority or authorities who propose that a quality contracts scheme should continue in operation (with or without modifications) under section 131A—

- (a) decide that the proposal is an exempt continuation proposal, and
- (b) acting on the basis of that decision, decide that the scheme should so continue in operation.

- (2) Any person falling within subsection (3) may appeal to the Transport Tribunal against—
- (a) the decision of the authority or authorities that the proposal is an exempt continuation proposal, or
 - (b) the decision of the authority or authorities that the scheme is to continue in operation (with or without any modifications).
- (3) The persons are—
- (a) any person who was consulted under section 125(3) (as it applies by virtue of section 131A in a case where the proposal is an exempt proposal),
 - (b) any person who was not so consulted, but who, in the opinion of the Transport Tribunal, ought to have been so consulted.
- (4) An appeal under this section may be—
- (a) on a point of law, or
 - (b) on a question of fact.
- (5) On an appeal under this section the Transport Tribunal shall have power—
- (a) to make such order as they think fit, or
 - (b) to remit any matter (with or without directions) to the authority or authorities for their consideration or determination or for such other purposes as the Tribunal may direct.
- (6) The powers of the Tribunal on an appeal under this section include power to do any one or more of the following—
- (a) dismiss the appeal in whole or in part,
 - (b) remit the matter to the authority or authorities with one or more directions under subsection (7),
 - (c) direct the authority or authorities to vary the scheme, as it continues or is to continue in operation, in such manner as the Tribunal may specify in the direction (but see subsection (8)),
 - (d) quash the whole or any part of the decision of the authority or authorities (but see subsection (9)).
- (7) A direction under this subsection is a direction for the authority or authorities to do each of the following—
- (a) consider or reconsider such matters as may be specified in the direction,
 - (b) as respects those matters, consult or further consult the persons mentioned in section 125(3) as it applies by virtue of section 131A in a case where the proposal is an exempt continuation proposal,
 - (c) make such variations of the scheme, as it continues or is to continue in operation, as may in consequence appear appropriate to the authority or authorities.
- (8) The Tribunal may give a direction under this section to vary a scheme by reducing the area to which it relates only if they are of the opinion that the conditions in section 132(3) are met.
- (9) The power of the Tribunal under this section to quash a decision of an authority or authorities that a scheme should continue in operation under section 131A is exercisable only if the Tribunal are of the opinion that there are defects in the scheme which are not capable of being remedied by varying the scheme under or by virtue of subsection (6)(b) or (c).

(10) If, on an appeal under paragraph (a) or (b) of subsection (2), the Tribunal decide that the proposal for the scheme to continue in operation was not an exempt continuation proposal—

- (a) they must allow the appeal to that extent,
- (b) they must remit the matter to the authority or authorities, with or without directions, and
- (c) subsections (11) to (14) have effect.

(11) The directions that the Tribunal may give under this section include—

- (a) directions to take any action specified in the directions for the purpose of remedying any failure to comply with requirements of this Part that have effect where a proposal for continuation under section 131A is not an exempt continuation proposal,
- (b) directions to make variations specified in the directions for the purpose of securing that the condition in paragraph (a) or (b) of subsection (1) of section 131B (meaning of “exempt continuation proposal”) is met in the case of the scheme,
- (c) directions authorising the scheme to continue in operation temporarily, with or without variations, for a period specified or described in the directions, but subject to compliance with conditions as to the time within which any particular action specified in directions under this section is to be taken.

(12) Where the Tribunal give directions falling within subsection (11), they may also make provision in the order dispensing with the need to comply with such procedural requirements imposed by or under this Part as they may specify in the order.

(13) If the scheme or proposed scheme relates to an area in Wales, the Tribunal may not make any order which has the effect of—

- (a) giving approval under section 126 as it applies by virtue of section 131D, or
- (b) dispensing with the need for any such approval,

but this is without prejudice to the temporary provision that may be made in directions falling within subsection (11)(c).

(14) The appropriate national authority may make regulations with respect to the procedure to be followed in relation to a scheme in cases where the Tribunal decide that the proposal for continuation under section 131A was not an exempt continuation proposal.”.

Commencement

Pt 3 s. 35: November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 35: England, Wales

 Repealed

36 [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.28 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.28 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
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Variation or revocation of quality contracts schemes

 Partially In Force

37 Variation or revocation of scheme

- (1) Section 132 of the TA 2000 (variation or revocation of scheme) is amended as follows.
- (2) In subsection (2) (which refers to the conditions in certain provisions of section 124) for “subsection (1)(a) and (b)” substitute “subsection (1)(a) to (e)”.
- (3) In subsection (4) (grounds for revocation) for “or” at the end of paragraph (a) substitute—
- “(aa) if they consider that those conditions would no longer be met with respect to it if they were to act in accordance with a direction given by the Transport Tribunal under this Part, or”.
- (4) In subsection (4A) (which defines the “relevant conditions” according to whether the scheme has been varied or not)—
- (a) in paragraph (a), before “varied” insert “continued in operation under section 131A or”,
 - (b) also in paragraph (a), for “124(1)(a) and (b)” substitute “124(1)(a) to (e)”,
 - (c) in paragraph (b), before “varied” insert “continued in operation under section 131A or”,
 - (d) in paragraph (c), before “varied”, in the first place where it occurs, insert “continued in operation under section 131A or”,
 - (e) also in paragraph (c), before “varied”, in the second place where it occurs, insert “continued in operation or”.
- (5) For subsection (5) (procedure for varying or revoking a scheme etc) substitute—
- “(5) The variation or revocation of a scheme under subsection (1) or (4) is subject to the provisions of—
- (a) subsection (6) (revocation: areas in England),
 - (b) subsection (7) (non-exempt variation: areas in England),
 - (c) subsection (8) (exempt variation: areas in England), or
 - (d) subsection (9) (areas in Wales),
- except to the extent that section 132B (exemption for specific variations directed by Transport Tribunal on appeal) otherwise provides.
- (6) The revocation of a scheme for an area in England is subject to the following requirements—

- (a) before deciding to revoke the scheme, the authority or authorities must consult the persons mentioned in section 125(3) and each relevant traffic commissioner,
- (b) as soon as reasonably practicable after deciding to revoke the scheme, the authority or authorities must give notice of the decision to each relevant traffic commissioner and must publish the notice in at least one newspaper circulating in the area to which the scheme relates,
- (c) the notice must state that the decision has been taken and specify the date on which the revocation is to take effect,

except to the extent that those requirements are modified or excluded by regulations made by the Secretary of State under section 133.

For the purposes of this subsection “relevant traffic commissioner” means the traffic commissioner for any traffic area which consists of or includes the whole or any part of the area to which the scheme relates.

(7) The non-exempt variation of a scheme for an area in England is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified or excluded by regulations made by the Secretary of State under section 133.

(8) The exempt variation of a scheme for an area in England is subject to the same procedure as the making of a scheme, except to the extent that that procedure is modified or excluded by regulations made by the Secretary of State under section 133, but for the purposes of this subsection—

- (a) sections 124(2)(c) and (2A), 126A to 126E and 127(1)(a) and (1A) (the QCS board provisions) do not apply;
- (b) there is no requirement to give notice to the senior traffic commissioner under section 125(1)(d);
- (c) the authority or authorities must consult any traffic commissioner falling within section 125(3)(e) (which accordingly has effect for this purpose with the omission of the words “if the proposed scheme relates to an area in Wales,”);
- (d) sections 127A and 127B (appeals to the Transport Tribunal) do not apply;
- (e) section 132A (appeals where proposed variation considered exempt) has effect in those cases for which it makes provision.

(9) The variation or revocation of a scheme for an area in Wales—

- (a) requires the approval of the Welsh Ministers, except in the case of a variation which is an exempt variation, and
- (b) is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified or excluded by regulations made by the Welsh Ministers under section 133.

(10) Section 130 (tendering) applies to a varied scheme (whether or not the variation is an exempt variation) but subject to regulations made by the appropriate national authority under section 133(3).

(11) A variation of a scheme is an exempt variation for the purposes of this section if the variation is—

- (a) a reduction in the area to which the scheme relates,
- (b) a reduction in the descriptions of services which are to be provided under quality contracts, or
- (c) the provision of new exclusions from the scheme,

and a “non-exempt variation” is any other variation of a scheme.”.

(6) In consequence of the amendments made by subsection (5), renumber subsection (6) (regulations about revoking schemes before they come into operation) as subsection (12).

Commencement

Pt 3 s. 37(1)-(6): November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 37(1)-(6): England, Wales

 Partially In Force

38 Appeals where proposed variation considered exempt

After section 132 of the TA 2000 insert—

“132A Appeals where proposed variation considered exempt

(1) This section applies where an authority or authorities who propose to vary a quality contracts scheme under section 132—

- (a) decide that the proposal is an exempt variation for the purposes of that section, and
- (b) acting on the basis of that decision, decide to vary the scheme under that section.

(2) Any person falling within subsection (3) may appeal to the Transport Tribunal against—

- (a) the decision of the authority or authorities that the variation is an exempt variation for the purposes of section 132, or
- (b) the decision of the authority or authorities as to the variation of the scheme under that section.

(3) The persons are—

- (a) any person who was consulted under section 125(3) (as it applies by virtue of subsection (8) or, as the case may be, (9)(b) of section 132 in a case where the variation is an exempt variation for the purposes of section 132),
- (b) any person who was not so consulted, but who, in the opinion of the Transport Tribunal, ought to have been so consulted.

(4) An appeal under this section may be—

- (a) on a point of law, or
- (b) on a question of fact.

(5) On an appeal under this section the Transport Tribunal shall have power—

- (a) to make such order as they think fit, or
- (b) to remit any matter (with or without directions) to the authority or authorities for their consideration or determination or for such other purposes as the Tribunal may direct.

- (6) The powers of the Tribunal on an appeal under this section include power to do any one or more of the following—
- (a) dismiss the appeal in whole or in part,
 - (b) remit the matter to the authority or authorities with one or more directions under subsection (7),
 - (c) direct the authority or authorities to vary the scheme, to the extent of the variation made by the authority or authorities, in such manner as the Tribunal may specify in the direction (but see subsection (8)),
 - (d) quash the whole or any part of the decision of the authority or authorities.
- (7) A direction under this subsection is a direction for the authority or authorities to do each of the following—
- (a) consider or reconsider such matters as may be specified in the direction,
 - (b) as respects those matters, consult or further consult the persons mentioned in section 125(3) (as it applies by virtue of subsection (8) or, as the case may be, (9)(b) of section 132 in a case where the variation is an exempt variation for the purposes of section 132),
 - (c) make such variations of the scheme as may in consequence appear appropriate to the authority or authorities.
- (8) The Tribunal may give a direction under this section to vary a scheme by reducing the area to which the scheme relates only if they are of the opinion that the conditions in section 132(3) are met.
- (9) If, on an appeal under paragraph (a) or (b) of subsection (2), the Tribunal decide that the variation was not an exempt variation for the purposes of section 132—
- (a) they must allow the appeal to that extent,
 - (b) they must remit the matter to the authority or authorities, with or without directions, and
 - (c) subsections (10) to (13) have effect.
- (10) The directions that the Tribunal may give under this section include—
- (a) directions to take any action specified in the directions for the purpose of remedying any failure to comply with requirements of this Part that have effect where a proposed variation under section 132 is not an exempt variation,
 - (b) directions to make variations specified in the directions for the purpose of securing that the condition in paragraph (a), (b) or
 - (c) of section 132(11) (meaning of “exempt variation”) is met in the case of the variation,
 - (c) directions authorising the scheme to continue in operation temporarily, with or without variations, for a period specified or described in the directions, but subject to compliance with conditions as to the time within which any particular action specified in directions under this section is to be taken.
- (11) Where the Tribunal give directions falling within subsection (10), they may also make provision in the order dispensing with the need to comply with such procedural requirements imposed by or under this Part as they may specify in the order.
- (12) If the scheme or proposed scheme relates to an area in Wales, the Tribunal may not make any order which has the effect of—
- (a) giving approval under section 126 as it applies by virtue of section 132, or

(b) dispensing with the need for any such approval, but this is without prejudice to the temporary provision that may be made in directions falling within subsection (10)(c).


(13) The appropriate national authority may make regulations with respect to the procedure to be followed in cases where the Tribunal decide that the variation or proposed variation was not an exempt variation for the purposes of section 132.”.

Commencement

Pt 3 s. 38: November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 38: England, Wales

 Partially In Force

39 Exemption from s.132 for specific variations directed by Transport Tribunal

After section 132A of the TA 2000 insert—

“132B Exemption from s.132 for specific variations directed by Tribunal

(1) This section applies in relation to any of the following appeals—

- (a) an appeal under section 127A against a decision to make a scheme,
- (b) an appeal under section 131E(2)(a) against a decision that a proposal was an exempt continuation proposal,
- (c) an appeal under section 131E(2)(b) against a decision that a scheme should continue in operation,
- (d) an appeal under section 131F(2) against a decision that a scheme should continue in operation,
- (e) an appeal by virtue of section 132 against a decision to vary a scheme,
- (f) an appeal under section 132A(2)(a) against a decision that a variation was an exempt variation for the purposes of section 132,
- (g) an appeal under section 132A(2)(b) against a decision as to the variation of a scheme under section 132.

(2) Where—

- (a) any such appeal is made to the Transport Tribunal, and
- (b) on that appeal, the Tribunal direct the authority or authorities to vary the scheme in the manner specified by the Tribunal in the direction,

nothing in section 132(5) to (9) (procedure for variation of scheme) applies in relation to the varying of the scheme in the manner specified in the direction, unless the Tribunal otherwise direct.

(3) Subsection (2) is without prejudice to any right of appeal against the decision of the Transport Tribunal.”.


Commencement

Pt 3 s. 39: January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 39: England, Wales

Quality contracts schemes: miscellaneous and supplementary provisions

 Partially In Force

40 Power of authorities to provide services in exceptional circumstances

(1) After section 132B of the TA 2000 insert—

“132C Power of authorities to provide services in exceptional circumstances

(1) This section applies where a person who has agreed to provide a service (“the old service”) in accordance with a quality contract ceases to do so before the end of the period for which the contract was intended to have effect.

(2) The authority, or any one of the authorities, who entered into the quality contract may, in accordance with subsections (4) to (8) and section 132D, provide a local service (an “interim service”) in place of the old service or any part of it.

(3) Subsection (2) has effect notwithstanding any prohibition, restriction or limitation contained in any other enactment on the power of the authority to provide local services.

(4) An authority who provide an interim service of any description must hold a PSV operator's licence to which no condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licence) prohibiting the authority from using vehicles under the licence to provide services of that description.

(5) Subsection (6) applies if—

(a) an authority provide an interim service in place of an old service or any part of an old service, and

(b) the authority or authorities who entered into the quality contract for the provision of the old service propose to enter into a quality contract for the provision of a replacement service in place of that service or (as the case may be) that part.

(6) The authority, or the authorities acting jointly, must invite tenders (in accordance with section 130) for the provision of the replacement service—

(a) as soon as reasonably practicable after the authority providing the interim service begin to do so, and

(b) in any event no later than three months after the date on which provision of the old service ceased.

(7) But subsection (6) does not apply if the authority, or the authorities acting jointly, decide to secure the provision of the replacement service under section 131 (circumstances in which quality contracts may be entered into without inviting tenders).

(8) The particulars of an interim service, or of a replacement service, need not be identical to the particulars of the old service, or that part of the old service, which it replaces.

(9) In this section—

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);

“interim service” has the meaning given by subsection (2);

“the old service” has the meaning given by subsection (1);

“replacement service” means a local service provided under a quality contract in place of an old service or any part of an old service.

132D Period for which interim service may be provided

(1) This section applies for the purpose of determining the period for which an authority may provide an interim service which is provided in place of—

- (a) an old service (“the relevant service”), or
- (b) part of an old service (“the relevant part”).

(2) If the authority do not, within the period of three months beginning with the date on which provision of the relevant service ceased,—

- (a) enter into a quality contract to provide a replacement service in place of the relevant service or (as the case may be) the relevant part, or
- (b) issue an invitation to tender in pursuance of section 132C(6),

the authority must not provide the interim service after the end of that period.

(3) If the authority enter into a quality contract to provide such a replacement service within the period mentioned in subsection (2), the authority must not provide the interim service after the earlier of the following dates—

- (a) the date on which the replacement service is first provided;
- (b) the date falling nine months after the date on which the interim service is first provided.

(4) If the authority issue invitations to tender in pursuance of section 132C(6) within the period mentioned in subsection (2) (but do not enter into a quality contract to provide such a replacement service within that period), the authority must not provide the interim service after the earlier of the following dates—

- (a) the date on which a replacement service is first provided in place of the relevant service or (as the case may be) the relevant part;
- (b) the date determined in accordance with subsection (5).

(5) The date is the later of—

- (a) the date falling nine months after the date on which the interim service is first provided;
- (b) such date, not later than three months after the date mentioned in paragraph (a), as may be determined by the traffic commissioner on the application of the authority.

(6) The traffic commissioner may determine a date under subsection (5)(b) only if satisfied that there is a realistic prospect that, if the determination is made, a replacement service will be provided in place of the relevant service or (as the case may be) the relevant part on or before that date.

(7) An application under paragraph (b) of subsection (5) must be made—

(a) to the traffic commissioner for the traffic area in which the interim service is provided (or, if the service is provided in more than one such area, to the traffic commissioner for any of those areas), and

(b) not later than one month before the date mentioned in paragraph (a) of that subsection.

(8) The authority must not make more than one application under subsection (5)(b) in respect of any interim service.

(9) In this section—

“interim service” and “replacement service” have the meaning given in section 132C; “the relevant service” and “the relevant part” have the meaning given in subsection (1);

and, in any case where the authority entered into the quality contract for the provision of the relevant service jointly with one or more other authorities, references in this section to the authority entering into a quality contract for a replacement service, or issuing invitations to tender for such contracts, are references to those authorities acting jointly.”

(2) In section 162(4) of the TA 2000 (provisions where references to Passenger Transport Authorities are to be read as references to Passenger Transport Executives) at the appropriate place insert—

“section 132C,
section 132D.”

(3) In section 66(1) of the TA 1985 (exclusion of powers of certain councils to run bus undertakings) after “subsection (2) below” insert “and to section 132C of the Transport Act 2000”.

Commencement

Pt 3 s. 40(1)-(3): January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 40(1)-(3): England, Wales

 Partially In Force

41 Regulations about schemes

(1) Section 133 of the TA 2000 (regulations about schemes) is amended as follows.

(2) In subsection (1)(a) (regulations with respect to making, varying or revoking schemes) after “making” insert “continuing”.

(3) In subsection (1)(b) (approvals of schemes) after “schemes” insert “for areas in Wales”.

(4) After subsection (1)(b) insert—

“(bb) the procedure to be followed by local transport authorities for areas in England when discharging functions that relate to a QCS board,
 (bc) the procedure to be followed by QCS boards when discharging functions relating to proposed schemes for areas in England,”.

(5) In subsection (2) (particular matters for which regulations may provide)—

- (a) in paragraph (a) (proposed variations or revocation of schemes) before “variations” insert “continuations,”;
- (b) in paragraph (e) (applications for approval of proposals) after “proposals” insert “for areas in Wales”;
- (c) after paragraph (e) (form and manner of applications for approval) insert—

“(ee) the procedure for determining such applications,
 (ef) the form and manner of requests under section 126C(4) relating to proposed schemes for areas in England,
 (eg) the form and manner in which copies of proposed schemes for such areas are to be sent to a QCS board under section 126C(5),
 (eh) the giving of notice, and the preparation and publication of reports, by QCS boards under section 126D(5),
 (ei) the form and manner of responses by local transport authorities to such reports,”;

- (d) in paragraph (f) (form of schemes or variations) after “schemes” insert “, continuations”;
- (e) in paragraph (g) (notice of schemes or of their variation or revocation) before “variation” insert “continuation,”.

(6) After subsection (2) insert—

“(3) The appropriate national authority may also make regulations modifying or excluding the application of provisions of this Part, so far as relating to quality contracts schemes, in cases where a local transport authority, or two or more local transport authorities acting jointly, do any of the following—

- (a) by virtue of section 126C(6), send to a QCS board a further request under section 126C(4) and modified proposals under section 126C(5),
- (b) propose or decide that a scheme should continue in operation (with or without modification) under section 131A,
- (c) propose or decide to vary or revoke a scheme under section 132.

(4) Regulations made by virtue of subsection (3) must not exclude any requirement for the authority or authorities—


- (a) under section 126, to obtain the approval of the Welsh Ministers,
- (b) under section 127(1A), to publish their response to the report of the QCS board.”.

Commencement

Pt 3 s. 41(1)-(6): November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 41(1)-(6): England, Wales

 Partially In Force

42 Power to make transitional provision about schemes

- (1) Section 134 of the TA 2000 (transitional provision about schemes) is amended as follows.
- (2) In subsection (1)(a) (transitional provision about the coming into operation of quality contracts schemes) after “quality contracts schemes” insert “or of provisions of such schemes”.
- (3) In subsection (1)(b) (transitional provision in connection with variation of schemes) before “variation” insert “continuation in operation or”.
- (4) In subsection (2) (application or disapplication, with or without modifications, of sections 6 to 9 of the TA 1985) in paragraph (a), after “(registration of local services)” insert “, or of sections 89 to 92 of that Act (obligation to invite tenders etc)”.
- (5) At the end of the section insert—


“(3) Any regulations made by virtue of paragraph (a) of subsection (1) are not to have effect in the case of any quality contracts scheme as respects any time before the making of the scheme.”.

Commencement

Pt 3 s. 42(1)-(5): November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 42(1)-(5): England, Wales

 Partially In Force

43 Guidance about schemes

After section 134 of the TA 2000 insert—

“134A Guidance about schemes


- (1) The appropriate national authority may issue guidance concerning the performance by local transport authorities of their functions under this Part in relation to quality contracts schemes.
- (2) Those authorities must have regard to any such guidance.”.

Commencement

Pt 3 s. 43: January 11, 2010 in relation to England; not yet in force otherwise (SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 43: England, Wales

 Partially In Force

44 Quality contracts: application of TUPE

(1) After section 134A of the TA 2000 insert—

“134B Quality contracts: application of TUPE

(1) Subsection (3) applies to a situation in which—

(a) on the coming into force of a quality contract, local services cease to be provided by a person (the “former operator”) in the area to which the relevant quality contracts scheme, or (in the case of a scheme which provides for different provisions to come into operation on different dates) the relevant provision of the scheme, relates, in accordance with section 129(1)(b), and

(b) at the same time, a person (the “new operator”) begins to provide local services in that area under that quality contract.

(2) Subsection (3) also applies to a situation in which—

(a) local services which, on the coming into force of a quality contract, a person (the “former operator”) would be required by virtue of section 129(1)(b) to cease providing in the area mentioned in subsection (1)(a) of this section, cease to be provided by the former operator before the coming into force of that quality contract, and

(b) at the same time, a person (the “new operator”) begins to provide local services in that area under an agreement which the authority or authorities who made the relevant quality contracts scheme entered into by reason of the cessation of the local services referred to in paragraph (a).

(3) Any situation to which this subsection applies is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) (whether or not TUPE would apply apart from this subsection).

(4) For the purposes of TUPE, the organised grouping of employees that is subject to the relevant transfer consists of those employees of the former operator whose employment is principally connected with the provision of the local services referred to in subsection (1)(a) or (as the case may be) the local services referred to in subsection (2)(a).

(5) Any situation which by virtue of this section is treated as a relevant transfer for the purposes of TUPE is also to be treated as a relevant transfer within the meaning of TUPE for the purposes of sections 257 and 258 of the Pensions Act 2004 and any regulations made under section 258 of that Act.

- (6) The Secretary of State may make regulations supplementing the provision made by this section.
- (7) The provision that may be made by regulations under subsection (6) includes—
- (a) provision for determining, for the purposes of subsection (4), whether a person's employment is principally connected with the provision of any particular local services (including provision for or in connection with the appointment of a person to make such determination);
 - (b) provision for determining, in the case of any particular organised grouping of employees, the particular new operator who is to be the transferee for the purposes of TUPE (including provision for or in connection with the appointment of a person to make such determination);
 - (c) provision requiring any person operating local services in the area to which a quality contracts scheme relates to provide the authority or authorities who made the scheme with such information as may be prescribed, at such time as may be prescribed, about such of that person's employees as would fall within subsection (4) if the person ceased to provide those services in the circumstances described in subsection (1)(a);
 - (d) provision requiring the authority or authorities who made a quality contracts scheme to provide all persons operating local services in the area to which the scheme relates with such information as may be prescribed, at such time as may be prescribed, so as to enable such persons to comply with any requirement imposed by virtue of paragraph (c) of this subsection;
 - (e) provision requiring the authority or authorities who made a quality contracts scheme to ensure that any quality contract entered into with a person under the scheme, or any other agreement made with a person for the provision of local services in the area to which the scheme relates, is made on terms—
 - (i) that require the person, in the event of there being any transferring employees, to secure pension protection for every transferring employee, or every transferring employee of a prescribed description, who as an employee of the former operator had rights to acquire pension benefits, and
 - (ii) that, so far as relating to the securing of pension protection for a transferring employee, are enforceable by the employee.
- (8) For the purposes of this section—
- (a) “transferring employee” means an employee of a former operator whose contract of employment becomes, either by virtue of TUPE or by virtue of this section, a contract of employment with a new operator;
 - (b) “pension protection” is secured for a transferring employee if after the change of employer referred to in paragraph (a)—
 - (i) the employee has, as an employee of the new operator, rights to acquire pension benefits, and
 - (ii) those rights are of such description as is prescribed by regulations.
- (9) The Secretary of State must exercise the power conferred by this section to make regulations containing provision falling within subsection (7)(e) so as to ensure—
- (a) that pension protection is required to be secured for every transferring original employee who, as an employee of the original operator, had rights to acquire pension benefits, and

- (b) that the rights to acquire pension benefits which a transferring original employee has as an employee of the new operator by virtue of paragraph (a) are rights which—
- (i) are the same as the rights the transferring original employee had as an employee of the original operator, or
 - (ii) under provision made by regulations, count as being broadly comparable to, or better than, those rights.

(10) For the purposes of subsection (9)—

“transferring original employee” means a transferring employee—

- (a) who immediately before the relevant date was employed by a person (the “original operator”) providing local services in the area to which the relevant quality contracts scheme relates, and
- (b) whose contract of employment—
 - (i) was, from that date until the change of employer referred to in subsection (8)(a), a contract of employment with the original operator, or
 - (ii) on each occasion when the employee was subject to a relevant transfer became, either by virtue of TUPE or by virtue of this section, a contract of employment with a person providing local services in the area referred to in paragraph (a);

“relevant date”, in relation to a quality contracts scheme, means—

- (a) the date on which the scheme was made, or
- (b) where—
 - (i) the local services being provided by the original operator were not subject to the scheme when it was made, and
 - (ii) as a result of either the variation of the scheme, or the continuation of the scheme with modifications, those services became subject to the scheme,

the date on which that variation, or (as the case may be) the decision to continue the scheme with those modifications, was made;

“relevant transfer” means anything that is, or is to be treated as, a relevant transfer for the purposes of TUPE.

(11) A person is guilty of an offence under this subsection if—

- (a) the person provides information in accordance with a requirement imposed by virtue of subsection (7)(c),
- (b) the information is false or misleading in a material particular, and
- (c) the person knows that it is or is reckless as to whether it is.

(12) A person who is guilty of an offence under subsection (11) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”.

(2) In section 26(1) of the TA 1985 (conditions attached to PSV operator's licence) after paragraph (b) insert—

“(bza) the operator has failed to comply with a requirement imposed by virtue of section 134B(7)(c) of the Transport Act 2000; or”.

(3) In section 155(1) of the TA 2000 (penalties) for “or” at the end of paragraph (b) substitute—


“(ba) failed to comply with a requirement imposed by virtue of section 134B(7)(c) of this Act, or”.

Commencement

Pt 3 s. 44(1)-(3): November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 44(1)-(3): England, Wales

 Partially In Force

45 Power to make traffic regulation orders

(1) Section 1 of the Road Traffic Regulation Act 1984 (c. 27) (traffic regulation orders outside Greater London) is amended as follows.

(2) In subsection (3A) (orders may be made by local traffic authority for the purposes of quality partnership schemes) for “facilities pursuant to a quality partnership scheme under Part II of the Transport Act 2000” substitute “relevant bus scheme facilities”.

(3) After subsection (3A) insert—

“(3B) In subsection (3A) “relevant bus scheme facilities” means—

- (a) facilities provided pursuant to a quality partnership scheme under Part 2 of the Transport Act 2000;
- (b) facilities provided pursuant to a quality contract within the meaning of that Part (see section 124(4) and (5) of that Act) or otherwise in connection with a quality contracts scheme under that Part.”.


Commencement

Pt 3 s. 45(1)-(3): November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(1)(a))

Extent

Pt 3 s. 45(1)-(3): England, Wales

Extension of the competition test

 Law In Force

46 Competition scrutiny of functions and agreements relating to buses

(1) For section 153 of the TA 2000 (competition test for exercise of bus functions (see Schedule 10 to that Act)) substitute—

“153 Competition test: functions and agreements relating to buses

- (1) Schedule 10 contains provision applying competition tests in relation to—
- (a) the exercise of functions relating to quality partnership schemes, ticketing schemes and subsidised local services,
 - (b) voluntary partnership agreements and certain other agreements, decisions and practices relating to bus services.
- (2) A voluntary partnership agreement is any voluntary agreement under which—
- (a) a local transport authority, or two or more local transport authorities, undertake to provide particular facilities, or to do anything else for the purpose of bringing benefits to persons using local services, within the whole or part of their area, or combined area, and
 - (b) one or more operators of local services undertake to provide services of a particular standard.
- (3) In subsection (2)—
- “facilities” means—
- (a) facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the agreement relates, or
 - (b) facilities which are ancillary to such facilities;
- “standard”, in the case of any services, includes—
- (a) any requirements which the vehicles being used to provide the services must meet,
 - (b) any requirements as to frequency or timing of the services,
 - (c) any requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the agreement applies;
- “voluntary agreement” means an agreement made otherwise than under sections 114 to 123 (quality partnership schemes).”.

- (2) In section 162 of that Act (interpretation of Part 2) after subsection (4) insert—

“(4A) Where a reference to an authority in any of the following provisions is to an Integrated Transport Authority, it is to be construed as including a reference to the Passenger Transport Executive for the integrated transport area concerned—

section 153(2)(a),

in Schedule 10, paragraph 17(5)(b) and (8).”.

- (3) Schedule 10 to the TA 2000 (competition test for exercise of bus functions) is amended in accordance with Schedule 2.

Commencement

Pt 3 s. 46(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Pt 3 s. 46(1)-(3): England, Wales

PART 4

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Detention of certain PSVs

Law In Force

47 Detention of certain PSVs used without PSV operators' licences

(1) In the PPVA 1981, after section 12 (PSV operators' licences) insert—

“12A Detention of certain PSVs used without PSV operators' licences

Schedule 2A (which relates to the detention, removal and disposal of PSVs which are adapted to carry more than 8 passengers and in respect of which it appears that section 12(1) is contravened) shall have effect.”.

(2) After Schedule 2 to that Act insert, as Schedule 2A, the Schedule set out in Schedule 3 to this Act.

Commencement

Pt 4 s. 47(1): February 9, 2009 (2008 c. 26 Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Pt 4 s. 47(2): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 47(1)-(2): England, Wales, Scotland

Registration of local services

Law In Force

48 Determination of applications for registration where restrictions in force

(1) Section 6 of the TA 1985 (registration of local services) is amended as follows.

(2) After subsection (2) (conditions for providing service) insert—

“(2A) Where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 (quality partnership schemes) are in force, and
- (b) an application for registration is made in respect of a service in relation to which those restrictions have effect, section 6A of this Act has effect in relation to the application.”.

(3) After section 6 of the TA 1985 insert—

“6A Applications for registration etc where restrictions are in force

(1) This section applies in any case where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 are in force in the case of a quality partnership scheme (“the scheme”);
- (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act to a traffic commissioner in respect of a local service in relation to which those restrictions have effect; and
- (c) the application is one which would fall to be accepted by the traffic commissioner, apart from this section.

(2) In any such case the traffic commissioner, before deciding whether or not to accept the application, must give to—

- (a) each relevant authority, and
- (b) each relevant operator,

a notice complying with subsection (3) below.

(3) The notice must—

- (a) identify the application and state that it has been made;
- (b) provide prescribed particulars of the application;
- (c) inform the persons to whom it is required to be sent of the right of each of them to make relevant representations to the traffic commissioner about the application.

(4) If no relevant representations are made, the application is to be accepted.

(5) If any relevant representations are made by a relevant authority or a relevant operator, the traffic commissioner must decide whether the effect of accepting the application would be detrimental to the provision of local services under the scheme.

(6) The traffic commissioner may decide that question only after—

- (a) considering those representations;
- (b) taking account of any other relevant applications and any relevant representations made in relation to those applications;
- (c) holding such inquiries under section 54 of the 1981 Act as the traffic commissioner may think fit; and
- (d) applying the registration criteria.

(7) If the traffic commissioner decides that the effect of accepting the application would not be detrimental to the provision of such services, the application is to be accepted.

(8) If subsection (7) above does not apply, the traffic commissioner may do any one or more of the following—

- (a) refuse to accept the application;

- (b) require the applicant to amend the application in such respects as the traffic commissioner may require before submitting it again;
- (c) if the applicant has not given a written undertaking under section 118(4) of the Transport Act 2000 in relation to the scheme, require the applicant to give such an undertaking before the application may be accepted.

(9) An appeal against any decision of a traffic commissioner under this section may be made to the Transport Tribunal by any of the following persons—

- (a) the person who made the application;
- (b) any relevant authority that made relevant representations against the application;
- (c) any relevant operator who made relevant representations against the application.

As respects appeals to the Transport Tribunal, see Schedule 4 to this Act.

(10) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in the paragraphs of subsection (9) above from a decision of the Transport Tribunal on an appeal under that subsection.

(11) Regulations may be made for the purposes of carrying this section into effect; and the provision that may be made by any such regulations includes provision—

- (a) as to the procedure for giving notice under subsection (2) above;
- (b) prescribing the particulars of the application that are to be provided in such a notice;
- (c) as to the procedure for making relevant representations;
- (d) as to the procedure to be followed in determining the application.

(12) In this section—

“quality partnership scheme” means a scheme under section 114 of the Transport Act 2000;

“registration criteria” means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;

“relevant application” means any application under section 6 of this Act—

- (a) which is made in respect of a local service in relation to which the registration restrictions have effect, and
- (b) which (whenever made) is awaiting the decision of the traffic commissioner;

“relevant authority” means the authority, or any of the authorities, that made the scheme;

“relevant operator” means—

- (a) any operator of local services who has given an undertaking under section 118(4) of the Transport Act 2000 in respect of the scheme;
- (b) any other operator of local services which might be affected if the application were to be accepted;

“relevant representations” means representations that the effect of accepting the application would be detrimental to the provision of services under the scheme, having regard to the registration criteria.”.

Commencement

Pt 4 s. 48(1)-(3): November 26, 2008 in relation to any power to make regulations or an order; April 6, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 48(1)-(3): England, Wales

Law In Force

49 Applications for registration where quality contracts scheme in force

(1) Section 6 of the TA 1985 (registration of local services) is amended as follows.

(2) After subsection (2A) (which is inserted by section 48) insert—

“(2B) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
- (b) an operator proposes to provide a local service which is to have one or more stopping places within the area to which the scheme relates,
- (c) the proposed service is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
- (d) the operator does not propose to provide the service under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to registration of that service.”.

(3) After subsection (7) (variation or revocation of registration) insert—

“(7A) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
- (b) the operator of a local service registered under this section proposes to vary the registration,
- (c) the service, as proposed to be varied, is to have one or more stopping places within the area to which the scheme relates,
- (d) the service, as proposed to be varied, is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
- (e) the operator does not propose to provide the service, as proposed to be varied, under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to the variation of the registration.”.

(4) In subsection (8) (time when variation etc becomes effective) after “Subject to regulations under this section” insert “and, in the case of variation, to section 6B of this Act,”.

(5) After section 6A of the TA 1985 (which is inserted by section 48) insert—

“6B Applications for registration where quality contracts scheme in force

(1) This section applies—

- (a) by virtue of subsection (2B) of section 6 of this Act (“Case 1”), in relation to registration of the proposed local service mentioned in that subsection;
- (b) by virtue of subsection (7A) of that section (“Case 2”), in relation to the proposed variation of the registration mentioned in that subsection.

(2) Where this section applies, the operator may apply to a traffic commissioner—

- (a) in Case 1, for registration of the proposed service under section 6 of this Act, or
- (b) in Case 2, for variation of the registration under that section,

notwithstanding anything in section 129(1)(a) of the Transport Act 2000 (sections 6 to 9 of this Act not to apply).

(3) The traffic commissioner must not accept the application except in accordance with subsections (4) to (6) below.

(4) On receipt of the application, the traffic commissioner must consult the authority or authorities who made the quality contracts scheme.

(5) If, within the prescribed time, the traffic commissioner receives from the authority or authorities a clearance certificate in respect of the application, the traffic commissioner must—

- (a) in Case 1, register the service under section 6 of this Act, or
- (b) in Case 2, vary the registration under that section.

(6) If the traffic commissioner does not receive such a certificate within that time, the application must be rejected.

(7) In relation to Case 2, regulations may prescribe cases in which subsections (3) to (6) above do not apply.

(8) In this section—

“clearance certificate” means a certificate that the provision—

- (a) in Case 1, of the proposed local service, or
- (b) in Case 2, of the local service as proposed to be varied,

will not have an adverse effect on local services provided under quality contracts in the area to which the quality contracts scheme relates;

“prescribed” means prescribed in regulations;

“the relevant authority or authorities” means the authority or authorities—

- (a) who last continued the quality contracts scheme in force under section 131A of the Transport Act 2000, or
- (b) if the scheme has not been so continued, who made it.”.

Commencement

Pt 4 s. 49(1)-(5): November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/3242 art. 2(2))

Extent

Pt 4 s. 49(1)-(5): England, Wales

✔ Law In Force

50 Traffic regulation conditions for anticipated traffic problems

(1) Section 7 of the TA 1985 (application of traffic regulation conditions to local services subject to registration under section 6 of that Act) is amended as follows.

(2) In subsection (1) (traffic authority requesting traffic commissioner to exercise powers in relation to a particular traffic problem) after “particular traffic problem” insert “which has arisen or which the authority reasonably foresees is likely to arise”.

(3) In subsection (4) (traffic commissioner to be satisfied that the conditions are required for certain purposes) for “are required” substitute “are, or are likely to be, required”.

Commencement

Pt 4 s. 50(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 50(1)-(3): England, Wales

✔ Law In Force

51 Transport Tribunal to decide appeals against traffic regulation conditions

(1) Section 9 of the TA 1985 (appeals against traffic regulation conditions) is amended as follows.

(2) [...]¹

(3) Omit subsections (3) and (4).

(4) For subsection (5) (further appeal) substitute—

“(5) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in subsection (6) below from a decision of the Transport Tribunal on an appeal under this section.”.

(5) In subsection (6)—

(a) [...]¹

(b) for “him” (in both places) substitute “the tribunal”.

(6) Omit subsections (7) to (9).

Notes

¹ Repealed by Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009/1885 Sch.3 para.1 (September 1, 2009: repeal has effect subject to savings and transitional provisions as specified in SI 2009/1885 Sch.4)

Commencement

Pt 4 s. 51(1)-(6): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 51(1)-(6): England, Wales

Law In Force

52 Fees for registration of services

(1) Section 126(1) of the TA 1985 (application of section 52 of the PPVA 1981, which relates to fees, to registration of local services etc) is amended as follows.

(2) In paragraph (a) after “for the variation” insert “or cancellation”.

(3) After paragraph (a) insert—

“(aa) the continuation in force of registrations under that section;”.

Commencement

Pt 4 s. 52(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 52(1)-(3): England, Wales

Use of taxis and hire cars to provide local services

Law In Force

53 Use of private hire vehicles to provide local services

(1) Section 12 of the TA 1985 (use of taxis in providing local services) is amended as follows.

(2) In subsection (1) (application by holder of taxi licence for special licence to provide local service by means of licensed taxis)—

(a) after “a taxi licence” insert “or a private hire vehicle licence”;

(b) in paragraph (b) after “licensed taxis” insert “or licensed hire cars”.

(3) In subsection (5)—

(a) after “a taxi licence” insert “or a private hire vehicle licence”;

(b) for “the taxi licence of the vehicle in question” substitute “the relevant licence for that vehicle”.

(4) In subsection (7) for “taxi licences” substitute “relevant licences”.

(5) In subsection (8) after “a licensed taxi” insert “or a licensed hire car”.

(6) In subsection (9) after “a licensed taxi” insert “or a licensed hire car”.

(7) In subsection (10) for the words from “Such provisions” to “being so used;” substitute “At any time when a licensed taxi or a licensed hire car is being so used the prescribed provisions of the taxi code or, as the case may be, the hire car code shall apply in relation to it;”.

(8) After subsection (10) insert—

“(10A) In subsections (9) and (10) “prescribed” means prescribed by the appropriate authority.”.

(9) In consequence of the amendments made by this section, in the heading to section 12 after “taxis” there is inserted “or hire cars”.

Commencement

Pt 4 s. 53(1)-(9): April 6, 2009 (SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 53(1)-(9): England, Wales, Scotland

Law In Force

54 Application of certain provisions about taxis and hire cars to London

(1) Section 13 of the TA 1985 (provisions supplementary to sections 10 to 12) is amended as follows.

(2) In subsection (1) (power to modify codes for purposes of sections 10 to 12)—

- (a) for “The Secretary of State” substitute “The appropriate authority”;
- (b) for “he” substitute “it”.

(3) Subsection (3) (interpretation of terms used in sections 10 to 12) is amended as follows.

(4) Before the definition of “licensed taxi” insert the following definition—

““the appropriate authority” means—

(a) in relation to—

- (i) a taxi licensed under section 37 of the Town Police Clauses Act 1847 or any similar enactment which applies outside the London taxi area,
- (ii) a licensed hire car licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976, or
- (iii) a taxi or private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982,

the Secretary of State;

(b) in relation to—

- (i) a taxi licensed under section 6 of the Metropolitan Public Carriage Act 1869, or
- (ii) a licensed hire car licensed under section 7 of the Private Hire Vehicles (London) Act 1998,

Transport for London;”.

(5) For the definition of “licensed hire car” substitute—

““licensed hire car” means—

(a) in England and Wales—

(i) for the purposes of section 11 of this Act, a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or section 7 of the Private Hire Vehicles (London) Act 1998,

(ii) for the purposes of section 12 of this Act, a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) in Scotland, a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;”.

(6) After the definition of “taxi licence” insert—

““relevant licence” means—

(a) in relation to a licensed taxi, a taxi licence, and

(b) in relation to a licensed hire car, a private hire vehicle licence;

“private hire vehicle licence” means—

(a) in England and Wales, a licence under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) in Scotland, a private hire car licence under section 10 of the Civic Government (Scotland) Act 1982;”.

(7) In the definition of “hire car code”, after “used as mentioned in section 11” insert “or 12”.

(8) After section 13 of the TA 1985 insert—

“13A Application of sections 10 to 13 to London

(1) Transport for London may by order provide that section 12 of this Act is to apply to vehicles licensed under section 7 of the Private Hire Vehicles (London) Act 1998 as it applies to vehicles licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.

(2) An order under subsection (1) of this section may amend the definitions of “licensed hire car” and “private hire vehicle licence” in section 13 of this Act accordingly.

(3) Transport for London must consult such representative organisations as it thinks fit before making—

(a) regulations under section 12(9) or (10) of this Act;

(b) an order under section 13(1) of this Act or subsection (1) of this section.

(4) Any power of Transport for London to make—

(a) regulations under section 12(9) or (10) of this Act, or

(b) an order under section 13(1) of this Act,

includes a power to vary or revoke any previous such regulations or order (as the case may be).

(5) Subsection (4) applies notwithstanding that the previous regulations were made, or the previous order was made, by the Secretary of State by statutory instrument.

- (6) Transport for London must print and publish—
- (a) any regulations made by it under section 12(9) or (10) of this Act;
 - (b) any order made by it under section 13(1) of this Act or subsection (1) of this section.
- (7) Transport for London may charge a fee for the sale of copies of any regulations, or any order, printed under subsection (6).”.

Commencement

Pt 4 s. 54(1)-(8): November 26, 2008 in relation to any power to make regulations or an order; April 6, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 54(1)-(7): England, Wales, Scotland

Pt 4 s. 54(8): England, Wales

✔ Law In Force

! Amendment(s) Pending

55 Carrying of passengers in wheelchairs in vehicles providing local services

- (1) Section 36 of the Disability Discrimination Act 1995 (c. 50) (carrying of passengers in wheelchairs) is amended as follows.
- (2) In subsection (1)(b) for “taxi” substitute “vehicle”.
- (3) After subsection (1) insert—
- “(1A) This section also imposes duties on the driver of a designated vehicle other than a regulated taxi if—
- (a) the designated vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
 - (b) a person falling within paragraph (a) or (b) of subsection (1) has indicated to the driver that he wishes to travel on the service.”.
- (4) In each of subsections (2), (3) and (4) for “taxi” (wherever occurring) substitute “vehicle”.
- (5) In subsection (5) after “a regulated taxi” insert “or designated vehicle”.
- (6) In subsection (6)—
- (a) after “at the time of the alleged offence” insert—

“(a) in the case of a regulated taxi.”;
 - (b) after “it was required to conform,” insert—

“(b) in the case of a designated vehicle, the vehicle conformed to the accessibility requirements which applied to it.”;
 - (c) for the word “taxi” (in the last place where it appears) substitute “vehicle”.
- (7) After subsection (9) insert—

“(10) The driver of a designated vehicle is exempt from the duties imposed by this section if—

- (a) a certificate of exemption issued to him under this section is in force; and
- (b) he is carrying the certificate on the vehicle.

(11) The driver of a designated vehicle who is exempt under subsection (10) must show the certificate, on request, to a person falling within paragraph (a) or (b) of subsection (1).”.

(8) After subsection (11) insert—

“(12) In this section—

“designated vehicle” means a vehicle which appears on a list maintained under section 36A;

“licensing authority” has the meaning given by section 36A.”.

Amendments Pending

Pt 4 s. 55: repealed by Equality Act 2010 c. 15, Sch. 27(1) para. 1 (date to be appointed: commenced by an amendment)

Commencement

Pt 4 s. 55(1)-(8): January 26, 2009 (2008 c. 26 Pt 8 s. 134(2))

Extent

Pt 4 s. 55(1)-(8): England, Wales, Scotland

Law In Force

Amendment(s) Pending

56 Carrying of passengers in wheelchairs: supplementary provisions

(1) The Disability Discrimination Act 1995 (c. 50) is amended as follows.

(2) After section 36 insert—

“36A List of wheelchair-accessible vehicles providing local services

(1) A licensing authority may maintain a list of vehicles falling within subsection (2).

(2) A vehicle falls within this subsection if—

- (a) it is either a taxi or a private hire vehicle,
- (b) it is being used or is to be used by the holder of a special licence under that licence, and
- (c) it conforms to such accessibility requirements as the licensing authority thinks fit.

(3) “Accessibility requirements” are any requirements for the purpose of securing that it is possible for disabled persons in wheelchairs—

- (a) to get into and out of vehicles in safety, or to be conveyed in safety into and out of vehicles while remaining in their wheelchairs; and

- (b) to be carried in vehicles in safety and reasonable comfort (whether or not they wish to remain in their wheelchairs).
- (4) The Secretary of State may issue guidance to licensing authorities as to—
- (a) the accessibility requirements which they should apply for the purposes of this section;
 - (b) any other aspect of their functions under or by virtue of this section.
- (5) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (4).
- (6) In this section—
- “licensing authority”, in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area;
- “private hire vehicle” means—
- (a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
 - (c) a vehicle licensed under an equivalent provision of a local enactment;
 - (d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;
- “special licence” has the meaning given by section 12 of the Transport Act 1985 (use of taxis in providing local services);
- “taxi” includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982.”.
- (3) Section 38 (appeal against refusal of exemption certificate) is amended as follows.
- (4) In subsection (1) after “a magistrates' court” insert “or, in Scotland, the sheriff court”.
- (5) In subsection (2) for “this section” substitute “subsection (1)”.
- (6) At the end of the section insert—
- “(4) Any person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 36A may appeal to a magistrates' court or, in Scotland, the sheriff court before the end of the period of 28 days beginning with the date of the inclusion.
- (5) In this section “licensing authority” has the meaning given by section 36A.”.
- (7) In consequence of the amendments made by subsections (4) to (6), the heading to section 38 becomes “Appeals”.
- (8) In section 68(1) (interpretation), in the definition of “licensing authority”, for “section 37A” substitute “sections 36, 36A, 37A and 38”.
- (9) In section 70 (commencement etc) after subsection (2) insert—
- “(2A) The following provisions of this Act—
- (a) section 36 so far as it applies to designated vehicles,
 - (b) section 36A, and

(c) section 38 (which has already been brought in force in England and Wales by an order under subsection (3)) so far as it extends to Scotland, come into force 2 months after the passing of the Local Transport Act 2008.”

Amendments Pending

Pt 4 s. 56: repealed by Equality Act 2010 c. 15, Sch. 27(1) para. 1 (date to be appointed: commenced by an amendment)

Commencement

Pt 4 s. 56(1)-(9): January 26, 2009 (2008 c. 26 Pt 8 s. 134(2))

Extent

Pt 4 s. 56(1)-(9): England, Wales, Scotland

Vehicles used under permits

Law In Force

57 Permits in relation to use of vehicles by educational and other bodies

(1) Section 19 of the TA 1985 (permits in relation to the use of buses by educational and other bodies) is amended as follows.

(2) In subsection (1) (definitions for sections 19 to 21) in the definition of “permit” for “a bus” substitute “a public service vehicle”.

(3) In subsection (2) (requirements that must be met for use of a bus under a permit to be exempt from operator licensing)—

- (a) for “a bus” substitute “a public service vehicle”;
- (b) for “section 18(a)” substitute “section 18(1)(a)”;
- (c) for “the bus” substitute “the vehicle”.

(4) In subsection (3) (grant by designated body of permits relating to use of a small bus) for “a small bus” substitute “a public service vehicle other than a large bus”.

(5) In subsection (4) (grant by traffic commissioner of permits relating to use of a small bus) for “a small bus” substitute “a public service vehicle other than a large bus”.

(6) In subsection (7) (grant of permits by bodies designated by the Secretary of State) in paragraph (c)—

- (a) after “may require the body to make returns” insert “and keep records”, and
- (b) after “with regard to the permits granted” insert “, varied or revoked”.

(7) In subsection (9) (only one bus to be used at one time under same permit) for “bus” substitute “vehicle”.

(8) In consequence of the amendments made by this section, the heading to section 19 becomes “Permits in relation to use of public service vehicles by educational and other bodies”.

Commencement

Pt 4 s. 57(1)-(8): April 6, 2009 (SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 57(1)-(8): England, Wales, Scotland

Law In Force

58 Further provision with respect to such permits

(1) Section 20 of the TA 1985 (further provision with respect to permits under section 19) is amended as follows.

(2) In subsection (4)(a) (attachment of conditions) for “bus” substitute “vehicle”.

(3) In subsection (5)(b) (variation or revocation of permit) for “bus” substitute “vehicle”.

(4) Section 21 of the TA 1985 (regulations with respect to permits under section 19) is amended as follows.

(5) In subsection (1)—

(a) in paragraph (a), for “a bus” substitute “a public service vehicle”;

(b) in paragraph (d), for “any bus” substitute “any vehicle”.

(6) At the end of the section insert—

“(4) See also section 23A of this Act (power to limit permits under section 19 or 22 to 5 years).”.

Commencement

Pt 4 s. 58(1)-(6): April 6, 2009 (SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 58(1)-(6): England, Wales, Scotland

Law In Force

59 Relaxation of rules relating to community bus services

(1) Section 22 of the TA 1985 (community bus permits) is amended as follows.

(2) In subsection (1), in paragraph (c) of the definition of “community bus service” (service must be provided by means of vehicle adapted to carry more than 8 but not more than 16 passengers) omit the words “but not more than sixteen”.

(3) Section 23 of the TA 1985 (further provisions with respect to community bus permits) is amended as follows.

(4) In subsection (2) (requirements) omit paragraph (a) (no payment for driver except expenses and loss of earnings).

(5) At the end of the section insert—

“(9) See also section 23A of this Act (power to limit permits under section 19 or 22 to 5 years).”.

Commencement

Pt 4 s. 59(1)-(5): April 6, 2009 (SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 59(1)-(5): England, Wales, Scotland

Law In Force

60 Power to limit permits under section 19 or 22 of TA 1985 to 5 years

(1) After section 23 of the TA 1985 (further provision with respect to community bus permits) insert—

“23A Power to limit permits under section 19 or 22 to 5 years

(1) Regulations may provide that any permit granted under section 19 or 22 of this Act on or after a date specified in the regulations is to be for such period not exceeding 5 years as may be identified in the permit by the person granting it.

(2) Nothing in subsection (1) above or any regulations made by virtue of that subsection prevents the grant of subsequent permits under section 19 or 22 of this Act to any person for further such periods.”.

(2) The Secretary of State may by regulations provide that any permit granted under section 19 or 22 of the TA 1985 before the section 23A start date is revoked as from such later date (the “revocation date”) as may be specified in the regulations.

(3) The revocation date in the case of any permit must be no more than 5 years after the section 23A start date.

(4) In this section, “the section 23A start date” means the date mentioned in section 23A(1) of the TA 1985 (power to limit permits granted under section 19 or 22 on or after specified date to 5 years).

(5) Sections 134 and 135 of the TA 1985 (which, among other things, apply sections 60 and 61 of the PPVA 1981 in relation to certain regulations under the TA 1985) shall have effect as if—

- (a) subsections (2) to (4) above were contained in Part 1 of the 1985 Act, and
- (b) the matters specified in section 134(3) of the TA 1985 included the revocation of permits granted under section 19 or 22 of that Act.

(6) Nothing in subsection (2), or in any regulations made under or by virtue of this section, prevents the grant of subsequent permits under section 19 or 22 of the TA 1985 to any person.

- (7) Any power to make regulations under or by virtue of this section includes power—
- (a) to make different provision for different cases or for permits of different descriptions, and
 - (b) to make incidental, consequential, supplemental or transitional provision or savings.

Commencement

Pt 4 s. 60(1)-(7)(b): November 26, 2008 in relation to any power to make regulations or an order; April 6, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 60(1)-(7)(b): England, Wales, Scotland

Law In Force

61 Traffic commissioners to keep records about such permits

(1) In section 126 of the TA 1985 (application of sections 52 and 56 of the PPVA 1981) subsection (3) (section 56: records) is amended as follows.

(2) In the opening words, after “shall apply in relation to” insert “each of the following”.

(3) For the word “and” at the end of paragraph (b) substitute the following paragraphs—

“(bb) permits under section 19 or 22 of this Act granted, varied or revoked by a traffic commissioner;

(bc) copies of permits submitted to a traffic commissioner by way of a return made pursuant to an order under section 19(7)(c) of this Act;”.

Commencement

Pt 4 s. 61(1)-(3): April 6, 2009 (SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 61(1)-(3): England, Wales, Scotland

Services not operated as registered etc

Law In Force

62 Attachment of conditions to related licences

(1) Section 26 of the TA 1985 (conditions attached to PSV operator's licence) is amended as follows.

(2) In subsection (1) (which sets out the cases in which the power is exercisable and the power)—

- (a) for “Where” substitute “Subsection (1A) below applies in any case where”;

(b) for the words from “he may” to the end of subsection (1) substitute the subsections set out in subsection (3).

(3) The subsections are—

“(1A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, a condition falling within subsection (1B) below to any one or more of the following PSV operator's licences (wherever granted)—

- (a) the licence mentioned in subsection (1) above;
- (b) any other licence held by the operator;
- (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).

(1B) The conditions are—

- (a) a condition prohibiting the holder of the licence from using vehicles under the licence to provide any local service of a description specified in the condition;
- (b) a condition prohibiting the holder of the licence from so using vehicles to provide local services of any description.

(1C) A condition under subsection (1A) may be attached—

- (a) indefinitely; or
- (b) for a period of time specified by the traffic commissioner (which may commence immediately or on a date so specified).”.

(4) In subsection (2)—

- (a) after “attach” insert “(or direct another commissioner to attach)”;
- (b) for “subsection (1)” substitute “subsection (1A)”;
- (c) for “that subsection” substitute “subsection (1) above”.

(5) After subsection (2) insert—

“(2A) Where a direction is given under subsection (1A) above to a traffic commissioner for another area, that traffic commissioner must either—

- (a) attach the condition to the licence; or
- (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.”.

(6) In subsection (3), for “subsection (1)” substitute “subsection (1A)”.

(7) In subsection (5) (power to impose conditions in certain cases relating to the use of vehicles)—

- (a) for “Where” substitute “Subsection (5A) below applies in any case where”;
- (b) for the words from “he may” to the end of subsection (5) substitute the subsections set out in subsection (8).

(8) The subsections are—

“(5A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, to any one or more of the licences mentioned in subsection (5B) below a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.

(5B) The licences are the following PSV operator's licences (wherever granted)—

- (a) the licence mentioned in subsection (5) above;
- (b) any other licence held by the operator;
- (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).

(5C) Where a direction is given under subsection (5A) above to a traffic commissioner for another area, that traffic commissioner must either—

- (a) attach the condition to the licence; or
- (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.”.

(9) In subsection (6)—

- (a) for “subsection (5)” substitute “subsection (5A)”; and
- (b) in paragraph (a) after “the commissioner” insert “who attached that condition”.

(10) At the end of the section insert—

“(7) In this section “undertaking” and “group undertaking” have the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).”.

Commencement

Pt 4 s. 62(1)-(10): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 62(1)-(10): England, Wales

Law In Force

63 Powers of traffic commissioners where services not operated as registered

(1) After section 27 of the TA 1985 (supplementary provisions with respect to conditions attached to a PSV operator's licence under section 26) insert—

“27A Additional powers where service not operated as registered

(1) This section applies in any case where it appears to a traffic commissioner that a person (“the operator”)—

- (a) has, or may have, failed to operate a local service registered under section 6 of this Act; or
- (b) has, or may have, failed to operate such a service in accordance with the particulars registered under that section.

(2) The traffic commissioner may direct a local traffic authority to provide him, within a specified period, with specified information connected with any aspect of the performance of their duties under section 16 or 17 of the Traffic Management Act 2004 (the network management duty, and arrangements for network management).

This subsection is supplemented by provisions in section 27B of this Act.

- (3) If the traffic commissioner holds an inquiry in connection with deciding whether—
- (a) to attach a condition under section 26 of this Act, or
 - (b) to make an order under section 155 of the Transport Act 2000,
- subsections (2) and (3) of section 250 of the Local Government Act 1972 (attendance of witnesses etc) apply to the inquiry as they apply to an inquiry under that section.
- (4) If the traffic commissioner identifies any remedial measures (see subsection (5)) which, in the traffic commissioner's opinion, could be taken—
- (a) by the operator, or
 - (b) by a local traffic authority,
- the traffic commissioner may prepare a report recommending the implementation of those measures.
- (5) In this section “remedial measures” means measures which, in the opinion of the traffic commissioner, would enable or facilitate the operation of the service in accordance with the particulars registered under section 6 of this Act.
- (6) A traffic commissioner who prepares a report under subsection (4) above—
- (a) must send a copy of the report to the operator and, if any of the recommended remedial measures are for implementation by a local traffic authority, to that authority;
 - (b) must, if the implementation of any of the measures in the report would affect the operation of bus services in an integrated transport area, send a copy of the report to the Integrated Transport Authority for that area;
 - (c) may send a copy of the report to any one or more of the persons in subsection (7) below;
 - (d) may publish the report.
- (7) The persons are—
- (a) the appropriate national authority,
 - (b) any local traffic authority or Integrated Transport Authority which the traffic commissioner considers appropriate,
- and any other persons whom the traffic commissioner considers appropriate.
- (8) See subsection (6) of section 27B of this Act for the meaning of some of the expressions used in this section.

27B Provisions supplementing section 27A

- (1) This section supplements section 27A of this Act.
- (2) In this section “direction” means a direction under subsection (2) of that section.
- (3) The information that may be specified in a direction must be information which the local traffic authority have in their possession or can reasonably be expected to acquire.
- (4) The information that may be specified in a direction includes information relating to—
- (a) the management of a local traffic authority's road network; or
 - (b) the use of their road network by different kinds of traffic or the effects of that use.

(5) A direction may be given—

- (a) to one or more local traffic authorities; or
- (b) to local traffic authorities of a description specified in the direction.

(6) In section 27A of this Act and in this section the following expressions have the same meaning as in Part 2 of the Traffic Management Act 2004 (network management by local traffic authorities)—

- appropriate national authority,
- local traffic authority,
- road network,
- traffic,

except that “local traffic authority” does not include Transport for London, a London borough council or the Common Council of the City of London.”.

(2) In section 155 of the TA 2000 (penalties) at the end insert—

“(8) Other provisions that may need to be considered include the following provisions of the Transport Act 1985—

- (a) sections 26 and 27 (attachment of conditions to PSV operator's licence),
- (b) sections 27A and 27B (additional powers of traffic commissioner where services are not operated as registered etc).”.

Commencement

Pt 4 s. 63(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 63(1)-(2): England, Wales

Law In Force

64 Additional sanctions for failures by bus operators

(1) Section 155 of the TA 2000 (penalties) is amended as follows.

(2) In subsection (1) (power to impose penalty for various failures) for “impose a penalty on the operator” substitute “make one or more orders under subsection (1A)”.

(3) After subsection (1) insert—

“(1A) The orders are—

- (a) an order that the operator pay a penalty of such amount as is determined in accordance with subsection (3);
- (b) an order that the operator expend such sum of money as is determined in accordance with subsection (3) in the manner mentioned in subsection (1B);
- (c) an order that the operator provide compensation (see subsection (1C)) to passengers of such description as is specified in the order;
- (d) an order of such other description as the Secretary of State (as respects England) or the Welsh Ministers (as respects Wales) may by order prescribe for the purposes of this paragraph.

(1B) An order under subsection (1A)(b) may require the operator to expend money on or towards—

- (a) the provision of specified local services or specified facilities to be used in connection with such services;
- (b) specified improvements in such services or facilities.

In this subsection “specified” means specified in the order.

(1C) Compensation under subsection (1A)(c)—

- (a) may take the form of payments of money, or
- (b) may take such other form (including the provision of free travel or travel at a reduced price) as is specified in the order;

and shall be of such amount, or equivalent in value to such amount, as is determined in accordance with subsection (3).”.

(4) Omit subsection (2).

(5) In subsection (3) for “That amount is” substitute “The amount mentioned in subsections (1A)(a) and (b) and (1C) is such amount as the traffic commissioner thinks fit in all the circumstances of the case, but must not exceed”.

(6) Omit subsection (4).

(7) In subsection (5) for “imposing the penalty” substitute “making an order under subsection (1A)”.

(8) In subsection (6) for “the imposition of the penalty” substitute “the making of the order”.

(9) After subsection (6) insert—

“(6A) If the operator fails to comply with an order under subsection (1A)(b), (c) or (d), the traffic commissioner may order the operator to pay a penalty of such amount as is determined in accordance with subsection (6B).

(6B) That amount is such amount as the traffic commissioner thinks fit in all the circumstances of the case, but must not exceed 110% of the maximum amount which may be ordered in accordance with subsection (3).”.

(10) For subsection (7) substitute—

“(7) An amount ordered to be paid under subsection (1A)(a) or (6A) is—

- (a) payable to the Secretary of State (as respects England) or the Welsh Ministers (as respects Wales), and
- (b) recoverable as a civil debt.”.

(11) In consequence of the amendments made by this section, the heading to section 155 becomes “Sanctions”.

(12) Section 160 of the TA 2000 (Part 2: regulations and orders) is amended as follows.

(13) In subsection (2) before the words “shall be subject to annulment” insert “, other than an order under section 155(1A)(d).”.

(14) After subsection (2) insert—

“(3) A statutory instrument containing an order under section 155(1A)(d) shall not be made—

- (a) as respects England, unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
- (b) as respects Wales, unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.
-

Commencement

Pt 4 s. 64(1)-(14): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/107 Sch. 2(2) para. 4; SI 2009/579 art. 2(d), Sch. 1 para. 2)

Extent

Pt 4 s. 64(1)-(14): England, Wales

Law In Force

65 Operational data

(1) In section 155(1) of the TA 2000 (penalties) after paragraph (a) insert—

“(aa) failed to comply with the requirements of regulations made under section 6(9)(i), (j) or (k) of that Act,”.

(2) Section 6 of the TA 1985 (registration of local services) is amended as follows.

(3) In subsection (9) (regulations) after paragraph (k) insert—

“(ka) for imposing restrictions on the use that may be made of records made available as mentioned in paragraph (j) above or information given as mentioned in paragraph (k) above;”.

(4) After subsection (9) insert—

“(10) Regulations made by virtue of paragraph (ka) of subsection (9) above—

- (a) may create one or more criminal offences relating to the use of records or information in breach of the restrictions imposed by those regulations, but
- (b) may not provide, in respect of any such offence, for a penalty greater than a fine not exceeding level 4 on the standard scale.”.
-

Commencement


Pt 4 s. 65(1): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(f))

Pt 4 s. 65(2)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 65(1)-(4): England, Wales

Powers of Passenger Transport Executives

 Law In Force

66 Revival of certain powers of PTEs

(1) Section 10 of the TA 1968 (powers of Passenger Transport Executives) is amended as follows.

(2) For subsection (1)(viii) (power to let passenger vehicles on hire) substitute—

“(viii) to let passenger vehicles on hire (with or without trailers for the carriage of goods)—

(a) as part of, or in connection with, an agreement providing for service subsidies, to an operator of public passenger transport services within the meaning of section 9A;

(b) to a body holding a permit granted under section 19 of the Transport Act 1985 (permits in relation to the use of vehicles by educational and other bodies);”.

(3) After subsection (2) insert—

“(2A) The reference in subsection (1)(viii) above to an agreement providing for service subsidies includes—

(a) an agreement for such subsidies under section 9A(4) above;

(b) provision included in a quality contract under section 124 of the Transport Act 2000 for the making of payments by the PTE (see subsection (5)(a) of that section).”.

(4) Any order made under section 60(5) of the TA 1985 shall cease to have effect to the extent that it provides that a PTE shall cease to have the power under section 10(1)(viii) of the TA 1968.

(5) In section 60 of the TA 1985 (exclusion of public sector co-operation requirements and bus operating powers), omit subsections (2) to (4), (7) and (8).

(6) The following provisions of the TA 1968 shall cease to have effect—

(a) section 10(1)(i) (power of PTE to carry passengers by road);

(b) section 24 (establishment and general duties of Bus Company and Scottish Group).

Commencement

Pt 4 s. 66(1)-(6)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 66(1)-(6)(b): England, Wales

Subsidised services

✔ Law In Force

67 Subsidy to secure passenger transport services in integrated transport areas

(1) Section 9A of the TA 1968 (general functions of Passenger Transport Authorities and Executives) is amended as follows.

(2) In subsection (4)(a) (power to enter into agreements providing for service subsidies) after “would not be provided” insert “, or would not be provided to a particular standard,”.

(3) After subsection (4) insert—

“(4A) The reference in subsection (4)(a) of this section to the standard to which a service is provided includes—

- (a) the frequency or timing of the service;
- (b) the days, or times of day, when the service is provided;
- (c) the vehicles used to provide the service.”.

Commencement

Pt 4 s. 67(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 67(1)-(3): England, Wales

Ⓜ Partially In Force

68 Subsidy to secure passenger transport services in other areas

(1) Section 63 of the TA 1985 (functions of local councils with respect to passenger transport in areas other than passenger transport areas) is amended as follows.

(2) In subsection (5) (power to enter into agreements providing for service subsidies) at the beginning of paragraph (a) insert

“in England and Wales, shall be exercisable only where the service in question would not be provided, or would not be provided to a particular standard, without subsidy;
(aa) in Scotland,”.

(3) After subsection (5) insert—

“(5A) The reference in subsection (5)(a) above to the standard to which a service is provided includes—

- (a) the frequency or timing of the service;
- (b) the days, or times of day, when the service is provided;
- (c) the vehicles used to provide the service.”.

Commencement

Pt 4 s. 68(1): February 9, 2009 in relation to England and Scotland for the purpose specified in SI 2009/107 art.2(3); February 9, 2009 in relation to England for the purpose specified in SI 2009/107 art.2(2) and Sch.2 Part 1; April 1,

2009 in relation to Wales for the purpose specified in SI 2009/579 art.2(g); not yet in force otherwise (SI 2009/107 art. 2(2), art. 2(3); SI 2009/107 Sch. 2(1) para. 1; SI 2009/579 art. 2(g))

Pt 4 s. 68(2): February 9, 2009 in relation to England and Scotland; January 31, 2010 otherwise (SI 2009/107 art. 2(3); SI 2009/3294 art. 2(c))

Pt 4 s. 68(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(g))

Extent

Pt 4 s. 68(1)-(2): England, Wales, Scotland

Pt 4 s. 68(3): England, Wales

Law In Force

69 Subsidy to secure passenger transport services in Wales

(1) Section 7 of the Transport (Wales) Act 2006 (c. 5) (provision of public passenger transport services) is amended as follows.

(2) In subsection (4) (circumstances in which agreements providing for service subsidies may be entered into) after “would not be provided” insert “, or would not be provided to a particular standard,”.

(3) After subsection (4) insert—

“(4A) The reference in subsection (4) to the standard to which a service is provided includes—

- (a) the frequency or timing of the service;
 - (b) the days, or times of day, when the service is provided;
 - (c) the vehicles used to provide the service.”.
-

Commencement

Pt 4 s. 69(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(h))

Extent

Pt 4 s. 69(1)-(3): England, Wales

Law In Force

70 Extension of maximum length of subsidised services agreements

In section 90(1) of the TA 1985 (maximum period to be specified in invitation to tender for agreement providing for service subsidies) for “five years” substitute “8 years”.

Commencement

Pt 4 s. 70: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(h))

Extent

Pt 4 s. 70: England, Wales

Public transport companies etc

Law In Force

71 Removal of certain disabilities and requirements for consent

(1) Part 4 of the TA 1985 (which makes provision for the establishment of public transport companies and for the powers of Passenger Transport Authorities etc in relation to them) is amended as follows.

(2) In section 74 (disabilities of directors of public transport companies), omit subsections (3) to (12).

(3) Each of the following (which require the consent of the Secretary of State for the exercise of certain powers) is omitted—

- (a) section 75(3) (subscription for, or acquisition or disposal of, certain shares, securities or other property or assets etc);
- (b) section 79(3) (making or guaranteeing of certain loans);
- (c) section 79(7) (guarantees etc in connection with disposals of certain shares, securities or other property or assets etc);
- (d) in section 79(8) (provision of financial assistance by way of grants, loans, etc) the words “, with the consent of the Secretary of State,”.

Commencement

Pt 4 s. 71(1)-(3)(d): February 9, 2009 in relation to England; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.3 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(h), Sch. 1 para. 3)

Extent

Pt 4 s. 71(1)-(3)(d): England, Wales

Transport users' advisory committees etc

✔ Law In Force

72 The Disabled Persons Transport Advisory Committee: remuneration

(1) Schedule 5 to the TA 1985 (the Disabled Persons Transport Advisory Committee) is amended as follows.

(2) In paragraph 2—

- (a) at the beginning insert “(1)”;
- (b) after “to pay to their members” insert “such remuneration, and”.

(3) At the end of paragraph 2 insert—

“(2) In relation to Scotland, the only remuneration that may be paid under this paragraph is remuneration for the performance of functions which relate to reserved matters (within the meaning of the Scotland Act 1998).”.

Commencement

Pt 4 s. 72(1)-(3): April 6, 2009 (SI 2009/107 art. 4(1), Sch. 4(1) para. 1)

Extent

Pt 4 s. 72(1)-(3): England, Wales, Scotland

Ⓜ Partially In Force

73 The Public Transport Users' Committee for England

(1) After section 125 of the TA 1985 (the Disabled Persons Transport Advisory Committee) insert—

“The Public Transport Users' Committee for England

125A The Public Transport Users' Committee for England

(1) The Secretary of State may by order establish a body corporate, to be known as the Public Transport Users' Committee for England. A body established under this subsection is referred to in this section and sections 125B and 125C as the Committee.

(2) The Secretary of State may by order provide for a body established under subsection (1) to be known by a different name.

(3) An order under subsection (1) may include provision—

- (a) about the status and membership of the Committee (including how members are to be appointed);
- (b) about the proceedings of the Committee;
- (c) about the declaration by members of any financial or other interests, and the recording of such interests;
- (d) about officers and staff of the Committee;

- (e) about the discharge of functions of the Committee (including provision for the discharge of functions by sub-committees with members who are not all members of the Committee);
 - (f) about the making of reports by the Committee to—
 - (i) the Secretary of State, or
 - (ii) such other person as the Secretary of State may determine;
 - (g) about the making of payments to or in respect of officers, staff and members of the Committee;
 - (h) about the payment of pensions and the making of other payments to or in respect of former officers and staff of the Committee;
 - (i) about the keeping of accounts by the Committee and their audit and submission to the Secretary of State;
 - (j) about the acquisition and disposal by the Committee of property, rights and liabilities (including land);
 - (k) authorising the Committee to charge for any services it provides in the discharge of any of its functions;
 - (l) requiring the Committee to have regard to the policies and activities of such other persons or bodies as the Secretary of State may determine;
 - (m) for the transfer of staff, property, rights and liabilities to the Committee.
- (4) The Secretary of State may make payments to the Committee of such amounts, at such times, and on such conditions (if any) as the Secretary of State considers appropriate.
- (5) The Secretary of State may by order make provision for the transfer of staff, property, rights and liabilities from the Committee to any other person.
- (6) An order made by virtue of subsection (2) may make such provision, including provision amending, repealing or revoking any provision of this Act or any other enactment (whenever passed or made), as appears to the Secretary of State to be necessary in consequence of the order. In this subsection “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).
- (7) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

125B Functions of the Committee

- (1) The Committee may consider and make recommendations or representations to the Secretary of State about any matter relating to—
- (a) prescribed public passenger transport services, or public passenger transport services that are of a prescribed description, to the extent that they operate in England;
 - or
 - (b) prescribed public passenger transport facilities in England, or public passenger transport facilities in England that are of a prescribed description.
- (2) The Committee must consider and make recommendations to the Secretary of State about any such matter if asked to do so by the Secretary of State.
- (3) The Secretary of State may by order—
- (a) confer further functions on the Committee;
 - (b) remove functions from the Committee;

- (c) make changes to any functions of the Committee;
 - (d) transfer any functions of the Committee to another person (including to the Secretary of State).
- (4) An order under subsection (3) may confer a function on the Committee, or make changes to a function of the Committee, only if the new function, or the function as changed, relates to—
- (a) public passenger transport services, so far as operating in England; or
 - (b) public passenger transport facilities in England.
- (5) The functions that may be conferred on the Committee under subsection (3)(a) include a power—
- (a) to enter into arrangements with another body for discharging functions on behalf of that body in relation to England;
 - (b) to give effect to any such arrangements;
 - (c) to enter into arrangements with another body for that body to discharge any functions of the Committee on behalf of the Committee.
- (6) The discharge of a function by the Committee on behalf of another body does not affect the responsibility of the body for the discharge of the function.
- (7) The discharge of a function by another body on behalf of the Committee does not affect the responsibility of the Committee for the discharge of the function.
- (8) The provision that may be made in an order under subsection (3) includes provision amending or repealing any provision of this Act or any other enactment conferring functions on the Committee.
- (9) The Committee may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- (10) In this section—
- “prescribed” means prescribed by order made by the Secretary of State;
 - “public passenger transport facilities” means facilities for public passenger transport services.
- (11) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

125C Power to confer functions in relation to the Committee

- (1) This section applies where an order under section 125B(3) confers on the Committee power to make recommendations or representations to a body or person.
- (2) The Secretary of State may by order confer on the body or person functions in respect of such recommendations or representations.
- (3) An order under this section may confer a function on a body or person only if the new function relates to—
- (a) public passenger transport services, so far as operating in England; or
 - (b) public passenger transport facilities in England.

(4) The provision that may be made in an order under this section includes provision amending, repealing or revoking any provision of this Act or any other enactment (whenever passed or made) conferring functions on the body or person.

(5) In this section “public passenger transport facilities” has the same meaning as in section 125B.

(6) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”.

(2) In section 135 of the TA 1985 (procedure for making regulations, rules and orders), in subsection (4), after “85” insert “, 125A, 125B, 125C”.

Commencement

Pt 4 s. 73(1)-(2): November 26, 2008 in relation to any power to make regulations or an order; not yet in force otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3))

Extent

Pt 4 s. 73(1)-(2): England, Wales

✔ Law In Force

74 Power to confer non-rail functions on the Rail Passengers' Council

In Part 3 of the Railways Act 2005 (c. 14), after section 19 insert—

“19A Power to confer non-rail functions on the Rail Passengers' Council

(1) The Secretary of State may by order make provision conferring functions on the Rail Passengers' Council relating to—

- (a) prescribed local services, or local services of a prescribed description, so far as operating in England;
- (b) prescribed domestic coach services, or domestic coach services of a prescribed description, so far as operating in England;
- (c) prescribed tramway passenger services, or tramway passenger services of a prescribed description, so far as operating in England;
- (d) prescribed passenger transport facilities in England, or passenger transport facilities in England that are of a prescribed description.

(2) The power conferred by subsection (1) includes power to amend any enactment (including this Act) for the purposes of making such provision.

(3) An order under this section may make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, such an order, or for giving full effect to such an order.

(4) The provision which may be included by virtue of subsection (3) in an order includes—

- (a) provision for the body established by section 19 to be known by a different name;

- (b) provision altering the number of persons that may be appointed as members of that body by the Secretary of State under section 19(1)(e);
- (c) provision amending, repealing or revoking any provision of this Act or any other enactment, whenever passed or made.

(5) In a case where an order under this section confers on the Rail Passengers' Council power to make recommendations or representations to a body or person, the provision which may be included by virtue of subsection (3) in the order also includes provision conferring on the body or person functions in respect of such recommendations or representations.

(6) An order under this section may confer a function on a body or person by virtue of subsection (5) only if the new function relates to—

- (a) services of a kind mentioned in paragraphs (a) to (c) of subsection (1), so far as operating in England, or
- (b) passenger transport facilities in England.

(7) Nothing in this section provides power to alter the functions of the Rail Passengers' Council so far as relating to the provision of railway passenger services or station services.

(8) An order under this section is subject to the affirmative resolution procedure.

(9) In this section—

“domestic coach service” means a bus service which—

- (a) carries passengers at separate fares, and
- (b) is not a local service;

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);

“local service” has the meaning given by section 2 of the Transport Act 1985;

“passenger transport facilities” means facilities for services of a kind mentioned in paragraphs (a) to (c) of subsection (1);

“prescribed” means prescribed by order made by the Secretary of State;

“tramway passenger service” means any service for the carriage of passengers by tramway.”.

Commencement

Pt 4 s. 74: November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 4 s. 74: England, Wales, Scotland

Display of transport-related information

✔ Law In Force

75 Power to require display of certain information

(1) The appropriate national authority may make regulations requiring prescribed persons, or persons of a prescribed description, to display, in such place or places and in such manner as may be prescribed, information falling within subsection (2).

(2) The information referred to in subsection (1) is prescribed information, or information of a prescribed description, relating to persons or bodies with functions relating to public passenger transport services.

(3) Regulations under this section may provide that a traffic commissioner may impose a financial penalty on any operator of a public service vehicle who, without reasonable excuse, fails to comply with a requirement imposed on the operator by regulations under this section.

(4) Regulations made by virtue of subsection (3) may—

- (a) specify the maximum penalty that may be imposed by virtue of that subsection;
- (b) require a traffic commissioner who has imposed a penalty by virtue of that subsection to give notice in writing to such persons as may be prescribed.

(5) A penalty imposed by virtue of subsection (3) is—

- (a) payable to the appropriate national authority that made the regulations, and
- (b) recoverable as a civil debt.

(6) An operator on whom a penalty is imposed by virtue of subsection (3) may appeal to the [Upper Tribunal]¹ against the imposition of the penalty.
[...]²

(7) The power to make regulations under this section is exercisable by statutory instrument.

(8) A statutory instrument containing regulations made under this section by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.

(9) A statutory instrument containing regulations made under this section by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(10) In this section—

“the appropriate national authority” means—

- (a) in relation to public passenger transport services operating wholly or partly in England, the Secretary of State;
- (b) in relation to public passenger transport services operating wholly or partly in Wales, the Welsh Ministers;

“prescribed” means prescribed in regulations;

“public passenger transport services” has the meaning given by section 63(10)(a) of the TA 1985;

“public service vehicle” and “traffic commissioner” have the same meaning as in the PPVA 1981.

Notes

¹ Words substituted by Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009/1885 Sch.1 para.27(a) (September 1, 2009: substitution has effect subject to savings and transitional provisions as specified in SI 2009/1885 Sch.4)

- ² Words repealed by Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009/1885 Sch.1 para.27(b) (September 1, 2009: repeal has effect subject to savings and transitional provisions as specified in SI 2009/1885 Sch.4)

Commencement

Pt 4 s. 75(1)-(10) definition of "public service vehicle": November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England otherwise; April 1, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(i))

Extent

Pt 4 s. 75(1)-(10) definition of "public service vehicle": England, Wales

Appeals to the Transport Tribunal

 Repealed

76 [...]¹

Notes


- ¹ Repealed by Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009/1885 Sch.3 para.1 (September 1, 2009: repeal has effect subject to savings and transitional provisions as specified in SI 2009/1885 Sch.4)
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PART 5

INTEGRATED TRANSPORT AUTHORITIES ETC

CHAPTER 1

INTRODUCTORY

 Law In Force

77 Change of name of passenger transport areas and PTAs

- (1) The passenger transport areas established under section 9(1)(a)(i) of the TA 1968 are to be known as integrated transport areas.
- (2) The metropolitan county passenger transport authorities established under section 28(1) of the Local Government Act 1985 (c. 51) are to be known as Integrated Transport Authorities.
- (3) In consequence of subsection (1), any reference in any enactment (whenever passed or made) to a passenger transport area in England and Wales is to be read as a reference to an integrated transport area.

(4) In consequence of subsection (2), any reference in any enactment (whenever passed or made) to—

- (a) a metropolitan county passenger transport authority, or
- (b) a Passenger Transport Authority for an area in England and Wales,

is to be read as a reference to an Integrated Transport Authority.

(5) Schedule 4 makes amendments consequential on subsections (1) and (2). Those amendments do not affect the generality of subsections (3) and (4).

(6) In this Part—

- (a) “ITA” means an Integrated Transport Authority for an integrated transport area in England,
- (b) any reference to an ITA is a reference to an ITA for the purposes of Part 2 of the TA 1968,
- (c) any reference to an integrated transport area is a reference to an integrated transport area in England for the purposes of that Part of that Act.

(7) Except where the context otherwise requires, any reference in this Part to an ITA includes a reference to—

- (a) an ITA established under section 28 of the Local Government Act 1985, and
- (b) an ITA established under this Part.

(8) Except where the context otherwise requires, any reference in any enactment (whenever passed or made) to an Integrated Transport Authority for a passenger transport area in England includes a reference to an ITA established under this Part.

(9) Accordingly, any reference in an enactment (whenever passed or made) which—

- (a) is to a joint authority established under Part 4 of the Local Government Act 1985, and
- (b) includes a reference to an Integrated Transport Authority established under section 28 of that Act,

includes a reference to an ITA established under this Part.

(10) Until subsections (1) and (2) of this section come into force, in any enactment (whenever passed or made)—

- (a) any reference to an integrated transport area is to be read as a reference to a passenger transport area;
- (b) any reference to an Integrated Transport Authority (or an ITA) is to be read as a reference to a Passenger Transport Authority (or a PTA).

(11) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Commencement

Pt 5 c. 1 s. 77(1)-(9)(b), (11): February 9, 2009 (2008 c. 26 Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Pt 5 c. 1 s. 77(10)-(10)(b): November 26, 2008 (2008 c. 26 Pt 8 s. 134(1))

Extent

Pt 5 c. 1 s. 77(1)-(11): England, Wales

CHAPTER 2

ARRANGEMENTS RELATING TO INTEGRATED TRANSPORT AUTHORITIES

Establishment of new ITA by order

✔ Law In Force

78 Power to establish a new ITA

- (1) The Secretary of State may by order—
 - (a) designate any area in England outside Greater London as an integrated transport area, and
 - (b) establish an ITA for the integrated transport area.
- (2) An order may be made only if the Secretary of State, having had regard to a scheme prepared and published under section 80 or 81, considers that the establishment of the ITA is likely to improve—
 - (a) the exercise of statutory functions relating to transport in the area to be designated, and
 - (b) the effectiveness and efficiency of transport within that area.
- (3) The requirement in subsection (2) to have regard to a scheme does not apply in relation to any area if a direction has been given under section 81 in relation to the area and any period specified in the direction for the preparation and publication of a scheme has expired.
- (4) An integrated transport area may be designated by an order only if it consists of the whole of two or more counties or districts.
- (5) A local government area may be included in an integrated transport area designated by an order only if—
 - (a) it was included in the scheme prepared and published under section 80 or 81 (as the case may be), or
 - (b) in the circumstances described in subsection (3), it is the area of an authority to whom the direction under section 81 was given.
- (6) No part of an integrated transport area established under this section may be separated from the rest of it by a territory which is part of another local government area but which is not included in the integrated transport area.
- (7) Before making an order the Secretary of State must consult—
 - (a) such representatives of the appropriate authorities, and
 - (b) such other persons (if any),as the Secretary of State considers appropriate.
- (8) In subsection (7) the appropriate authorities are—
 - (a) if the area to be designated as an integrated transport area includes a county, the county council;
 - (b) if that area includes a district, the district council and the council of the county (if any) in which the district lies.

- (9) In making an order the Secretary of State must have regard to the need—
- (a) to reflect the identities and interests of local communities, and
 - (b) to secure effective and convenient local government.

Commencement

Pt 5 c. 2 s. 78(1)-(9)(b): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 78(1)-(9)(b): England, Wales

Law In Force

79 Provision that may be made in an order under section 78

- (1) An order under section 78 may make, in relation to the ITA,—
- (a) provision about its constitutional arrangements (within the meaning given by section 84(2)),
 - (b) any provision which may be made by an order under [section 86, 87, 88 or 89A]¹.
- (2) An order made by virtue of subsection (1)(a) which includes provision about the number and appointment of members of the ITA must provide—
- (a) for a majority of the members of the ITA to be appointed by the ITA's constituent councils (see subsection (3)),
 - (b) for those members to be appointed from among the elected members of the constituent councils, and
 - (c) for each of the representative councils (see subsection (4)) to appoint at least one of its elected members as a member of the ITA.
- (3) For the purposes of this section, the constituent councils of an ITA are—
- (a) any county council, and
 - (b) any district council,
- for an area within the integrated transport area of the ITA.
- (4) For the purposes of subsection (2)(c), the following councils are representative councils in respect of an area to be designated as the integrated transport area of an ITA—
- (a) if that area includes the whole of a county, the county council;
 - (b) if that area includes a metropolitan district or a non-metropolitan district comprised in an area for which there is no county council, the district council;
 - (c) if that area includes one or more districts in a county but does not include the whole county, either the county council or the council for each of those districts (as determined by or in accordance with the order in question).
- (5) If an order made by virtue of subsection (1)(a) provides for members of an ITA to be appointed otherwise than from among the elected members of its constituent councils (see subsection (2)(a) of section 84), it must provide for those members to be non-voting members (see subsection (2)(b) of that section).

(6) The voting members of an ITA may resolve that provision made in accordance with subsection (5) is not to apply in the case of the ITA.

Notes

¹ Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.123 (December 17, 2009)

Commencement

Pt 5 c. 2 s. 79(1)-(6): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 79(1)-(6): England, Wales

Law In Force

80 Authorities' review: new ITA

- (1) Any two or more of the following authorities—
- (a) a council for a county in England comprised in an area for which there is no ITA,
 - (b) a council for a district in England comprised in an area for which there is no ITA,
- may undertake a review of the effectiveness and efficiency of transport within an area satisfying the requirements of subsections (2) and (3) (a “review area”).
- (2) A review area must include—
- (a) if the review is being undertaken by a county council, the whole of one or more of the districts in the county (or, if there are no districts in the county, the whole of the county);
 - (b) if the review is being undertaken by a district council, the whole of the district.
- (3) A review area may also include—
- (a) the whole of any county the council for which is not taking part in the review;
 - (b) the whole of any district the council for which is not taking part in the review.
- (4) Where two or more authorities, having undertaken a review under subsection (1), conclude that the designation of an area as an integrated transport area, and the establishment of an ITA for that area, would improve—
- (a) the exercise of statutory functions relating to transport in the area, and
 - (b) the effectiveness and efficiency of transport within the area,
- they must prepare and publish a scheme for the establishment of an ITA for the area (in this section referred to as a “proposed integrated transport area”).
- (5) A proposed integrated transport area—
- (a) must consist of the whole or any part of the review area, and
 - (b) may, if the appropriate authority consents, include one or more other counties or districts,
- but it must be an area which is capable of being designated by an order under section 78.
- (6) In subsection (5) the appropriate authority is—
- (a) in the case of a county or non-metropolitan district comprised in an area for which there is a county council, the county council;

- (b) in the case of a non-metropolitan district comprised in an area for which there is no county council, the district council;
- (c) in the case of a metropolitan district, the district council.

Commencement

Pt 5 c. 2 s. 80(1)-(6)(c): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 80(1)-(6)(c): England, Wales

Law In Force

81 Secretary of State's power to direct a review: new ITA

- (1) The Secretary of State may direct two or more of the authorities falling within subsection (2) (including two or more authorities of the same description) to undertake a review of the effectiveness and efficiency of transport within the whole or any part of the authorities' combined area.
- (2) An authority falls within this subsection if it is—
 - (a) a council for a county in England comprised in an area for which there is no ITA,
 - (b) a council for a district in England comprised in an area for which there is no ITA.
- (3) The Secretary of State may give a direction only if the Secretary of State considers that the review and any scheme are likely to improve—
 - (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, and
 - (b) the effectiveness and efficiency of transport within such an area.
- (4) A direction may require the preparation and publication of a scheme for the establishment of an ITA for any area (being an area which is capable of being designated by an order under section 78) which consists of the whole or any part of the authorities' combined area.
- (5) The review must be undertaken jointly by all the authorities subject to the direction.
- (6) The provision which may be made by a direction includes provision for—
 - (a) the timetable for the review and for the preparation and publication of a scheme,
 - (b) the procedures to be followed in carrying out the review,
 - (c) particular issues which the review and any scheme must address,
 - (d) the implementation of any scheme.
- (7) The authorities to which a direction is given must, in carrying out the review and preparing any scheme, do so in the manner that they consider most likely to improve—
 - (a) the exercise of statutory functions relating to transport in their combined area, and
 - (b) the effectiveness and efficiency of transport within that area.

Commencement

Pt 5 c. 2 s. 81(1)-(7)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 81(1)-(7)(b): England, Wales

Other powers to make orders about arrangements relating to an ITA

✔ Law In Force

82 Authorities' review of arrangements

- (1) Any one or more of the authorities falling within subsection (2) may undertake a review of one or more of the matters mentioned in subsection (3).
- (2) An authority falls within this subsection if it is—
- (a) an ITA,
 - (b) a district council for an area comprised in an integrated transport area,
 - (c) a county council for an area comprised in an integrated transport area,
 - (d) a county council or district council for an area which could be comprised in a proposed integrated transport area.
- (3) The matters are—
- (a) those in relation to which an order may be made under any of sections 84 to 91,
 - (b) in relation to an ITA or any executive body of the ITA existing at the time of the review, any matter concerning the ITA or the executive body which the ITA has power to determine.
- (4) A review under this section must relate to one or more integrated transport areas or proposed integrated transport areas.
- (5) Where one or more authorities, having undertaken a review under subsection (1), conclude that the exercise of the power to make an order under any one or more of sections 84 to 91 would improve—
- (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, or
 - (b) the effectiveness and efficiency of transport within such an area,
- they must prepare and publish a scheme relating to the power to make that order or those orders.
- (6) In this section a “proposed integrated transport area” means one which may be designated by an order under section 90 (ITA boundary changes).

Commencement

Pt 5 c. 2 s. 82(1)-(6): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 82(1)-(6): England, Wales

Law In Force

83 Secretary of State's power to direct a review of arrangements

(1) The Secretary of State may direct one or more of the authorities falling within subsection (2) (including two or more authorities of the same description) to undertake a review of one or more of the matters mentioned in subsection (3).

(2) An authority falls within this subsection if it is—

- (a) an ITA,
- (b) a district council for an area comprised in an integrated transport area,
- (c) a county council for an area comprised in an integrated transport area,
- (d) a county council or district council for an area which could be comprised in any proposed integrated transport area to which the direction relates.

(3) The matters are—

- (a) those in relation to which an order may be made under any of sections 84 to 91,
- (b) in relation to an ITA or any executive body of the ITA existing at the time of the direction, any matter concerning the ITA or the executive body which the ITA has power to determine.

(4) The Secretary of State may give a direction only if the Secretary of State considers that the review and any scheme are likely to improve—

- (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, or
- (b) the effectiveness and efficiency of transport within such an area.

(5) A direction under this section must relate to one or more integrated transport areas or proposed integrated transport areas.

(6) A direction may require the preparation and publication of a scheme relating to the power to make an order under any of sections 84 to 91.

(7) If a direction is given to two or more authorities the review must be undertaken jointly by all the authorities subject to the direction.

(8) The provision which may be made by a direction includes provision for—

- (a) the timetable for the review and for the preparation and publication of a scheme,
- (b) the procedures to be followed in carrying out the review,
- (c) particular issues which the review and any scheme must address,
- (d) the implementation of any scheme.

(9) An authority to which a direction is given must, in carrying out the review and preparing any scheme, do so in the manner that they consider most likely to improve—

- (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, and
- (b) the effectiveness and efficiency of transport within such an area.

(10) An authority which is carrying out a review and preparing any scheme in accordance with a direction may include in the review and any scheme—

- (a) any matter (whether or not it is the subject of the direction) in relation to which an order may be made under any of sections 84 to 91, and
- (b) where the review is carried out by an ITA, whether alone or jointly, any matter concerning the ITA which the ITA has power to determine.

(11) In relation to the dissolution of an integrated transport area (see section 91) the references in subsections (4) and (9) to an integrated transport area have effect as references to the territory comprised in a dissolved integrated transport area.


(12) In this section “proposed integrated transport area” means one which may be designated by an order under section 90 (ITA boundary changes).

Commencement

Pt 5 c. 2 s. 83(1)-(12): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 83(1)-(12): England, Wales

 Law In Force

84 Constitutional arrangements

(1) The Secretary of State may by order make provision about the constitutional arrangements of an ITA.

(2) “Constitutional arrangements”, in relation to an ITA, means—

- (a) the membership of the ITA (including the number and appointment of members of the ITA and the remuneration of, and pensions or allowances payable to or in respect of, any member of the ITA),
- (b) the voting powers of members of the ITA (including provision for different weight to be given to the vote of different descriptions of member),
- (c) the executive arrangements of the ITA,
- (d) the functions of any executive body of the ITA.

(3) In subsection (2)(c) “executive arrangements” means—

- (a) the appointment of an executive,
- (b) the functions of the ITA which are the responsibility of an executive,
- (c) the functions of the ITA which are the responsibility of an executive and which may be discharged by a committee of the ITA or by a body other than the ITA,
- (d) arrangements relating to the review and scrutiny of the discharge of functions,
- (e) access to information on the proceedings of an executive of the ITA,

- (f) the disapplication of section 15 of the Local Government and Housing Act 1989 (c. 42) (duty to allocate seats to political groups) in relation to an executive of the ITA or a committee of such an executive,
 - (g) the keeping of a record of any arrangements relating to the ITA and falling within paragraphs (a) to (f).
- (4) The provision which may be made by an order by virtue of subsection (2)(d) includes—
- (a) provision setting up or dissolving an executive body of an ITA, or merging two or more executive bodies of an ITA,
 - (b) provision conferring functions on, or removing functions from, an executive body of an ITA,
 - (c) provision transferring functions of an ITA to an executive body of the ITA, and transferring functions of an executive body of an ITA to the ITA.
- (5) An order may not provide for the budget of an ITA to be agreed otherwise than by the ITA.

Commencement

Pt 5 c. 2 s. 84(1)-(5): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 84(1)-(5): England, Wales

Law In Force

85 Provision that may be made in an order under section 84: membership of ITA

- (1) An order made by virtue of section 84(2)(a) which includes provision about the number and appointment of members of the ITA must provide—
- (a) for a majority of the members of the ITA to be appointed by the ITA's constituent councils (see subsection (2)),
 - (b) for those members to be appointed from among the elected members of the constituent councils, and
 - (c) for each of the representative councils (see subsection (3)) to appoint at least one of its elected members as a member of the ITA.
- (2) For the purposes of this section, the constituent councils of an ITA are—
- (a) any county council, and
 - (b) any district council,
- for an area within the integrated transport area of the ITA.
- (3) For the purposes of subsection (1)(c), the following councils are representative councils in respect of an area which is, or is to be designated as, the integrated transport area of an ITA—
- (a) if that area includes the whole of a county, the county council;
 - (b) if that area includes a metropolitan district or a non-metropolitan district comprised in an area for which there is no county council, the district council;

(c) if that area includes one or more districts in a county but does not include the whole county, either the county council or the council for each of those districts (as determined by or in accordance with the order).

(4) If an order under section 84 provides (by virtue of subsection (2)(a) of that section) for members of an ITA to be appointed otherwise than from among the elected members of its constituent councils, the order must provide (by virtue of subsection (2)(b) of that section) for those members to be non-voting members.

(5) The voting members of an ITA may resolve that provision made in accordance with subsection (4) is not to apply in the case of the ITA.

Commencement

Pt 5 c. 2 s. 85(1)-(5): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 85(1)-(5): England, Wales

Law In Force

86 Delegation of functions of the Secretary of State

(1) The Secretary of State may, to any extent, by order delegate to an ITA or an eligible local transport authority any function of the Secretary of State—

- (a) which does not consist of a power to make regulations or other instruments of a legislative character or a power to fix fees or charges, and
- (b) which the Secretary of State considers can appropriately be exercised by the ITA or eligible local transport authority.

(2) A delegation by virtue of this section may be made subject to conditions.

(3) “Eligible local transport authority” means an authority which has been designated as a local transport authority by an order under section 90 or 91 [of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009]¹.

Notes

¹ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.124 (December 17, 2009)

Commencement

Pt 5 c. 2 s. 86(1)-(3): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 86(1)-(3): England, Wales

✔ Law In Force

87 Delegation of local authority functions

- (1) The Secretary of State may, to any extent, by order provide for the delegation to an ITA, or to an eligible local transport authority, of any function of a local authority—
- (a) which is exercisable by the local authority in relation to an area which is comprised in the ITA's integrated transport area or the eligible local transport authority's area, and
 - (b) which the Secretary of State considers can appropriately be exercised by the ITA or eligible local transport authority.
- (2) A delegation by virtue of this section may be made subject to conditions.
- (3) An order under this section which provides for the delegation of any function of a charging authority within the meaning of Part 3 of the TA 2000 may be made—
- (a) where the area in relation to which the order has effect comprises all or part of the area of one charging authority, only with the consent of that authority;
 - (b) where that area comprises all or part of the area of two or more charging authorities, only with the consent of a majority of those authorities.
- (4) “Local authority” means—
- (a) a county council,
 - (b) a district council.
- (5) “Eligible local transport authority” means an authority which has been designated as a local transport authority by an order under section 90 or 91 [of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009]¹.

Notes

- ¹ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.125 (December 17, 2009)

Commencement

Pt 5 c. 2 s. 87(1)-(5): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 87(1)-(5): England, Wales

✔ Law In Force

88 Conferral of a power to direct

- (1) The Secretary of State may by order confer on—
- (a) an ITA, or
 - (b) an authority which has been designated as a local transport authority by an order under section 90 or 91 [of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009]¹,
- a power to give a direction about the exercise of an eligible power.

- (2) An “eligible power” means a power of a council for a county, metropolitan district or non-metropolitan district comprised in an area for which there is no county council, which the council has—
- (a) as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66), or
 - (b) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).
- (3) In this section references to a power do not include references to a duty.
- (4) A power of direction under this section must relate only to the exercise of an eligible power in—
- (a) the area of the directing authority, and
 - (b) the area of the authority subject to the direction.
- (5) Where an authority has been designated as a local transport authority by an order under section 91 (dissolution of an integrated transport area), the reference in subsection (4) to the area of the authority is a reference to the territory previously comprised in the integrated transport area.
- (6) A power of direction under this section must relate only to the exercise of an eligible power in respect of—
- (a) a particular road (whether or not specified in the order), or
 - (b) a description of road (whether or not specified in the order).
- (7) In subsection (6) “road”—
- (a) has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984, and
 - (b) does not include any road which is the subject of a concession agreement under Part 1 of the New Roads and Street Works Act 1991 (c. 22).
- (8) A power of direction under this section must relate only to any one or more of—
- (a) the provision of information about the exercise of an eligible power which the authority subject to the direction has or might reasonably be expected to acquire,
 - (b) the imposition on such an authority of requirements relating to procedures to be followed prior to the exercise of an eligible power,
 - (c) the imposition on such an authority of requirements relating to the obtaining of consent prior to the exercise of an eligible power,
 - (d) the imposition on such an authority of conditions subject to which an eligible power may be exercised (including conditions relating to the times at which, and the manner in which, an eligible power may be exercised),
 - (e) a requirement to exercise an eligible power (including a requirement to exercise an eligible power subject to conditions),
 - (f) a prohibition on the exercise of an eligible power.
- (9) A power of direction under this section may be conferred subject to conditions.
- (10) Any direction given by virtue of this section—
- (a) must be given in writing and may be varied or revoked by a further direction in writing, and
 - (b) may make different provision for different cases and different provision for different areas.

(11) If an order makes provision for a direction by virtue of subsection (8)(e), the order must make provision for the direction not to have effect unless the directing authority meets the cost of complying with the direction.

(12) An order under this section must not provide that an authority is subject to concurrent directions given by more than one directing authority about the exercise of the same eligible power.

Notes

¹ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.126 (December 17, 2009)

Commencement

Pt 5 c. 2 s. 88(1)-(12): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 88(1)-(12): England, Wales

Law In Force

89 Contravention of an order under section 88

(1) An order under section 88 may provide that, if an authority exercises any power in contravention of a direction under such an order, the directing authority may take such steps as it considers appropriate to reverse or modify the effect of the exercise of the power.

(2) For the purposes of subsection (1), the directing authority has power to exercise any power of the authority subject to the direction on behalf of that authority.

(3) Any reasonable expenses incurred by the directing authority in taking any steps under subsection (1) are recoverable from the authority subject to the direction as a civil debt.

Commencement

Pt 5 c. 2 s. 89(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 89(1)-(3): England, Wales

Law In Force

[89A Transfer of functions of combined authority

(1) The Secretary of State may by order transfer functions of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 to an ITA.

(2) An order under this section may only be made in relation to functions that—
 (a) relate to transport, and

(b) are exercisable by the combined authority in relation to an area that becomes, or becomes part of, the ITA's integrated transport area by virtue of an order under this Part.

] ¹

Notes

¹ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.127 (December 17, 2009)

Extent

Pt 5 c. 2 s. 89A(1)-(2)(b): England, Wales

Law In Force

90 Changing the boundaries of an integrated transport area

- (1) The Secretary of State may by order designate an integrated transport area in England by—
- (a) including a county or district in an integrated transport area, or
 - (b) removing a county or district from an integrated transport area.
- (2) No part of an integrated transport area established under this section may be separated from the rest of it by a territory which is part of another local government area but which is not included in the integrated transport area.
- (3) Where by virtue of an order a territory ceases to be comprised in an integrated transport area, the order—
- (a) must make provision for designating an authority to be a local transport authority for the territory for the purposes of section 108(4) of the TA 2000, and
 - (b) may transfer functions to that authority from the ITA which was formerly the local transport authority.
- (4) Provision made by virtue of subsection (3) may designate different authorities for different parts of the territory.
- [(5) The reference in subsection (3)(a) to an authority does not include a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.
- (6) Subsection (3) does not apply if the territory becomes part of the area of a combined authority by virtue of an order under section 103 or 106 of that Act.] ¹

Notes

¹ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.128 (December 17, 2009)

Commencement

Pt 5 c. 2 s. 90(1)-(4): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 90(1)-(6): England, Wales

Law In Force

91 Dissolution of an integrated transport area

(1) The Secretary of State may by order dissolve an integrated transport area and abolish the ITA for the integrated transport area.

(2) The order—

- (a) must make provision for designating an authority to be a local transport authority for the territory previously comprised in the integrated transport area for the purposes of section 108(4) of the TA 2000, and
- (b) may transfer functions to that authority from the ITA which was formerly the local transport authority.

(3) Provision made by virtue of subsection (2) may designate different authorities for different parts of the territory.

[(4) The reference in subsection (2)(a) to an authority does not include a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

(5) Subsection (2) does not apply to a territory or part of a territory that becomes the area or part of the area of a combined authority by virtue of an order under section 103 or 106 of that Act.]¹

Notes

¹ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.129 (December 17, 2009)

Commencement

Pt 5 c. 2 s. 91(1)-(3): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 91(1)-(5): England, Wales

Further provision about orders

Law In Force

92 Orders under sections 84 to 91

(1) This section applies to an order made under any of sections 84 to 91.

- (2) An order may be made only if the Secretary of State, having had regard to a scheme prepared and published under section 82 or 83, considers that the making of the order is likely to improve—
- (a) the exercise of statutory functions relating to transport in the area or areas to which the order relates, or
 - (b) the effectiveness and efficiency of transport within that area or those areas.
- (3) The requirement in subsection (2) to have regard to a scheme does not apply in relation to any matter if a direction has been given under section 83 in relation to the matter and any period specified in the direction for the preparation and publication of a scheme has expired.
- (4) Before making an order the Secretary of State must consult—
- (a) such representatives of authorities mentioned in sections 82(2) and 83(2), and
 - (b) such other persons (if any),
- as the Secretary of State considers appropriate.
- (5) In making an order the Secretary of State must have regard to the need—
- (a) to reflect the identities and interests of local communities, and
 - (b) to secure effective and convenient local government.
- (6) An order which makes provision for dissolution of an integrated transport area may be made only with the consent of a majority of the councils falling within subsection (7).
- (7) The councils are—
- (a) the councils for any metropolitan districts whose areas are comprised in the integrated transport area,
 - (b) the councils for any counties whose areas are comprised in the integrated transport area,
 - (c) any unitary councils for any non-metropolitan districts whose areas are comprised in the integrated transport area.
- (8) An order which changes the boundaries of an integrated transport area may be made only if each council mentioned in subsection (9) has consented to the boundary change.
- (9) The councils are—
- (a) any council for a county or a metropolitan district, and any unitary council, whose area—
 - (i) is comprised in the existing integrated transport area, and
 - (ii) would not be comprised in the proposed integrated transport area,
 - (b) any council for a county or a metropolitan district, and any unitary council, whose area—
 - (i) is not comprised in the existing integrated transport area, and
 - (ii) would be comprised in the proposed integrated transport area.
- (10) In this section a “unitary council” is a council for a non-metropolitan district comprised in an area for which there is no county council.
- (11) This section has effect in relation to the variation or revocation of an order as it has effect in relation to the making of an order.

Commencement

Pt 5 c. 2 s. 92(1)-(11): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 92(1)-(11): England, Wales

Law In Force

93 Incidental etc provision

(1) The Secretary of State may by order make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, an order under this Chapter, or for giving full effect to such an order.

(2) The provision which may be included by virtue of this section in an order includes provision for the transfer of property, rights and liabilities by—

- (a) the order,
- (b) a scheme made by the Secretary of State under the order,
- (c) a scheme required to be made under the order by a person other than the Secretary of State.

(3) The provision which may be included by virtue of subsection (2) in an order includes provision—

- (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred by or under an order,
- (b) for the management or custody of transferred property,
- (c) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.

(4) The provision which may be included by virtue of this section in an order includes provision amending, modifying, repealing or revoking any enactment, whenever passed or made.

(5) The provision which may be included by virtue of subsection (4) does not include provision amending or disapplying sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (c. 42) (political balance on local authority committees etc).

(6) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Commencement

Pt 5 c. 2 s. 93(1)-(6): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 93(1)-(6): England, Wales

✔ Law In Force

94 Procedure for orders under this Chapter

- (1) Any power to make an order under this Chapter is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under this Chapter may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) If, apart from this subsection, an instrument containing an order under this Chapter would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not a hybrid instrument.

Commencement

Pt 5 c. 2 s. 94(1)-(3): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 94(1)-(3): England, Wales

Directions and guidance

✔ Law In Force

95 Further provision about directions

- (1) Any direction under section 81 or 83 must be given in writing and may be varied or revoked by a further direction in writing.
- (2) Any such direction may make different provision for different cases and different provision for different areas.

Commencement

Pt 5 c. 2 s. 95(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 95(1)-(2): England, Wales

✔ Law In Force

96 Guidance

- (1) The Secretary of State may give guidance about anything which could be done by a local authority under this Chapter.
- (2) Any guidance under this section must be given in writing and may be varied or revoked by further guidance in writing.

(3) Any such guidance may make different provision for different cases and different provision for different areas.

(4) In exercising any function under this Chapter a local authority must have regard to any guidance under this section.

(5) In this section a “local authority” is—

- (a) a county council;
- (b) a district council;
- (c) an ITA.

Commencement

Pt 5 c. 2 s. 96(1)-(5)(c): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 96(1)-(5)(c): England, Wales

Power to change name

Law In Force

97 Change of name of ITA

(1) An ITA may, by a resolution in relation to which the requirements mentioned in subsection (2) are met, change the name by which it is known.

(2) The requirements are—

- (a) that the resolution is considered at a meeting of the ITA which is specially convened for the purpose,
- (b) that particulars of the resolution were included in the notice of the meeting, and
- (c) that the resolution is passed at the meeting by not less than two-thirds of the members of the ITA who vote on it.

(3) An ITA which changes its name under this section must—

- (a) send notice of the change to the Secretary of State, and
- (b) publish the notice in such manner as the Secretary of State may direct.

(4) A change of name under this section does not affect the rights or obligations of the ITA concerned or any other person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

Commencement

Pt 5 c. 2 s. 97(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 97(1)-(4): England, Wales

Amendment of power to reorganise functions

Law In Force

98 Amendment of power to reorganise functions

(1) Section 42 of the Local Government Act 1985 (c. 51) (reorganisation of functions by Secretary of State) is amended in accordance with subsections (2) and (3).

(2) In subsection (1)—

- (a) omit “any of the following purposes”,
- (b) omit paragraph (c),
- (c) in paragraph (d), omit “whether or not an order is made for any of the foregoing purposes”.

(3) In subsection (3) omit “any passenger transport authority”.

(4) In section 9(1) of the TA 1968 (Passenger Transport Areas, etc) omit “Subject to any order under section 42(1)(c) of the Local Government Act 1985 (alteration or abolition of passenger transport areas, etc)”.

Commencement

Pt 5 c. 2 s. 98(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 2 s. 98(1)-(4): England, Wales

CHAPTER 3**POWER TO PROMOTE WELL-BEING**

Law In Force

99 Power to promote well-being

(1) An ITA has power to take any action if the ITA determines that doing so is likely to achieve any one or more of the following objects—

- (a) the promotion or improvement of the economic well-being of its area,
- (b) the promotion or improvement of the social well-being of its area,
- (c) the promotion or improvement of the environmental well-being of its area.

(2) The power under subsection (1) may be exercised in relation to or for the benefit of—

- (a) the whole or any part of the integrated transport area, or
- (b) all or any persons resident or present in, or travelling in or through, the integrated transport area.

- (3) The power under subsection (1) includes power to—
- (a) incur expenditure,
 - (b) give financial assistance to any person,
 - (c) enter into arrangements or agreements with any person,
 - (d) co-operate with, or facilitate or co-ordinate the activities of, any person,
 - (e) exercise on behalf of any person any functions of that person, and
 - (f) provide staff, goods, services or accommodation to any person.
- (4) The power under subsection (1) includes power to do anything in relation to, or for the benefit of, any person or area situated outside its area if it considers that doing so is likely to achieve any one or more of the objects in that subsection.
- (5) Nothing in subsection (3) or (4) affects the generality of the power under subsection (1).
- (6) Subsection (7) applies if there is, in relation to an ITA—
- (a) a PTE established under section 9 of the TA 1968 for the integrated transport area of the ITA, or
 - (b) an executive body established by virtue of section 79(1)(a) or 84(2)(d).
- (7) The ITA may delegate to the PTE or executive body its function of taking action under subsection (1) (but not the function of determining what action to take).

Commencement

Pt 5 c. 3 s. 99(1)-(7): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 3 s. 99(1)-(7): England, Wales

Law In Force

100 Limits on power to promote well-being

- (1) The power under section 99(1) does not enable an ITA to do anything which the ITA is unable to do by virtue of any prohibition, restriction or limitation on its powers which is contained in any enactment (whenever passed or made).
- (2) The power under section 99(1) does not enable an ITA to raise money (whether by precepts, borrowing or otherwise).
- (3) The Secretary of State may by order made by statutory instrument make provision preventing ITAs from doing, by virtue of section 99(1), anything which is specified, or is of a description specified, in the order.
- (4) The power under subsection (3) may be exercised in relation to—
- (a) all ITAs,
 - (b) particular ITAs, or
 - (c) ITAs of particular descriptions.
- (5) Before making an order under subsection (3), the Secretary of State must consult—
- (a) such representatives of ITAs,

- (b) such representatives of local government, and
 - (c) such other persons (if any),
- as the Secretary of State considers appropriate.
- (6) Subsection (5) does not apply to an order under subsection (3) which is made only for the purpose of amending an earlier order under that subsection—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.
- (7) Before exercising the power under section 99(1), an ITA must have regard to any guidance for the time being issued by the Secretary of State about the exercise of that power.
- (8) Before issuing any guidance under subsection (7), the Secretary of State must consult—
- (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),
- as the Secretary of State considers appropriate.
- (9) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).
- (10) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Commencement

Pt 5 c. 3 s. 100(1)-(10): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 3 s. 100(1)-(10): England, Wales

Law In Force

101 Power to amend or repeal enactments

- (1) If the Secretary of State thinks that an enactment (whenever passed or made) prevents or obstructs ITAs from exercising their power under section 99(1), the Secretary of State may by order made by statutory instrument amend, repeal, revoke or disapply that enactment.
- (2) The power under subsection (1) may be exercised in relation to—
- (a) all ITAs,
 - (b) particular ITAs, or
 - (c) ITAs of a particular description.
- (3) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.
- (4) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

(5) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Commencement

Pt 5 c. 3 s. 101(1)-(5): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 3 s. 101(1)-(5): England, Wales

Law In Force

102 Procedure for orders under section 101

(1) Before making an order under section 101 the Secretary of State must consult—

- (a) such representatives of ITAs,
- (b) such representatives of local government, and
- (c) such other persons (if any),

as appear to the Secretary of State likely to be affected by the proposals.

(2) If, following consultation under subsection (1), the Secretary of State proposes to make an order under section 101, the Secretary of State must lay before each House of Parliament a document which—

- (a) explains the proposals,
- (b) sets them out in the form of a draft order, and
- (c) gives details of consultation under subsection (1).

(3) Where a document relating to proposals is laid before Parliament under subsection (2), no draft of an order under section 101 to give effect to the proposals (with or without modifications) is to be laid before Parliament in accordance with section 101(5) until after the expiry of the period of sixty days beginning with the day on which the document was laid.

(4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which—

- (a) Parliament is dissolved or prorogued, or
- (b) either House is adjourned for more than four days.

(5) In preparing a draft order under section 101 the Secretary of State must consider any representations made during the period mentioned in subsection (3).

(6) A draft order under section 101 which is laid before Parliament in accordance with section 101(5) must be accompanied by a statement of the Secretary of State giving details of—

- (a) any representations considered in accordance with subsection (5), and
- (b) any changes made to the proposals contained in the document laid before Parliament under subsection (2).

(7) Nothing in this section applies to an order under section 101 which is made only for the purpose of amending an earlier order under that section—

- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or

(b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.

Commencement

Pt 5 c. 3 s. 102(1)-(7)(b): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 5 c. 3 s. 102(1)-(7)(b): England, Wales

Law In Force

[102A Application of Chapter to combined authorities

(1) This Chapter applies to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 as it applies to an ITA.

(2) In the application of this Chapter to a combined authority, references to an integrated transport area are to the combined authority's area.

] ¹

Notes

¹ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.130 (December 17, 2009)

Extent

Pt 5 c. 3 s. 102A(1)-(2): England, Wales

[CHAPTER 4

GENERAL POWERS] ¹

Notes

¹ Added by Localism Act 2011 c. 20 Pt 1 c.3 s.11 (February 18, 2012)

Law In Force

[102B Powers of Integrated Transport Authorities

(1) An ITA may do—

(a) anything the ITA considers appropriate for the purposes of the carrying-out of any of the ITA's functions (the ITA's “functional purposes”),

(b) anything the ITA considers appropriate for purposes incidental to the ITA's functional purposes,

- (c) anything the ITA considers appropriate for purposes indirectly incidental to the ITA's functional purposes through any number of removes,
- (d) anything the ITA considers to be connected with—
 - (i) any of the ITA's functions, or
 - (ii) anything the ITA may do under paragraph (a), (b) or (c), and
- (e) for a commercial purpose anything which the ITA may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.

(2) Where subsection (1) confers power on an ITA to do something, it confers power (subject to section 102C) to do it anywhere in the United Kingdom or elsewhere.

(3) An ITA's power under subsection (1) is in addition to, and is not limited by, the other powers of the ITA.

- (4) Subsection (5) applies if there is, in relation to an ITA—
- (a) a Passenger Transport Executive established under section 9 of the TA 1968 for the integrated transport area of the ITA, or
 - (b) an executive body established by virtue of section 79(1)(a) or 84(2)(d).

(5) The ITA may delegate to the Executive or body the ITA's function of taking action under subsection (1) (but not the function of determining what action to take).


]

Notes

¹ Added by Localism Act 2011 c. 20 Pt 1 c.3 s.11 (February 18, 2012)

Extent

Pt 5 c. 4 s. 102B(1)-(5): England, Wales

 Law In Force

[102C Boundaries of power under section 102B

- (1) Section 102B(1) does not enable an ITA to do—
- (a) anything which the ITA is unable to do by virtue of a precommencement limitation, or
 - (b) anything which the ITA is unable to do by virtue of a postcommencement limitation which is expressed to apply—
 - (i) to the ITA's power under section 102B(1),
 - (ii) to all of the ITA's powers, or
 - (iii) to all of the ITA's powers but with exceptions that do not include the ITA's power under section 102B(1).

(2) If exercise of a pre-commencement power of an ITA is subject to restrictions, those restrictions apply also to exercise of the power conferred on the ITA by section 102B(1) so far as it is overlapped by the pre-commencement power.

(3) Section 102B(1) does not authorise an ITA to borrow money.

(4) Section 102B(1)(a) to (d) do not authorise an ITA to charge a person for anything done by the ITA otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of ITAs and other best value authorities to charge for discretionary services)).

(5) Section 102B(1)(e) does not authorise an ITA to do things for a commercial purpose in relation to a person if a statutory provision requires the ITA to do those things in relation to the person.

(6) Where under section 102B(1)(e) an ITA does things for a commercial purpose, it must do them through—

- (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
- (b) [a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered or deemed to be registered under]² the Industrial and Provident Societies Act (Northern Ireland) 1969.

(7) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 11 of that Act;

“pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;

“pre-commencement power” means power conferred by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

]¹

Notes

¹ Added by Localism Act 2011 c. 20 Pt 1 c.3 s.11 (February 18, 2012)

² Words substituted by Co-operative and Community Benefit Societies Act 2014 c. 14 Sch.4(2) para.138 (August 1, 2014 immediately after 2010 c.7 s.1)

Extent

Pt 5 c. 4 s. 102C(1)-(7) definition of "statutory provision": England, Wales

✔ Law In Force

[102D Power to make provision supplemental to section 102B

(1) The Secretary of State may by order made by statutory instrument make provision preventing ITAs from doing under section 102B(1) anything which is specified, or is of a description specified, in the order.

(2) The Secretary of State may by order made by statutory instrument provide for the exercise by ITAs of power conferred by section 102B(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.

(3) The power under subsection (1) or (2) may be exercised in relation to—

- (a) all ITAs,
- (b) particular ITAs, or
- (c) particular descriptions of ITAs.

(4) Before making an order under subsection (1) or (2) the Secretary of State must consult—

- (a) such representatives of ITAs,
- (b) such representatives of local government, and
- (c) such other persons (if any),

as the Secretary of State considers appropriate.

(5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order—

- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
- (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.

(6) Power to make an order under this section includes—

- (a) power to make different provision for different cases, circumstances or areas, and
- (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.

(7) The Secretary of State may not make an order to which subsection (8) applies unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.

(8) This subsection applies to—

- (a) an order under subsection (1), other than one that is made only for the purpose mentioned in subsection (5)(b);
- (b) an order under subsection (2), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose.

(9) A statutory instrument that—

- (a) contains an order made under this section, and
- (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,

is subject to annulment in pursuance of a resolution of either House of Parliament.

]¹

Notes

¹ Added by Localism Act 2011 c. 20 Pt 1 c.3 s.11 (February 18, 2012)

Extent

Pt 5 c. 4 s. 102D(1)-(9)(b): England, Wales

[PART 5A**SUB-NATIONAL TRANSPORT BODIES**

]¹

Notes

¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

[Establishment and constitution of STBs]¹

Notes

¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Law In Force

[102E Power to establish STBs

(1) The Secretary of State may by regulations establish a sub-national transport body for any area in England outside Greater London.

(2) In this Part—

- (a) “STB” means a sub-national transport body established under this section, and
- (b) references to the area of an STB are to the area in England for which the STB is established.

(3) Regulations under this section must specify—

- (a) the name by which the STB is to be known, and
- (b) the area of the STB.

(4) The area of an STB must consist of the whole of the area of two or more relevant authorities (whether or not of the same kind).

(5) Each of the following is a “relevant authority” for the purposes of this Part—

- (a) a combined authority;
 - (b) an ITA;
 - (c) a county council that comes within subsection (6);
 - (d) a unitary district council that comes within that subsection;
 - (e) the Council of the Isles of Scilly.
- (6) A council comes within this subsection if no part of its area forms part of—
- (a) the area of a combined authority, or
 - (b) an integrated transport area.
- (7) An STB is to be established as a body corporate.
-] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102E(1)-(7): England, Wales

Law In Force

[102F Requirements in connection with regulations under section 102E

- (1) Regulations under section 102E may be made establishing an STB for an area only if the Secretary of State considers that—
- (a) its establishment would facilitate the development and implementation of transport strategies for the area, and
 - (b) the objective of economic growth in the area would be furthered by the development and implementation of such strategies.
- (2) The reference in subsection (1)(a) to “transport strategies”, in relation to the area of an STB, is a reference to strategies for improving—
- (a) the exercise of transport functions in the area (whether or not exercisable by the STB), and
 - (b) the effectiveness and efficiency of transport to, from or within the area.
- (3) Regulations under section 102E establishing an STB for an area may be made only if—
- (a) the constituent authorities have together made a proposal to the Secretary of State for there to be an STB for the area, and
 - (b) those authorities consent to the making of the regulations.
- (4) For the purposes of this Part, the constituent authorities of an STB are every relevant authority whose area is within the area, or proposed area, of the STB.
- (5) Before making a proposal under this section the constituent authorities must consult—
- (a) each appropriate authority (if it is not a constituent authority), and
 - (b) any other persons whom the constituent authorities consider it is appropriate to consult.

(6) The Secretary of State may require the constituent authorities to consult any other persons (not already consulted under subsection (5)(b)) whom the Secretary of State considers should be consulted in connection with a proposal under this section.

(7) For the purposes of subsection (5), each of the following is an “appropriate authority” if any part of the authority's area adjoins the area of the proposed STB—

- (a) a combined authority;
- (b) an ITA;
- (c) Transport for London;
- (d) a county council;
- (e) a unitary district council;
- (f) a London borough council.

] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102F(1)-(7)(f): England, Wales

Law In Force

[102G Constitution of STBs

(1) The Secretary of State may by regulations make provision about the constitutional arrangements in relation to an STB.

(2) “Constitutional arrangements”, in relation to an STB, include arrangements in respect of—

- (a) the membership of the STB (including the number and appointment of members of the STB),
- (b) the voting powers of members of the STB (including provision for different weight to be given to the vote of different descriptions of member),
- (c) the executive arrangements of the STB, and
- (d) the functions of any executive body of the STB.

(3) Regulations made by virtue of subsection (2)(a) which include provision about the number and appointment of members of the STB must provide—

- (a) for the members of the STB to be appointed by the STB's constituent authorities, and
- (b) for those members to be appointed from among the elected members of the constituent authorities.

(4) Regulations made by virtue of subsection (2)(a) may provide for persons, who are not elected members of the constituent authorities, to be appointed as co-opted members of an STB; but such regulations must provide (by virtue of subsection (2)(b)) for those co-opted members to be non-voting members of the STB.

- (5) The voting members of an STB may resolve that provision made in accordance with subsection (4) is not to apply (generally or in relation to particular matters) in the case of the STB.
- (6) In subsection (2)(c) “executive arrangements” means—
- (a) the appointment of an executive;
 - (b) the functions of the STB which are the responsibility of an executive;
 - (c) the functions of the STB which are the responsibility of an executive and which may be discharged by a committee of the STB, by an officer of the STB or by a body other than the STB;
 - (d) arrangements relating to the review and scrutiny of the discharge of functions;
 - (e) access to information on the proceedings of an executive of the STB;
 - (f) the keeping of a record of any arrangements relating to the STB and falling within any of paragraphs (a) to (e).
- (7) The provision which may be made by regulations by virtue of subsection (2)(d) includes—
- (a) provision setting up or dissolving an executive body of an STB, or merging two or more executive bodies of an STB;
 - (b) provision conferring functions on, or removing functions from, an executive body of an STB;
 - (c) provision transferring functions of an STB to an executive body of the STB, and transferring functions of an executive body of an STB to the STB.
- (8) Regulations under this section may authorise an STB to delegate any of its functions to one or more of its constituent authorities (and any such delegation may be made subject to conditions or limitations).
- (9) Regulations under this section may not provide for the budget of an STB to be agreed otherwise than by the STB.
- (10) For the purposes of subsections (3) and (4), the “elected members” of a constituent authority—
- (a) in the case of a combined authority, are the mayor for the area of the combined authority (if there is one) and those members of the authority who are appointed from among the elected members of the authority's constituent councils (see section 85(1)(b) above as applied by section 104(2) of the Local Democracy, Economic Development and Construction Act 2009);
 - (b) in the case of an ITA, are those members of the ITA who are appointed from among the elected members of the ITA's constituent councils (see section 85(1)(b) above);
 - (c) in the case of a county council, a unitary district council or the Council of the Isles of Scilly, are the elected members of the council.

] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102G(1)-(10)(c): England, Wales

[Functions]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)
-

Law In Force

[102H General functions

(1) The Secretary of State may by regulations provide for an STB to have any of the following functions in relation to its area—

- (a) to prepare a transport strategy for the area (see section 102I);
- (b) to provide advice to the Secretary of State about the exercise of transport functions in relation to the area (whether exercisable by the Secretary of State or others);
- (c) to co-ordinate the carrying out of transport functions in relation to the area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of those functions;
- (d) if the STB considers that a transport function in relation to the area would more effectively and efficiently be carried out by the STB, to make proposals to the Secretary of State for the transfer of that function to the STB;
- (e) to make other proposals to the Secretary of State about the role and functions of the STB.

(2) The Secretary of State may by regulations provide for an STB to have other functions of a description set out in the regulations.

(3) Regulations under subsection (2) may be made only for functions to be exercisable in relation to the area of the STB that—

- (a) relate to transport,
- (b) the Secretary of State considers can appropriately be exercised by the STB, and
- (c) are not already exercisable in relation to that area by a local authority or a public authority (see instead sections 102J and 102K respectively for a power to transfer such functions to an STB).

(4) The Secretary of State may by regulations make further provision about how an STB is to carry out functions that it has under or by virtue of this Part.

(5) Regulations under this section in relation to an existing STB may be made only with the consent of the STB.

(6) Nothing in this section limits the power of the Secretary of State to confer other functions on an STB under this Part.

¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102H(1)-(6): England, Wales

✔ Law In Force

[102I Transport strategy of an STB

(1) The transport strategy of an STB is a document containing the STB's proposals for the promotion and encouragement of sustainable, safe, integrated, efficient and economic transport facilities and services to, from and within the area of the STB.

(2) The transport facilities and services mentioned in subsection (1) are—

- (a) those required to meet the needs of persons (including pedestrians) living or working in, or visiting, the area of the STB, and
- (b) those required for the transportation of freight.

(3) An STB may include in its transport strategy any other proposals it considers appropriate that relate to transport to, from or within its area.

(4) An STB must publish its transport strategy.

(5) If an STB revises its transport strategy, the STB must publish the strategy as revised.

(6) In preparing or revising its transport strategy an STB must carry out a public consultation.

(7) In carrying out a public consultation under subsection (6), the STB must ensure that such of the following persons as the STB considers appropriate (taking into account the proposals to be contained in the strategy) have a reasonable opportunity to respond to the consultation—

- (a) the Secretary of State;
- (b) a combined authority;
- (c) another STB;
- (d) an ITA;
- (e) a Passenger Transport Executive;
- (f) Transport for London;
- (g) a person to whom a licence is granted under section 8 of the Railways Act 1993 (licences authorising persons to be operator of railway assets);
- (h) Highways England Company Limited;
- (i) a local highway authority (within the meaning of the Highways Act 1980);
- (j) a county council in England;
- (k) a unitary district council;
- (l) a London borough council.

(8) In preparing or revising its transport strategy an STB must (among other matters) have regard to—

- (a) the promotion of economic growth in its area,
- (b) the social and environmental impacts in connection with the implementation of the proposals contained in the strategy,
- (c) any current national policy relating to transport that has been published by or on behalf of Her Majesty's Government, and
- (d) the results of the public consultation mentioned in subsection (6).

(9) The Secretary of State must have regard to proposals contained in the transport strategy of an STB that appear to the Secretary of State to further the objective of economic growth in the area of the STB in determining—

- (a) national policies relating to transport (so far as relevant in relation to such proposals), and
- (b) how such policies are to be implemented in relation to the area of the STB.

(10) The constituent authorities of an STB must exercise transport functions with a view to securing the implementation of the proposals contained in the STB's transport strategy.

(11) In this Part “transport strategy”, in relation to an STB, means the transport strategy prepared or revised by an STB under this section by virtue of the function in section 102H(1)(a).

] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102I(1)-(11): England, Wales

Law In Force

[102J Exercise of local transport functions

(1) The Secretary of State may by regulations provide for functions that are exercisable by a local authority in an area that is, or is to become, the area of an STB to be exercisable by the STB.

(2) Regulations under this section may be made—

- (a) only in relation to functions that relate to transport, and
- (b) only if the Secretary of State considers that the function can appropriately be exercised by the STB.

(3) For the purposes of subsection (2)(a), regulations under this section may be made in respect of a function that relates both to transport and to other matters only so far as the function is exercisable in relation to transport.

(4) Regulations under this section may make provision for a function to be exercisable by the STB either generally or subject to such conditions or limitations as may be specified in the regulations.

(5) Regulations under this section may make provision—

- (a) for a function to be exercisable by the STB instead of by the local authority, or
- (b) for a function to be exercisable by the STB concurrently with the local authority.

(6) Regulations under this section may be made only with the consent of—

- (a) the local authority concerned, and
- (b) in the case of regulations made in relation to an existing STB, the STB.

(7) In this section “local authority” means—

- (a) a combined authority;

- (b) an ITA;
- (c) a Passenger Transport Executive;
- (d) a county council in England;
- (e) a unitary district council;
- (f) the Council of the Isles of Scilly.

] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102J(1)-(7)(f): England, Wales

Law In Force

[102K Other public authority functions

(1) The Secretary of State may by regulations provide for functions that are exercisable by a public authority in relation to an area that is, or is to become, the area of an STB to be exercisable by the STB.

(2) Regulations under this section may be made—

- (a) only in relation to functions that relate to transport, and
- (b) only if the Secretary of State considers that the function can appropriately be exercised by the STB.

(3) For the purposes of subsection (2)(a), regulations under this section may be made in respect of a function that relates both to transport and to other matters only so far as the function is exercisable in relation to transport.

(4) Regulations under this section may make provision for a function to be exercisable by the STB either generally or subject to such conditions or limitations as may be specified in the regulations.

(5) Regulations under this section may make provision—

- (a) for a function to be exercisable by the STB instead of by the public authority, or
- (b) for a function to be exercisable by the STB jointly with the public authority.

(6) Regulations under this section in relation to an existing STB may be made only with the consent of the STB.

(7) In this section—

“function” does not include a power to make regulations or other instruments of a legislative character;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;

“public authority”—

- (a) includes a Minister of the Crown or a government department;
- (b) does not include a local authority as defined by section 102J.

] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102K(1)-(7) definition of "public authority" (b): England, Wales

Law In Force

[102L Funding

- (1) The Secretary of State may pay grants to STBs to cover expenditure incurred in the carrying out of their functions.
- (2) Grants may be paid under this section subject to any conditions the Secretary of State thinks appropriate (including conditions as to repayment).
- (3) The Secretary of State may by regulations make provision—
- (a) for the constituent authorities of an STB to contribute to its costs, and
 - (b) about the basis on which the amount payable by each constituent authority is to be determined.

]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102L(1)-(3)(b): England, Wales

[General powers etc]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)
-

Law In Force

[102M General powers

- (1) An STB may do—

- (a) anything it considers appropriate for the purposes of the carrying out of any of its functions (its “functional purposes”),
 - (b) anything it considers appropriate for purposes incidental (whether directly or indirectly) to its functional purposes,
 - (c) anything it considers to be connected with—
 - (i) any of its functions, or
 - (ii) anything it may do under paragraph (a) or (b), and
 - (d) for a commercial purpose, anything which it may do under any of paragraphs (a) to (c) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an STB to do something, it confers power (subject to section 102N) to do it anywhere in the United Kingdom or elsewhere.
- (3) Power conferred on an STB by subsection (1) is in addition to, and is not limited by, the other powers of the STB.
- (4) Where an STB has an executive body established by virtue of section 102G, the STB may delegate to that body its function of taking action under subsection (1) (but not the function of determining what action to take).
-] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102M(1)-(4): England, Wales

Law In Force

[102N Boundaries of power under section 102M

- (1) Section 102M(1) does not enable an STB to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply—
- (a) to its power under section 102M(1),
 - (b) to all of its powers, or
 - (c) to all of its powers but with exceptions that do not include its power under section 102M(1).
- (2) Section 102M(1) does not authorise an STB to borrow money.
- (3) Section 102M(1)(a) to (c) do not authorise an STB to charge a person for anything it does otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of STBs and other best value authorities to charge for discretionary services)).
- (4) Section 102M(1)(d) does not authorise an STB to do things for a commercial purpose in relation to a person if a statutory provision requires the STB to do those things in relation to the person.
- (5) Where under section 102M(1)(d) an STB does things for a commercial purpose, it must do them through—

- (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
- (b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014.

(6) In this section—

“post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed after the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or
- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 21 of that 2016 Act;

“statutory provision” means a provision of an Act or of an instrument made under an Act.

]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102N(1)-(6) definition of "statutory provision": England, Wales

Law In Force

[102O Power to make provision supplemental to section 102M

(1) The Secretary of State may by regulations make provision preventing an STB from doing under section 102M(1) anything which is specified, or is of a description specified, in the regulations.

(2) The Secretary of State may by regulations provide for the exercise by STBs of the power conferred by section 102M(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the regulations.

(3) Before making regulations under subsection (1) or (2) the Secretary of State must consult—

- (a) such representatives of STBs,
- (b) such representatives of local government, and
- (c) such other persons (if any),

as the Secretary of State considers appropriate.

(4) Subsection (3) does not apply to regulations under subsection (1) or (2) which are made only for the purpose of amending earlier such regulations—

- (a) so as to extend the earlier regulations, or any provision of the earlier regulations, to a particular STB or to STBs of a particular description, or
- (b) so that the earlier regulations, or any provision of the earlier regulations, cease to apply to a particular STB or to STBs of a particular description.

]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102O(1)-(4)(b): England, Wales

Law In Force

[102P Power of direction

- (1) The Secretary of State may by regulations confer on an STB a power to give directions to a constituent authority about the exercise of transport functions by the authority in the area of the STB.
- (2) The power to give a direction by virtue of subsection (1) about the exercise of a function extends only so far as the exercise of the function is relevant to the implementation of the STB's transport strategy.
- (3) Regulations under this section conferring a power to direct may include provision—
- (a) for the power to be given generally or subject to conditions or limitations;
 - (b) for the power to apply to all transport functions or only to those functions specified or described in the regulations;
 - (c) about the manner in which directions are to be given;
 - (d) about the consequences arising if there is a contravention of a direction.
- (4) Provision under subsection (3)(d) may include provision enabling the STB—
- (a) to take any steps it considers appropriate to reverse or modify the effect of a constituent authority exercising a transport function in contravention of the direction, and
 - (b) to recover any reasonable expenses incurred in taking those steps as a civil debt from the constituent authority.

] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102P(1)-(4)(b): England, Wales

[Boundary and name changes]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)
-

Law In Force

[102Q Change to boundaries of an STB's area

- (1) The Secretary of State may by regulations change the boundaries of the area of an STB by—
- (a) adding the area of a relevant authority to an existing area of an STB, or
 - (b) removing the area of a constituent authority from an existing area of an STB.
- (2) Regulations under this section may be made—
- (a) only if the constituent authorities have together made a proposal to the Secretary of State for the boundaries to be changed in the manner that would be provided for in the regulations;
 - (b) in the case of regulations under subsection (1)(a), only if the relevant authority whose area would be added to the area of the STB joins in the making of the proposal;
 - (c) in the case of regulations under subsection (1)(b), only if the resulting area of the STB meets the condition in section 102E(4).
- (3) Regulations under this section changing the boundaries of the area of an STB may be made only if the Secretary of State considers that paragraphs (a) and (b) of section 102F(1) would apply in relation to the area as varied by the regulations.
- (4) Regulations under this section may be made only with the consent of—
- (a) the STB, and
 - (b) in the case of regulations under subsection (1)(a), the relevant authority whose area would be added to the area of the STB.

]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102Q(1)-(4)(b): England, Wales

Law In Force

[102R Change of name

- (1) An STB may change its name by a resolution in accordance with this section.

- (2) The resolution must be considered at a meeting of the STB that is specially convened for the purpose.
 - (3) Particulars of the resolution must be included in the notice of the meeting.
 - (4) The resolution must be passed at the meeting by not less than two-thirds of the members of the STB who vote on it.
 - (5) An STB which changes its name under this section must—
 - (a) send notice of the change to the Secretary of State, and
 - (b) publish the notice in such manner as the Secretary of State may direct.
 - (6) A change of name under this section does not affect the rights or obligations of the STB or any other person, or render defective any legal proceedings.
 - (7) Any legal proceedings may be commenced or continued as if there had been no change of name.
-]¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102R(1)-(7): England, Wales

*[Supplementary]*¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)
-

Law In Force

[102S Incidental etc provision

- (1) The Secretary of State may by regulations make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, regulations under this Part or for giving full effect to such regulations.
- (2) Regulations under this Part may make different provision for different STBs or otherwise for different purposes.
- (3) The provision which may be included by virtue of this section in regulations includes provision for the transfer under the regulations of property, rights and liabilities.
- (4) The provision which may be included by virtue of subsection (3) in regulations includes provision—

- (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred under the regulations;
- (b) for the management or custody of transferred property;
- (c) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.

(5) The provision which may be included by virtue of this section in regulations includes provision amending, modifying, repealing or revoking any enactment, whenever passed or made.

(6) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

] ¹

Notes

- ¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102S(1)-(6): England, Wales

Law In Force

[102T Procedure for regulations under this Part

- (1) Regulations under this Part must be made by statutory instrument.
- (2) A statutory instrument containing regulations under this Part may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) At the same time as laying a draft of a statutory instrument containing regulations under this Part before Parliament, the Secretary of State must lay before Parliament a report explaining the effect of the regulations and why the Secretary of State considers it appropriate to make the regulations.
- (4) Subsections (2) and (3) do not apply to a statutory instrument that contains regulations only of the following kinds—
- (a) regulations under section 102J that make provision under subsection (4) of that section for a function to be exercisable by an STB for a limited period of time;
 - (b) regulations under section 102J that make provision under subsection (5)(b) of that section;
 - (c) regulations under section 102K that make provision under subsection (4) of that section for a function to be exercisable by an STB for a limited period of time;
 - (d) regulations under section 102K that make provision under subsection (5)(b) of that section;
 - (e) regulations under section 102O(1) that make provision for the purpose mentioned in section 102O(4)(b);
 - (f) regulations under section 102O(2) that make provision for that purpose or for imposing conditions on the doing of things for a commercial purpose.

(5) A statutory instrument to which subsections (2) and (3) do not apply is subject to annulment by resolution of either House of Parliament.

(6) If a draft of regulations under this Part would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not a hybrid instrument.

] ¹

Notes

¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102T(1)-(6): England, Wales

Law In Force

[102U Interpretation

In this Part—

“combined authority” means a body established as a combined authority under section 103 of the Local Democracy, Economic Development and Construction Act 2009;

“constituent authority”, in relation to an STB, has the meaning given by section 102F(4);

“ITA” means an Integrated Transport Authority for an integrated transport area in England;

“Passenger Transport Executive” means a body which is such an Executive for the purposes of Part 2 of the Transport Act 1968;

“relevant authority” has the meaning given by section 102E(5);

“STB” has the meaning given by section 102E(2);

“transport functions” means any statutory functions relating to transport;

“transport strategy” has the meaning given by section 102I(11);

“unitary district council” means a district council whose area is not part of the area of a county council.

] ¹

Notes

¹ Added by Cities and Local Government Devolution Act 2016 c. 1 s.21 (January 28, 2016 for the purpose of enabling the exercise, on or after the day on which this Act is passed, of any power to make provision by order or regulations made by statutory instrument; March 28, 2016 otherwise)

Extent

Pt 5A s. 102U definition of "combined authority"- definition of "unitary district council": England, Wales

PART 6

LOCAL AND LONDON CHARGING SCHEMES

Involvement of Integrated Transport Authorities

✔ Law In Force

103 Power of ITAs to make charging schemes

(1) Section 163 of the TA 2000 (charging schemes: preliminary) is amended as follows.

(2) In subsection (3) (authorities by which charging schemes may be made)—

(a) after paragraph (b) insert—

“(bb) jointly by an Integrated Transport Authority and one or more eligible local traffic authorities (“a joint local-ITA charging scheme”);”;

(b) for “or” at the end of paragraph (c) substitute—

“(cc) jointly by an Integrated Transport Authority, one or more eligible local traffic authorities and one or more London traffic authorities (“a joint ITA-London charging scheme”), or”.

(3) After subsection (4) insert—

“(4A) In this Part “eligible local traffic authority” means, in relation to any Integrated Transport Authority for an integrated transport area, a local traffic authority which is a council falling within subsection (4B) for—

- (a) an area which lies within the Authority's area,
- (b) an area which adjoins the Authority's area,
- (c) an area which adjoins an area falling within paragraph (b).

(4B) The councils are—

- (a) a county council in England,
- (b) a council for a non-metropolitan district comprised in an area for which there is no county council,
- (c) a metropolitan district council.”.

Commencement

Pt 6 s. 103(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(j))

Extent

Pt 6 s. 103(1)-(3): England, Wales

✔ Law In Force

104 Local charging schemes to implement policies of ITAs

(1) Section 164 of the TA 2000 (local charging schemes) is amended as follows.

(2) In subsection (2)—

- (a) after “A local charging scheme” insert “which has effect wholly outside an integrated transport area”;
- (b) for “policies in the charging authority's local transport plan” substitute “local transport policies of the charging authority”.

(3) After subsection (2) insert—

“(3) A local charging scheme which has effect wholly within an integrated transport area may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of—

- (a) the charging authority, and
- (b) the Integrated Transport Authority for the integrated transport area.

(4) For the purposes of this section and sections 165 and 166—

- (a) a charging scheme has effect wholly outside an integrated transport area if none of the roads in respect of which it is made is in such an area;
- (b) any reference to a charging scheme which has effect wholly, or partly, within an integrated transport area is to be read accordingly.”.

Commencement

Pt 6 s. 104(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(j))

Extent

Pt 6 s. 104(1)-(3): England, Wales

✔ Law In Force

105 Joint local charging schemes to implement policies of ITAs

(1) Section 165 of the TA 2000 (joint local charging schemes) is amended as follows.

(2) In subsection (2)—

- (a) after “A joint local charging scheme” insert “which has effect wholly outside an integrated transport area”;
- (b) for “policies in the charging authorities' local transport plans” substitute “local transport policies of the charging authorities”.

(3) After subsection (2) insert—

“(3) A joint local charging scheme which has effect wholly or partly within an integrated transport area may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of—

- (a) the charging authorities, and

- (b) the Integrated Transport Authority for the integrated transport area.
- (4) Section 164(4) has effect for the purposes of this section.”.

Commencement

Pt 6 s. 105(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(j))

Extent

Pt 6 s. 105(1)-(3): England, Wales

Law In Force

106 Joint local-ITA charging schemes

After section 165 of the TA 2000 (joint local charging schemes) insert—

“165A Joint local-ITA charging schemes

- (1) A joint local-ITA charging scheme may only be made—
- (a) in respect of roads for which any of the charging authorities are the traffic authority, and
 - (b) if at least one of the roads in respect of which it is made is within the integrated transport area of the Integrated Transport Authority.
- (2) A joint local-ITA charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of the charging authorities.”.

Commencement

Pt 6 s. 106: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(j))

Extent

Pt 6 s. 106: England, Wales

Law In Force

107 Joint local-London charging schemes to implement policies of ITAs

- (1) Section 166 of the TA 2000 (joint local-London charging schemes) is amended as follows.
- (2) In subsection (2)—
- (a) after “A joint local-London charging scheme” insert “which has effect wholly outside an integrated transport area”;
 - (b) for “policies in the local transport plan” substitute “local transport policies”;
 - (c) omit “the local transport plans of”.

(3) After subsection (2) insert—

“(3) A joint local-London charging scheme which has effect partly within an integrated transport area may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—

- (a) local transport policies of the non-metropolitan local traffic authority, or the non-metropolitan local traffic authorities, by which the scheme is made,
- (b) local transport policies of the Integrated Transport Authority for the integrated transport area, and
- (c) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

(4) Section 164(4) has effect for the purposes of this section.”.

Commencement

Pt 6 s. 107(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(j))

Extent

Pt 6 s. 107(1)-(3): England, Wales

Law In Force

108 Joint ITA-London charging schemes

After section 166 of the TA 2000 (joint local-London charging schemes) insert—

“166A Joint ITA-London charging schemes

(1) A joint ITA-London charging scheme may only be made—

- (a) in respect of roads falling within subsection (2), and
- (b) if at least one of the roads in respect of which it is made is within the integrated transport area of the Integrated Transport Authority.

(2) The roads are—

- (a) roads for which the eligible local traffic authority, or any of the eligible local traffic authorities, by which the scheme is made are the traffic authority, and
- (b) roads in respect of which the London traffic authority, or any of the London traffic authorities, by which the scheme is made may impose charges by a scheme under Schedule 23 to the Greater London Authority Act 1999 without the consent of the Secretary of State.

(3) A joint ITA-London charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—

- (a) local transport policies of the eligible local traffic authority, or the eligible local traffic authorities, by which the scheme is made,

- (b) local transport policies of the Integrated Transport Authority by which the scheme is made, and
- (c) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.”.

Commencement

Pt 6 s. 108: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(j))

Extent

Pt 6 s. 108: England, Wales

Law In Force

109 Consequential amendments

Schedule 5 (further amendments relating to the powers of Integrated Transport Authorities in respect of local charging schemes) has effect.

Commencement

Pt 6 s. 109: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Pt 6 s. 109: England, Wales

Miscellaneous amendments

Law In Force

110 Abolition of requirement for confirmation of English schemes

- (1) Section 169 of the TA 2000 (confirmation of charging schemes) is amended as follows.
- (2) In subsection (1)—
 - (a) after “A charging scheme under this Part” insert “which relates wholly or partly to Wales”;
 - (b) for “the appropriate national authority” substitute “the Welsh Ministers”.
- (3) In subsection (2) for “the appropriate national authority” substitute “the Welsh Ministers”.
- (4) Omit subsection (5).

Commencement

Pt 6 s. 110(1)-(4): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(1))

Extent

Pt 6 s. 110(1)-(4): England, Wales

Law In Force

111 Consultation and inquiries for English schemes

(1) Section 170 of the TA 2000 (charging schemes: consultation and inquiries) is amended as follows.

(2) For subsection (1) substitute—

“(1A) Where the charging authority or any of the charging authorities are—

- (a) a local traffic authority for an area in England, or
- (b) an Integrated Transport Authority,

that authority or those authorities (acting alone or jointly) must consult such local persons, and such representatives of local persons, as they consider appropriate about the charging scheme.

(1B) In subsection (1A)—

“local persons” means any persons who are likely to be affected by, or interested in, the making of the scheme;

“representatives” means any persons who appear to the charging authority or charging authorities to be representative of local persons.

(1C) In any other case, the charging authority or the charging authorities (acting jointly) may, at any time before an order making, varying or revoking a charging scheme under this Part is made, consult such persons as they consider appropriate about the charging scheme, variation or revocation.”

(3) In subsection (3)—

- (a) for “The appropriate national authority” substitute “The Welsh Ministers”;
- (b) in paragraph (a) after “a charging scheme under this Part” insert “which relates wholly or partly to Wales”.

(4) In subsection (4)—

- (a) for “The appropriate national authority” substitute “The Welsh Ministers”;
- (b) in paragraph (a) after “a charging scheme under this Part” insert “which relates wholly or partly to Wales”.

(5) Omit subsection (5)(b) and the word “and” preceding it.

Commencement

Pt 6 s. 111(1)-(5): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(1))

Extent

Pt 6 s. 111(1)-(5): England, Wales

Law In Force

112 Charges

(1) In section 171(5) of the TA 2000 (different charges for different cases) after paragraph (e) insert

“, and

(f) different methods or means of recording, administering, collecting or paying the charge.”.

(2) In Schedule 23 to the GLA Act 1999 (road user charging) in paragraph 10(4) (the charges)—

(a) after “different charges (which may be no charge) for” insert “different cases, including (in particular)”;

(b) after paragraph (e) insert—

“(f) different methods or means of recording, administering, collecting or paying the charge.”.

Commencement

Pt 6 s. 112(1): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(m))

Pt 6 s. 112(2)-(2)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 112(1)-(2)(b): England, Wales

Law In Force

113 Supplementary provision as to charging schemes

(1) Section 172 of the TA 2000 (charging schemes: exemptions etc) is amended as follows.

(2) After subsection (2) insert—

“(2A) The appropriate national authority may by regulations—

(a) make provision requiring charging schemes under this Part to provide that in specified circumstances—

(i) persons of a specified description may pay, and

(ii) where those persons so choose, the charging authorities must collect,

the charges imposed by such schemes in a specified manner;

(b) make provision for or in connection with the arrangements to be made by charging authorities with any person for the purpose of enabling charges to be paid, and collected, as mentioned in paragraph (a).

(2B) In subsection (2A) “specified” means specified in the regulations.”.

(3) For subsection (3) substitute—

“(3) A road shall not be subject to—

(a) charges imposed by more than one charging scheme under this Part at the same time;

(b) charges imposed by such a charging scheme and a scheme under Schedule 23 to the Greater London Authority Act 1999 at the same time, except with the consent of the Authority.”.

(4) In consequence of the amendments made by subsections (1) to (3), the heading to section 172 becomes “Charging schemes: supplementary provision as to contents”.

(5) Schedule 23 to the GLA Act 1999 (road user charging) is amended as follows.

(6) In paragraph 9 (the charging area and the roads), at the end of sub-paragraph (4) insert “, except with the consent of the Authority.”.

(7) After paragraph 10 (the charges) insert—

“10A Manner of payment of charges

(1) Regulations may—

(a) make provision requiring a charging scheme to provide that in specified circumstances—

(i) persons of a specified description may pay, and

(ii) where those persons so choose, the charging authorities must collect, the charges imposed by the scheme in a specified manner;

(b) make provision for or in connection with the arrangements to be made by the charging authority with any person for the purpose of enabling charges to be paid, and collected, as mentioned in paragraph (a).

(2) In sub-paragraph (1) “specified” means specified in the regulations.”.

Commencement

Pt 6 s. 113(1)-(4): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England otherwise; April 1, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(n))

Pt 6 s. 113(5)-(7): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 113(1)-(7): England, Wales

✔ Law In Force

114 Suspension of charging schemes

After section 172 of the TA 2000 insert—

“Suspension of charging schemes

172A Suspension of charging schemes

(1) The charging authority or the charging authorities (acting jointly) may suspend the operation of a charging scheme under this Part if they consider that it is necessary to do so—

- (a) in the event of an emergency, to enable or facilitate any action taken in response to the emergency;
- (b) to enable or facilitate a temporary event to take place.

(2) A suspension under this section is for such period as the charging authority or authorities consider necessary—

- (a) in the case of an emergency, to enable or facilitate the response to the emergency (but in any event no longer than 30 days);
- (b) in the case of a temporary event, to enable or facilitate the event to take place, together with any associated works undertaken before or after it.

(3) A charging scheme may be suspended under this section in whole or in part; and if a scheme is suspended in part that suspension may be in respect of—

- (a) any road in respect of which charges are imposed;
- (b) any event by reference to the happening of which a charge is imposed;
- (c) any class of motor vehicle in respect of which charges are imposed.

(4) The charging authority or authorities must publish a notice of any suspension under this section.

(5) A notice under subsection (4)—

- (a) must be published in such manner as the charging authority or authorities consider appropriate to bring the suspension to the attention of all persons who are likely to be affected by it;
- (b) must state the period for which the scheme is to be suspended.

(6) In the case of a suspension under subsection (1)(a), the charging authority or authorities—

- (a) must keep under review the need for the suspension to continue, and
- (b) may increase or reduce the period of the suspension (but they may not increase it so as to suspend the scheme for a period of more than 30 days).”

Commencement

Pt 6 s. 114: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(o))

Extent

Pt 6 s. 114: England, Wales

✔ Law In Force

115 Interference with functioning of equipment

- (1) In section 173 of the TA 2000 (penalty charges), in subsection (5)(a) after “interferes with any equipment” insert “, or with the functioning of any equipment,”.
- (2) In section 174 of the TA 2000 (examination, entry, search and seizure)—
- (a) in subsection (1)(b) for the words from “or has been interfered with” to the end of the paragraph substitute—

“(bb) whether any such equipment, or the functioning of any such equipment, has been interfered with with intent to avoid payment of a charge, or to avoid any person being identified as having failed to pay a charge, or”;
 - (b) in subsection (2)(a) after “has been interfered with” insert “, or the functioning of any such equipment has been interfered with,”;
 - (c) in subsection (2)(a) and (b) after “to avoid payment of, or” insert “to avoid any person”.
- (3) Schedule 23 to the GLA Act 1999 (road user charging) is amended as follows.
- (4) In paragraph 25(1)(a) (offences) after “interferes with any equipment” insert “, or with the functioning of any equipment,”.
- (5) In paragraph 26 (examination of motor vehicles etc)—
- (a) in sub-paragraphs (1)(b)(iii) and (2)(a) and (b) after “to avoid payment of, or” insert “to avoid any person”;
 - (b) after sub-paragraph (2) insert—

“(2A) The references in sub-paragraphs (1)(b)(iii) and (2)(a) to interfering with equipment include references to interfering with the functioning of it.”.

Commencement

Pt 6 s. 115(1)-(2)(c): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(p))

Pt 6 s. 115(3)-(5)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 115(1)-(5)(b): England, Wales

✔ Law In Force

116 Use of equipment for charging schemes

- (1) Section 176 of the TA 2000 (equipment etc) is amended as follows.
- (2) In subsection (2)—
- (a) the words from “approve standards for equipment” to the end of the subsection become paragraph (a) of that subsection;

(b) after paragraph (a) insert

“, or

(b) regulate the manner in which such equipment is used.”.

(3) In subsection (3)—

(a) the words from “installed for or in connection with” to the end of the subsection become paragraph (a) of that subsection;

(b) for “subsection (2)” substitute “subsection (2)(a)”;

(c) after paragraph (a) insert—

“(b) used for or in connection with the operation of such a scheme otherwise than in accordance with regulations under subsection (2)(b).”.

(4) In Schedule 23 to the GLA Act 1999 (road user charging) paragraph 29 (approval of equipment) is amended as follows.

(5) In sub-paragraph (1)—

(a) the words from “the equipment” to the end of the sub-paragraph become paragraph (a);

(b) after paragraph (a) insert

“, or

(b) the equipment is used in accordance with directions given by the Authority.”.

(6) After sub-paragraph (3) insert—

“(3A) Where the Secretary of State considers that—

(a) directions under sub-paragraph (1)(b) above regarding the use of equipment in connection with a charging scheme are incompatible with regulations under section 176(2)(b) of the Transport Act 2000, and

(b) the incompatibility is detrimental to the interests of persons resident in England outside Greater London,

he may give notice of that fact to the Authority.

(3B) Where the Secretary of State has given notice under sub-paragraph (3A) above to the Authority, the equipment in question may no longer be used in connection with a charging scheme except with the authorisation of the Secretary of State.”.

(7) In each of sub-paragraphs (4) and (5) after “sub-paragraph (3)” insert “or (3B)”.

(8) In consequence of the amendments made by subsections (5) to (7), the heading preceding paragraph 29 becomes “Approval of equipment and directions for use”.

Commencement

Pt 6 s. 116(1)-(3)(c): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(q))

Pt 6 s. 116(4)-(8): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 116(1)-(8): England, Wales

✔ Law In Force

117 Power of national authority to require information from charging authorities

(1) After section 177 of the TA 2000 insert—

“177A Power to require information

(1) The appropriate national authority may direct a local traffic authority or Integrated Transport Authority to provide it, within a specified period, with specified information connected with any aspect of the performance or proposed performance of their functions under this Chapter.

(2) The information that may be specified in such a direction must be information which the authority have in their possession or can reasonably be expected to acquire.

(3) A direction under this section may be given to two or more authorities or to authorities of a description specified in the direction.”.

(2) In Schedule 23 to the GLA Act 1999 (road user charging) after paragraph 34A (information) insert—

“34B Power to require information

(1) The Secretary of State may direct—

- (a) Transport for London,
- (b) any London borough council, or
- (c) the Authority,

to provide the Secretary of State, within a specified period, with specified information connected with any aspect of the performance or proposed performance of their functions under this Schedule.

(2) The information that may be specified in such a direction must be information which the body have in their possession or can reasonably be expected to acquire.

(3) A direction under this section may be given to two or more of the bodies mentioned in sub-paragraph (1) or to such of those bodies as are specified in the direction.”.

Commencement

Pt 6 s. 117(1): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(r))

Pt 6 s. 117(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 117(1)-(2): England, Wales

✔ Law In Force

118 Information: England and Wales

(1) Section 194 of the TA 2000 (information) is amended as follows.

(2) In subsection (1) for the words from “the charging authority or licensing authority” to the end of the subsection substitute “a traffic authority or Integrated Transport Authority for or in connection with the performance or proposed performance of any of their functions under this Part or with respect to a relevant scheme or proposed relevant scheme”.

(3) For subsection (2) substitute—

“(2) Information obtained by a traffic authority or Integrated Transport Authority for or in connection with any of their functions other than functions under this Part may be used by them for or in connection with the performance or proposed performance of any of their functions under this Part or with respect to a relevant scheme or proposed relevant scheme.”.

(4) In subsection (3) (which provides for the disclosure of information and refers to the charging scheme) for “the” in the second place where it occurs substitute “a”.

(5) After subsection (4) insert—

“(5) The Secretary of State or the Welsh Ministers may charge a reasonable fee in respect of the cost of supplying information under subsection (1) or (3).

(6) Where a traffic authority or Integrated Transport Authority asks the Secretary of State to obtain overseas registration information from an overseas registration authority with a view to the Secretary of State disclosing that information under subsection (1) or (3), the Secretary of State may charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information.

(7) In this section—

“overseas registration authority” means any authority of a country or territory outside the United Kingdom with responsibility under the law of that country or territory for maintaining a register of vehicles;

“overseas registration information” means information derived from particulars contained in a register of vehicles that is maintained by an overseas registration authority;

“relevant scheme” means a charging scheme or licensing scheme under this Part.”.

(6) In Schedule 23 to the GLA Act 1999 (road user charging) paragraph 34A (information) is amended as follows.

(7) In sub-paragraph (1) for the words from “a charging authority” to the end of the sub-paragraph substitute “Transport for London or a London borough council for or in connection with the performance or proposed performance of any of their functions under this Schedule or with respect to a charging scheme or proposed charging scheme”.

(8) For sub-paragraph (2) substitute—

“(2) Information obtained by Transport for London or a London borough council for or in connection with their functions other than their functions under this Schedule may be used by them for or in connection with the performance or proposed performance of any of their

functions under this Schedule or with respect to a charging scheme or proposed charging scheme.”.

(9) After sub-paragraph (4) insert—

“(5) The Secretary of State may charge a reasonable fee in respect of the cost of supplying information under sub-paragraph (1) or (3).

(6) Where Transport for London or a London borough council asks the Secretary of State to obtain overseas registration information from an overseas registration authority with a view to the Secretary of State disclosing that information under sub-paragraph (1) or (3), the Secretary of State may charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information.

(7) In this paragraph—

“overseas registration authority” means any authority of a country or territory outside the United Kingdom with responsibility under the law of that country or territory for maintaining a register of vehicles;

“overseas registration information” means information derived from particulars contained in a register of vehicles that is maintained by an overseas registration authority.”.


Commencement

Pt 6 s. 118(1)-(5): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(s))

Pt 6 s. 118(6)-(9): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 118(1)-(9): England, Wales

 Law In Force

119 Information: Scotland

(1) The Secretary of State may charge a reasonable fee in respect of the cost of supplying information to—

- (a) the charging authority, or any of the charging authorities, in relation to a charging scheme made under Part 3 of the Transport (Scotland) Act 2001 (2001 asp 2);
- (b) any person with whom such an authority has entered into arrangements under section 61(b) of that Act.

(2) The reference to information in subsection (1) is a reference to information obtained by the Secretary of State in the exercise of any function that relates to reserved matters (within the meaning of the Scotland Act 1998 (c. 46)).

Commencement

Pt 6 s. 119(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 119(1)-(2): England, Wales, Scotland

Law In Force

120 London charging schemes: 10 year plan for share

(1) In Schedule 23 to the GLA Act 1999 (road user charging) paragraphs 19 to 24 are amended as follows.

(2) In paragraph 19 (charging authority's 10 year plan for their share of proceeds of scheme) omit sub-paragraphs (3)(a) and (4).

(3) In paragraph 20 (charging authority's 4 year programme for their share)—
(a) omit sub-paragraphs (2)(a), (3) and (4);
(b) in sub-paragraph (5) after “prepared and” insert “(where so required)”.

(4) In paragraph 21 (Authority's 10 year plan for the redistributed portion)—
(a) in sub-paragraph (2) omit “and submit to the Secretary of State”;
(b) omit sub-paragraph (4).

(5) In paragraph 22 (Authority's 4 year programmes for the redistributed portion)—
(a) omit sub-paragraph (3);
(b) in sub-paragraph (4) omit “and approved” in both places where those words occur.

(6) In paragraph 23 (non-compliance with paragraph 20 or 22)—
(a) in sub-paragraph (1) after “prepared and” insert “(where so required)”;
(b) in sub-paragraph (2) omit “and approved”.

(7) In paragraph 24 (4 year programmes: amendment, replacement and voluntary statements)—
(a) in sub-paragraph (1) after “prepared and” insert “(where so required)”;
(b) in paragraph (c) of sub-paragraph (3), omit the words from “and, if approved” to the end;
(c) in sub-paragraph (5)(a) after “prepared and” insert “(where so required)”;
(d) omit sub-paragraphs (6)(a) and (7);
(e) in sub-paragraph (8) after “prepared and” in both places where those words occur insert “(where so required)”;
(f) in sub-paragraph (10)—
(i) after “prepared and” in the first place where those words occur insert “(where so required)”;
(ii) omit “prepared and approved” in the second place where those words occur;
(iii) at the beginning of paragraph (a) insert “prepared and approved”;
(iv) at the beginning of paragraph (b) insert “prepared”.

Commencement

Pt 6 s. 120(1)-(7)(f)(iv): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 6 s. 120(1)-(7)(f)(iv): England, Wales

Law In Force

121 Other amendments relating to schemes

Schedule 6 (amendments of the financial provisions relating to road user charging and workplace parking levy schemes) has effect.

Commencement

Pt 6 s. 121: February 9, 2009 for provisions specified in SI 2009/107 art.2(1) and Sch.1 Part 1; February 9, 2009 in relation to England for provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 1; April 1, 2009 otherwise (SI 2009/107 art. 2(1), art. 2(2); SI 2009/107 Sch. 1(1) para. 1, Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Pt 6 s. 121: England, Wales

PART 7**MISCELLANEOUS PROVISIONS***Trunk road charging schemes in Wales*

Law In Force

122 Powers of the National Assembly for Wales

In Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly Measures), in field 10 (highways and transport) insert—

“Matter 10.1

Provision for and in connection with—

- (a) the making, operation and enforcement of schemes for imposing charges in respect of the use or keeping of motor vehicles on Welsh trunk roads;
- (b) the application of the proceeds of charges imposed under such schemes towards purposes relating to transport.

This does not include provision about traffic signs, apart from provision about the placing and maintenance of traffic signs within the meaning of section 177 of the Transport Act 2000.

Interpretation of this field

In this field—

“motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) applies as it applies for the purposes of the Road Traffic Acts;

“road” has the same meaning as in the Road Traffic Regulation Act 1984;

“Welsh trunk road” means a road for which the Welsh Ministers are the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984).”.

Commencement

Pt 7 s. 122: January 26, 2009 (2008 c. 26 Pt 8 s. 134(2))

Extent

Pt 7 s. 122: United Kingdom

Law In Force

123 Information

(1) Information obtained by—

- (a) any Minister of the Crown or government department, or
- (b) any local authority or other statutory body,

may be disclosed to the Welsh Ministers for or in connection with the exercise of any of their functions with respect to a Welsh trunk road charging scheme or proposed such scheme.

(2) Any information which has been or could be disclosed to the Welsh Ministers under subsection (1) for or in connection with the exercise of any of their functions with respect to a Welsh trunk road charging scheme may be disclosed to any person with whom the Welsh Ministers have entered into charging scheme arrangements.

(3) Information disclosed to a person under subsection (2)—

- (a) may be disclosed to any other person for or in connection with the Welsh trunk road charging scheme, but
- (b) may not be disclosed (either by the person to whom it is disclosed under subsection (2) or by any other person to whom it is disclosed under paragraph (a)) otherwise than for or in connection with the scheme.

(4) The Secretary of State may charge a reasonable fee in respect of the cost of supplying information under subsection (1) or (2).

(5) Where the Welsh Ministers ask the Secretary of State to obtain overseas registration information from an overseas registration authority with a view to the Secretary of State disclosing that

information under subsection (1) or (2), the Secretary of State may charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information.

(6) In this section—

“charging scheme arrangements” means arrangements made in respect of the operation of a Welsh trunk road charging scheme or relating to the installation or operation of any equipment used for or in connection with the operation of such a scheme;

“overseas registration authority” means any authority of a country or territory outside the United Kingdom with responsibility under the law of that country or territory for maintaining a register of vehicles;

“overseas registration information” means information derived from particulars contained in a register of vehicles that is maintained by an overseas registration authority;

“Welsh trunk road charging scheme” means any scheme made by or under an [Act of the National Assembly for Wales, relating to the imposition of charges in respect of the use or keeping of motor vehicles on Welsh trunk roads]¹.

Notes

¹ Words substituted by Government of Wales Act 2006 (Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications) Order 2011/1011 art.7 (May 5, 2011)

Commencement

Pt 7 s. 123(1)-(6) definition of "Welsh trunk road charging scheme": January 26, 2009 (2008 c. 26 Pt 8 s. 134(2))

Extent

Pt 7 s. 123(1)-(6) definition of "Welsh trunk road charging scheme": England, Wales

Street works

Law In Force

124 Reinstatement and remedial works

(1) The New Roads and Street Works Act 1991 (c. 22) is amended as follows.

(2) In section 48 (streets, street works and undertakers) after subsection (3) (meaning of “street works”) insert—

“(3A) For the purposes of subsection (3), the works that are street works by virtue of being works required for or incidental to street works of any particular kind include—

(a) reinstatement of the street, and

(b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.”.

(3) In section 50 (street works licences) after subsection (1) (power to grant a licence to do certain works) insert—

“(1A) For the purposes of subsection (1), the works that are required for or incidental to works falling within paragraph (a) or (b) of that subsection include—

- (a) reinstatement of the street, and
- (b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.”.

Commencement

Pt 7 s. 124(1)-(3): January 26, 2009 (2008 c. 26 Pt 8 s. 134(2))

Extent

Pt 7 s. 124(1)-(3): England, Wales

Goods vehicles

✔ Law In Force

125 Vehicles authorised to be used under operator's licence

(1) In section 5 of the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) (vehicles authorised to be used under operator's licence)—

- (a) in subsection (6), for “a prescribed fee” substitute “the prescribed fee (if any)”;
- (b) in subsection (7), after “the prescribed fee” insert “(if any)”.

(2) Section 263 of the TA 2000 (addition of specified vehicles to operator's licence) is amended as follows.

(3) In the subsection (6) that is to be substituted for section 5(6) of the Goods Vehicles (Licensing of Operators) Act 1995—

- (a) in the opening words, after “is not authorised to be used under that licence by virtue of subsection (1)” insert “on or after the relevant day”;
- (b) in paragraph (b), for “a prescribed fee” substitute “the prescribed fee (if any)”.

(4) After that subsection insert—

“(6A) For the purposes of subsection (6) “the relevant day” is the latest of the following days—

- (a) the day on which the vehicle was first in the lawful possession of the licence holder,
- (b) the day on which the licence came into force,
- (c) if a day not more than one month after the later of those days is prescribed for the purpose, the day so prescribed.”.

Commencement

Pt 7 s. 125(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 7 s. 125(1)-(4): England, Wales, Scotland

Law In Force

126 Vehicles used without operator's licence: power to return detained vehicles

(1) Schedule 1A to the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) (detention of vehicles used without operator's licence) is amended as follows.

(2) For paragraph 8 (power to make regulations for return of detained vehicle) substitute—

“8

Regulations may make provision authorising a vehicle detained by virtue of paragraph 2 to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 9.”.

Commencement

Pt 7 s. 126(1)-(2): November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 7 s. 126(1)-(2): England, Wales, Scotland

Civil enforcement of traffic contraventions

Law In Force

127 Civil enforcement of traffic contraventions: meaning of “local authority”

(1) Part 6 of the Traffic Management Act 2004 (c. 18) (civil enforcement of traffic contraventions) is amended as follows.

(2) In section 76 (civil enforcement officers) at the end insert—

“(6) In this section “local authority” includes a non-metropolitan district council.”.

(3) In section 85 (prohibition of double parking) at the end insert—

“(9) In this section “local authority” includes a non-metropolitan district council.”.

(4) In section 86 (prohibition of parking at dropped footways etc) at the end insert—

“(10) In this section “local authority” includes a non-metropolitan district council.”.

(5) In section 87 (guidance to local authorities) at the end insert—

“(3) In this section “local authority” includes a non-metropolitan district council.”.

Commencement

Pt 7 s. 127(1)-(5): January 26, 2009 (2008 c. 26 Pt 8 s. 134(2))

Extent

Pt 7 s. 127(1)-(5): England, Wales

Law In Force

128 Financial penalty deposits: powers of vehicle examiners in Scotland

In section 90F of the Road Traffic Offenders Act 1988 (c. 53), in the definition of “conditional offer”, after “75(3)(a)” insert “or (3B)(a)”.

Commencement

Pt 7 s. 128: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 7 s. 128: England, Wales, Scotland

Foreign-registered vehicles

Law In Force

129 Disclosure of information relating to foreign-registered vehicles

After section 49 of the Road Safety Act 2006 (c. 49) (disclosure to foreign authorities of licensing and registration information) insert—

“49A Disclosure of information relating to foreign-registered vehicles

(1) The Secretary of State may disclose information to which subsection (2) applies to any person or body referred to in subsection (3) (subject to any restrictions mentioned in relation to the person or body).

(2) This subsection applies to information that—

(a) is derived from particulars contained in a register of vehicles that is maintained in a country or territory outside the United Kingdom, and

(b) has been obtained by the Secretary of State from the authority or authorities of that country or territory with responsibility under the law of that country or territory for maintaining the register.

(3) The persons and bodies are—

(a) a local authority, where the disclosure is made for any purpose connected with the investigation of—

- (i) an offence, or
- (ii) a road traffic contravention;

(b) Transport for London, where the disclosure is made for such a purpose;

(c) the Department of the Environment in Northern Ireland, where the disclosure is made for any purpose connected with the investigation of an offence;

(d) the Department for Regional Development in Northern Ireland, where the disclosure is made for any purpose connected with the investigation of a road traffic contravention;

(e) the chief officer of police of a police force in England and Wales;

(f) the chief constable of a police force maintained under the Police (Scotland) Act 1967;

(g) a member of the Police Service of Northern Ireland;

(h) an officer of Revenue and Customs;

(i) an inspector of taxes, where the disclosure is made for any purpose connected with any tax liability to which a person is or may be subject, or the amount of any such liability;

(j) a person who the Secretary of State is satisfied has reasonable cause for seeking disclosure of the information.

(4) The Secretary of State may charge a reasonable fee in respect of the cost of—

- (a) obtaining, or seeking to obtain, information falling within subsection (2)(a);
- (b) supplying information under subsection (1).

(5) Nothing in this section affects any other power of the Secretary of State to disclose information.

(6) In this section—

“local authority” means—

- (a) a county council in England;
- (b) a metropolitan district council;
- (c) a non-metropolitan district council for an area for which there is no county council;
- (d) a London borough council;
- (e) the Common Council of the City of London;
- (f) the Council of the Isles of Scilly;
- (g) a county council or county borough council in Wales;
- (h) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

“road traffic contravention” means—

- (a) in relation to England and Wales, any contravention falling within Schedule 7 to the Traffic Management Act 2004;

(b) in relation to Scotland, any act or omission that would have been an offence but for paragraph 1(4) or (as the case may be) 2(4) of Schedule 3 to the Road Traffic Act 1991 (control of parking in permitted and special parking areas);

(c) in relation to Northern Ireland, any contravention falling within Schedule 1 to the Traffic Management (Northern Ireland) Order 2005 (2005 No. 1964 (N.I. 14));

“tax” has the meaning given by section 118(1) of the Taxes Management Act 1970.”.

Commencement

Pt 7 s. 129: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 7 s. 129: United Kingdom

Law In Force

130 Use of information relating to foreign-registered vehicles

After section 49A of the Road Safety Act 2006 (c. 49) insert—

“49B Use of information relating to foreign-registered vehicles

(1) The Secretary of State may use information to which section 49A(2) applies for any of the purposes referred to in subsection (2).

(2) The purposes are—

(a) to check the accuracy of information which has been obtained under regulations made by virtue of section 22A(2) of the Vehicle Excise and Registration Act 1994 (vehicle identity checks);

(b) to check the accuracy of records maintained by the Secretary of State in connection with any functions exercisable by the Secretary of State under or by virtue of that Act;

(c) to check the accuracy of records maintained, or caused to be maintained, under section 45(6B) or 49(3A) of the Road Traffic Act 1988 (records of examinations of goods and other vehicles);

(d) to promote compliance with section 47 or 53 of that Act (obligatory test certificates for goods and other vehicles);

(e) where appropriate, to amend or supplement any information mentioned in the foregoing provisions of this subsection or information contained in any records so mentioned;

(f) to trace a non-resident parent (within the meaning of the Child Support (Information, Evidence and Disclosure) Regulations 1992 (S.I. 1992/1812)).”.


Commencement

Pt 7 s. 130: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Pt 7 s. 130: United Kingdom

PART 8**SUPPLEMENTARY PROVISIONS**

 Partially In Force

131 Repeals


Schedule 7 contains repeals.

Commencement

Pt 8 s. 131: February 9, 2009 for repeals specified in SI 2009/107 art.2(1) and Sch.1 Part 1; February 9, 2009 in relation to England for repeals specified in SI 2009/107 art.2(2) and Sch.2 Part 1; April 6, 2009 for repeals specified in SI 2009/107 art.4(1) and Sch.4 Part 1; April 6, 2009 in relation to England for the repeal specified in SI 2009/107 art.4(2) and Sch.5; January 11, 2010 in relation to England for repeals specified in SI 2009/3242 art.2(1)(c) and (d); January 31, 2010 in relation to Wales for the repeals specified in SI 2009/3294 art.2(d); not yet in force otherwise (2008 c. 26 Pt 8 s. 134(4); SI 2009/107 art. 2(1), art. 2(2); SI 2009/107 art. 4(1), art. 4(2); SI 2009/107 Sch. 1(1) para. 1, Sch. 2(1) para. 1; SI 2009/107 Sch. 4(1) para. 1, Sch. 5 para. 1; SI 2009/3242 art. 2(1)(b), art. 2(1)(c); SI 2009/3242 art. 2(1)(d); SI 2009/3294 art. 2(d))

Extent

Pt 8 s. 131: England, Wales

 Law In Force

132 Interpretation

In this Act—

“the TA 1968” means the Transport Act 1968 (c. 73);

“the PPVA 1981” means the Public Passenger Vehicles Act 1981 (c. 14);

“the TA 1985” means the Transport Act 1985 (c. 67);

“the GLA Act 1999” means the Greater London Authority Act 1999 (c. 29);

“the TA 2000” means the Transport Act 2000 (c. 38).

Commencement

Pt 8 s. 132 definition of "the TA 1968"- definition of "the TA 2000": November 26, 2008 (2008 c. 26 Pt 8 s. 134(1))

Extent

Pt 8 s. 132 definition of "the TA 1968"- definition of "the TA 2000": United Kingdom

Law In Force

133 Extent

(1) Subject to subsections (2) and (3), this Act extends to England and Wales only.

(2) The following provisions also extend to Scotland—

- (a) sections 1 to 6;
- (b) section 47 and Schedule 3;
- (c) sections 53 and 54(1) to (7);
- (d) sections 55 and 56;
- (e) sections 57 to 61;
- (f) section 68(1) and (2);
- (g) section 72;
- (h) section 74;
- (i) section 119;
- (j) section 122;
- (k) section 125;
- (l) section 126;
- (m) section 128;
- (n) sections 129 and 130;
- (o) sections 132, 134, 135 and this section;
- (p) the repeals in Part 3 of Schedule 7 relating to sections 22 and 23 of the TA 1985, and section 131 so far as relating to those repeals.

(3) The following provisions also extend to Northern Ireland—

- (a) section 122;
- (b) sections 129 and 130;
- (c) sections 132, 134, 135 and this section.

Commencement

Pt 8 s. 133(1)-(3)(c): November 26, 2008 (2008 c. 26 Pt 8 s. 134(1))

Extent

Pt 8 s. 133(1)-(3)(c): United Kingdom

Law In Force

134 Commencement

- (1) The following provisions of this Act come into force on the day on which this Act is passed—
- (a) section 77(10);
 - (b) this Part, other than section 131 and Schedule 7;
 - (c) any power under or by virtue of this Act to make regulations or an order.
- (2) Sections 55, 56, 122, 123, 124 and 127 come into force at the end of the period of 2 months beginning with the day on which this Act is passed.
- (3) Subject to subsection (4), the other provisions of this Act come into force on an appointed day.
- (4) Any repeal in Schedule 7 (and section 131 so far as relating to the repeal) comes into force in the same way as the provisions of this Act to which the repeal relates.
- (5) In this section “appointed day” means such day or days as the Secretary of State may by order made by statutory instrument appoint.
- (6) The power conferred by subsection (5) is exercisable as respects Wales by the Welsh Ministers (and not the Secretary of State) in relation to—
- (a) Part 2;
 - (b) Part 3;
 - (c) in Part 4, sections 64, 65(1), 68 to 71 and 75;
 - (d) in Part 6, the amendments of the TA 2000.
- (7) An order under subsection (5)—
- (a) may appoint different days for different purposes;
 - (b) may make incidental, consequential, supplemental or transitional provision or savings.

Commencement

Pt 8 s. 134(1)-(7)(b): November 26, 2008 (2008 c. 26 Pt 8 s. 134(1))

Extent

Pt 8 s. 134(1)-(7)(b): United Kingdom

Law In Force

135 Short title

This Act may be cited as the Local Transport Act 2008.

Commencement

Pt 8 s. 135: November 26, 2008 (2008 c. 26 Pt 8 s. 134(1))

Extent

Pt 8 s. 135: United Kingdom

SCHEDULE 1**REFERENCES TO LOCAL TRANSPORT PLANS****Section 7**

Law In Force

1

The TA 2000 is amended as follows.

Commencement

Sch. 1 para. 1: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 1: England, Wales

Law In Force

2 Quality contracts schemes

(1) Section 124 is amended as follows.

(2) In subsection (1A)(c) for “local transport plan” substitute “local transport policies”.

(3) Omit subsection (10).

Commencement

Sch. 1 para. 2(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 2(1)-(3): England, Wales

Law In Force

3 Joint and through ticketing schemes

(1) Section 135 is amended as follows.

(2) In subsection (1) for paragraph (b) substitute—

“(b) would contribute to the implementation of their local transport policies.”.

Commencement

Sch. 1 para. 3(1)-(2): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 3(1)-(2): England, Wales

Law In Force

4 Information about bus services

(1) Section 139 is amended as follows.

(2) In subsection (1) for “local transport plan” substitute “local transport policies”.

Commencement

Sch. 1 para. 4(1)-(2): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 4(1)-(2): England, Wales

Law In Force

5 Local licensing schemes

(1) Section 179 is amended as follows.

(2) In subsection (2) for “policies in the licensing authority's local transport plan” substitute “local transport policies of the licensing authority”.

Commencement

Sch. 1 para. 5(1)-(2): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 5(1)-(2): England, Wales

Law In Force

6 Joint local licensing schemes

(1) Section 180 is amended as follows.

(2) In subsection (2) for “policies in the licensing authorities' local transport plans” substitute “local transport policies of the licensing authorities”.

Commencement

Sch. 1 para. 6(1)-(2): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 6(1)-(2): England, Wales

✔ Law In Force

7 Joint local-London licensing schemes

(1) Section 181 is amended as follows.

(2) In subsection (2)(a)—

- (a) for “policies in the local transport plan” substitute “local transport policies”;
 - (b) omit “the local transport plans of”.
-

Commencement

Sch. 1 para. 7(1)-(2)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 7(1)-(2)(b): England, Wales

✔ Law In Force

8 Financial provisions relating to road user charging and workplace parking levy

(1) Schedule 12 is amended as follows.

(2) In paragraph 8 (application of proceeds)—

- (a) in sub-paragraph (2)(a) for “policies in the authority's local transport plan” substitute “local transport policies of the authority”;
 - (b) in sub-paragraph (4)(a) for “any policies in its local transport plan” substitute “any of its local transport policies”.
-

Commencement

Sch. 1 para. 8(1)-(2)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(a))

Extent

Sch. 1 para. 8(1)-(2)(b): England, Wales

SCHEDULE 2**COMPETITION TEST: AMENDMENTS OF SCHEDULE 10 TO THE TRANSPORT ACT
2000****Section 46**

Law In Force

1

Schedule 10 to the TA 2000 (competition test for exercise of bus functions) is amended as follows.

Commencement

Sch. 2 para. 1: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 1: England, Wales

Test for the exercise of functions by local authorities

Law In Force

2

For the italic heading preceding paragraph 1 substitute—

“PART 1**TEST FOR EXERCISE OF BUS FUNCTIONS BY LOCAL AUTHORITIES**

Functions to which this Part of this Schedule applies”.

Commencement

Sch. 2 para. 2: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 2: England, Wales

Law In Force

3

- (1) Paragraph 1 (functions to which Schedule 10 applies) is amended as follows.
- (2) In sub-paragraph (1) after “The functions to which” insert “this Part of”.
- (3) In sub-paragraph (2)—
 - (a) after “For the purposes of” insert “this Part of”;
 - (b) after “a function to which” insert “this Part of”.

Commencement

Sch. 2 para. 3(1)-(3)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 3(1)-(3)(b): England, Wales

Law In Force

4

- (1) Paragraph 2 (competition test) is amended as follows.
- (2) In sub-paragraph (1)—
 - (a) after “For the purposes of” insert “this Part of”;
 - (b) after “a function to which” insert “this Part of”.
- (3) In sub-paragraph (3)(b) omit “substantial”.

Commencement

Sch. 2 para. 4(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 4(1)-(3): England, Wales

Law In Force

5

Omit paragraphs 3 and 4.

Commencement

Sch. 2 para. 5: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 5: England, Wales

Law In Force

6

In paragraph 5 (investigation by OFT)—

- (a) for “the OFT” substitute “the Office of Fair Trading (in this Schedule referred to as “the OFT”);
 - (b) after “a function to which” insert “this Part of”.
-

Commencement

Sch. 2 para. 6(a)-(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 6(a)-(b): England, Wales

Law In Force

7

In paragraph 10 (decisions) omit paragraph (a).

Commencement

Sch. 2 para. 7: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 7: England, Wales

Law In Force

8

Omit paragraph 11.

Commencement

Sch. 2 para. 8: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 8: England, Wales

Law In Force

9

In paragraph 12(1) (enforcement of decision) after “a function to which” insert “this Part of”.

Commencement

Sch. 2 para. 9: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 9: England, Wales

Law In Force

10

In paragraph 13(1) (restriction on disclosure of information) after “its functions under” insert “this Part of”.

Commencement

Sch. 2 para. 10: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 10: England, Wales

Law In Force

11

In paragraph 14 (offence of disclosing information) after “its functions under” (in both places) insert “this Part of”.

Commencement

Sch. 2 para. 11: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 11: England, Wales

Law In Force

12

After paragraph 14 insert—

“14A Advice and information

(1) As soon as is reasonably practicable after the passing of the Local Transport Act 2008, the OFT must prepare and publish advice and information about—

- (a) the application of the competition test,
- (b) the enforcement of decisions regarding that test.

(2) The OFT may at any time publish revised, or new, advice or information.

(3) Advice and information published under this paragraph must be prepared with a view to—

- (a) explaining provisions of this Part of this Schedule to persons who are likely to be affected by them, and
- (b) indicating how the OFT expects such provisions to operate.

(4) Advice (or information) published by virtue of sub-paragraph (3)(b) may include advice (or information) about the factors which the OFT may take into account in considering whether, and if so how, to exercise a power conferred on it by this Part of this Schedule.

(5) Any advice or information published by the OFT under this paragraph is to be published in such form and in such manner as it considers appropriate.

(6) If the OFT is preparing any advice or information under this paragraph it must consult such persons as it considers appropriate.”

Commencement

Sch. 2 para. 12: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 12: England, Wales

Law In Force

13

In paragraph 15 (defamation)—

- (a) after “or notice given” insert “, and to any advice or information given,”;
- (b) after “its functions under” insert “this Part of”.

Commencement

Sch. 2 para. 13(a)-(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 13(a)-(b): England, Wales

Law In Force

14

- (1) Paragraph 16 (fees) is amended as follows.
- (2) In sub-paragraph (1) after “its functions under” insert “this Part of”.
- (3) Omit sub-paragraph (3).

Commencement

Sch. 2 para. 14(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 14(1)-(3): England, Wales

New test for certain agreements, decisions and practices

Law In Force

15

After paragraph 16 insert—

“PART 2**TEST FOR CERTAIN AGREEMENTS, DECISIONS AND PRACTICES**

Interpretation

17

- (1) This paragraph applies for the purposes of the interpretation of this Part of this Schedule.
- (2) A voluntary multilateral agreement (a “VMA”) is a voluntary partnership agreement (within the meaning given by section 153) to which two or more operators of local services are parties.
- (3) A voluntary bilateral agreement (a “VBA”) is a voluntary partnership agreement (within the meaning given by that section) to which only one operator of local services is a party.
- (4) In this Part of this Schedule—
- (a) a “qualifying agreement” is an agreement between bus undertakings only;
 - (b) a “qualifying decision” is so much of any decision by an association of undertakings as relates to the operation of local services;
 - (c) a “qualifying practice” is a concerted practice by bus undertakings only.
- (5) For the purposes of sub-paragraph (4)—
- (a) a bus undertaking is an undertaking which is the operator of a local service;
 - (b) the involvement of a local authority which is not a bus undertaking is to be disregarded;
 - (c) a quality partnership scheme or voluntary partnership agreement is not to be regarded as a qualifying agreement, qualifying decision or qualifying practice.
- (6) In sub-paragraph (5)(b) “local authority” means—
- (a) a local transport authority;
 - (b) a district council in England.
- (7) A provision of this Part of this Schedule which is expressed to apply to, or in relation to, a qualifying agreement is to be read as applying equally to, or in relation to, a qualifying decision or a qualifying practice (but with any necessary modifications).
- (8) A reference to the area of an authority—
- (a) in relation to a VMA or “VBA”, is a reference to the area of a local transport authority who are a party to the agreement;
 - (b) in relation to a qualifying agreement, is a reference to the area of a local transport authority in whose area the agreement is, or is to be, implemented.
- (9) The “bus improvement objectives” are—
- (a) securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services,
 - (b) securing other improvements in local services of benefit to users of local services, and
 - (c) reducing or limiting traffic congestion, noise or air pollution.

Agreements, decisions and practices to which this Part of this Schedule applies

18

- (1) This Part of this Schedule applies to—
- (a) VMAs or VBAs falling within sub-paragraph (2), and
 - (b) qualifying agreements falling within sub-paragraph (3).
- This paragraph is subject to paragraph 19.
- (2) A VMA or VBA falls within this sub-paragraph if it has as its object or effect the prevention, restriction or distortion of competition in the area of the authority, or the combined area of the authorities.
- (3) A qualifying agreement falls within this sub-paragraph if—
- (a) it has as its object or effect the prevention, restriction or distortion of competition in the area of the authority, or the combined area of the authorities, but
 - (b) the authority, or any of the authorities, has certified that they have considered all the terms and effects (or likely effects) of the agreement and that in their opinion the requirements mentioned in sub-paragraph (4) are satisfied.
- (4) The requirements are that the agreement—
- (a) is in the interests of persons using local services within the area of the authority, or the combined area of the authorities, and
 - (b) does not impose on the undertakings concerned restrictions that are not indispensable to the attainment of the bus improvement objectives.
- (5) For the purposes of sub-paragraph (2)—
- (a) the object or effect of a VMA may be considered either on its own or together with one or more other VMAs, VBAs or qualifying agreements;
 - (b) the object or effect of a VBA is to be considered together with one or more VMAs, other VBAs or qualifying agreements.
- (6) For the purposes of sub-paragraph (3) the object or effect of a qualifying agreement may be considered either on its own or together with one or more VMAs, VBAs or other qualifying agreements.

19

- (1) This Part of this Schedule does not apply to a VMA, VBA or qualifying agreement if it (or any of its provisions) constitutes a price-fixing agreement within the meaning given by section 39(9) of the Competition Act 1998.
- (2) Where the standard of services specified in a VMA or VBA includes any requirement as to maximum fares (see section 153(3)), any provision of that agreement relating to the setting, review or revision of the maximum fare is not to be regarded as constituting a price-fixing agreement for the purposes of sub-paragraph (1).

The prohibition

20

- (1) Any VMA, VBA or qualifying agreement to which this Part of this Schedule applies is prohibited unless it is exempt in accordance with the provisions of this Part of this Schedule.
- (2) The prohibition in sub-paragraph (1) applies in place of the Chapter 1 prohibition.
- (3) The Chapter 1 prohibition is the prohibition imposed by section 2(1) of the Competition Act 1998.

Agreements and decisions void

21

Any agreement or decision which is prohibited by paragraph 20 is void.

Exempt agreements

22

- (1) A VMA, VBA or qualifying agreement to which this Part of this Schedule applies is exempt if—
 - (a) it contributes to the attainment of one or more of the bus improvement objectives,
 - (b) it does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of those objectives, and
 - (c) it does not afford the undertakings concerned the possibility of eliminating competition in respect of a substantial part of the services in question.
- (2) In any proceedings in which it is alleged that the prohibition in paragraph 20 is being or has been infringed by a VMA, VBA or qualifying agreement any undertaking or association of undertakings claiming the benefit of sub-paragraph (1) shall bear the burden of proving that the conditions of that sub-paragraph are satisfied.

Application of provisions of Competition Act 1998

23

- (1) The provisions of Part 1 of the Competition Act 1998 (“the 1998 Act”) specified in sub-paragraph (2) apply in relation to the prohibition in paragraph 20 (and a VMA, VBA or qualifying agreement to which this Part of this Schedule applies) as those provisions apply in relation to the Chapter 1 prohibition (and an agreement to which the provisions of that Chapter apply).
- (2) The provisions are—
 - (a) in Chapter 1, sections 3, 6, 8, 10 and 11 (excluded agreements and exemptions);
 - (b) Chapter 3 (investigations and enforcement), except sections 36 to 39 (penalties);

- (c) in Chapter 4, sections 46 to 49 (appeals);
- (d) Chapter 5 (miscellaneous), except section 54 (regulators).

(3) The application, by virtue of sub-paragraph (2)(d), of Chapter 5 includes section 52(1) of the 1998 Act; but this is subject to the following modifications—

- (a) the reference to the passing of the 1998 Act is to be read as a reference to the passing of the Local Transport Act 2008;
- (b) the reference to the Director is to be read as a reference to the OFT.

(4) The application, in accordance with sub-paragraph (1), of the provisions mentioned in sub-paragraph (2) is to be subject to such further modifications as the Secretary of State may by order provide.”.

Commencement

Sch. 2 para. 15: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 15: England, Wales

Law In Force

16 Schedule heading

In consequence of the amendments made by this Schedule, the heading to Schedule 10 becomes—

“COMPETITION TEST: FUNCTIONS AND AGREEMENTS RELATING TO BUSES”.

Commencement

Sch. 2 para. 16: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(d))

Extent

Sch. 2 para. 16: England, Wales

SCHEDULE 3

DETENTION OF CERTAIN PSVS USED WITHOUT PSV OPERATORS' LICENCES

Section 47

Law In Force

The Schedule that is to be inserted as Schedule 2A to the PPVA 1981 is as follows—

“SCHEDULE 2A**DETENTION OF CERTAIN PSVS USED WITHOUT PSV OPERATORS' LICENCES****1 Interpretation**

(1) In this Schedule—

“authorised person” means—

(a) an examiner appointed by the Secretary of State under section 66A of the Road Traffic Act 1988, or

(b) a person acting under the direction of such an examiner;

“contents”, in relation to a vehicle, means any goods carried by that vehicle which are not personal effects;

“immobilisation device” means any device or appliance which is an immobilisation device for the purposes of section 104 of the Road Traffic Regulation Act 1984;

“nominated custodian” is to be construed in accordance with paragraph 6(1) below;

“operator”, in relation to a public service vehicle, means—

(a) the driver, if he owns the vehicle, or

(b) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do the work),

but this is subject to any regulations that may be made under sub-paragraph (2)(a) below;

“personal effects” means—

(a) any personal effects of any individual, and

(b) any articles being carried by a vehicle for the purpose of their delivery from one person to another.

(2) Regulations may make provision for any purpose of this Schedule or regulations under it as to—

(a) the person who is to be regarded as the “operator” of a public service vehicle in such circumstances as may be specified or described in the regulations;

(b) the meaning of “owner” as regards a public service vehicle.

(3) Regulations made by virtue of sub-paragraph (2)(b) above may, in particular, provide that the owner of a motor vehicle at a particular time is to be taken to be any person in whose name the vehicle is then registered by virtue of the Vehicle Excise and Registration Act 1994.

2 Detention of property

(1) Regulations may provide that where an authorised person has reason to believe that a public service vehicle adapted to carry more than 8 passengers is being, or has been, used on a road in contravention of section 12(1) of this Act, the person may detain the vehicle and its contents.

(2) Regulations made by virtue of sub-paragraph (1) above may not authorise a person other than a constable in uniform to stop a vehicle on any road.

3 The vehicle and any other property detained, the passengers, and any personal effects

(1) Regulations may, in connection with the detaining of a vehicle by virtue of paragraph 2 above, make provision with respect to any of the following—

- (a) the vehicle;
- (b) any other property detained or to be detained by virtue of paragraph 2 above;
- (c) any passengers who have been travelling on the vehicle;
- (d) any personal effects remaining on the vehicle.

(2) Regulations under this paragraph must include provision requiring passengers who have been travelling on the vehicle to be transported in safety to their destination or to a suitable place from which to continue their journey.

4 Immobilisation of vehicle

(1) Regulations may provide that, before a vehicle is removed by virtue of paragraph 6 below, an authorised person may—

- (a) fix an immobilisation device to the vehicle in the place where the vehicle has been detained, or
- (b) move the vehicle, or require it to be moved, to a more convenient place and fix an immobilisation device to the vehicle in that other place.

(2) Regulations may also provide—

- (a) that, on any occasion when an immobilisation device is fixed to a vehicle, the person fixing the device must also fix to the vehicle an immobilisation notice (see sub-paragraph (3) below);
- (b) that a vehicle to which an immobilisation device has been fixed may only be released from the device by or under the direction of an authorised person; and
- (c) that an immobilisation notice must not be removed or interfered with except by or on the authority of an authorised person.

(3) In this paragraph “immobilisation notice” means a notice—

- (a) indicating that an immobilisation device has been fixed to the vehicle,
- (b) warning that no attempt should be made to drive the vehicle or otherwise put it in motion, and
- (c) giving such other information as may be prescribed.

5 Offences relating to immobilisation

(1) Regulations may provide that a person—

- (a) who removes or attempts to remove an immobilisation device fixed to a vehicle under regulations made by virtue of paragraph 4(1) above, but
- (b) who is not authorised to do so in accordance with paragraph 4(2)(b) above,

is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Regulations may provide that a person who removes or interferes with an immobilisation notice in contravention of regulations made by virtue of paragraph 4(2)(c) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

6 Removal and delivery of property into custody of nominated custodian

- (1) Regulations may make provision for an authorised person to direct that any property—
- (a) detained by virtue of paragraph 2 above, or
 - (b) consisting of personal effects remaining on a vehicle so detained,
- be removed and delivered into the custody of a person (the “nominated custodian”) specified in the direction.
- (2) Regulations may provide that the nominated custodian must be a person who—
- (a) is identified in accordance with prescribed rules,
 - (b) has made arrangements with the Secretary of State, and
 - (c) has agreed to accept delivery of the property in accordance with those arrangements.
- (3) Arrangements falling within sub-paragraph (2) above may include provision for the payment of a sum to a person into whose custody any property is delivered.
- (4) Regulations may also provide that an authorised person who has given a direction by virtue of sub-paragraph (1) above in respect of a vehicle may allow the driver of the vehicle to deliver persons or property falling within sub-paragraph (5) below to their destination or some other suitable place, before delivering the vehicle into the custody of the nominated custodian.
- (5) The persons and property are—
- (a) any passengers who have been travelling on the vehicle,
 - (b) any contents of the vehicle,
 - (c) any personal effects remaining on the vehicle.

7 Informing persons that their property has been detained etc

- (1) This paragraph applies in relation to any property—
- (a) which is detained by virtue of paragraph 2 above, or
 - (b) which consists of personal effects that remained on a vehicle so detained.
- (2) Regulations may make provision for informing persons who may be entitled to any such property that it has been so detained or, as the case may be, that it remained on a vehicle so detained.
- (3) The provision that may be made by virtue of sub-paragraph (2) above includes provision requiring—
- (a) the publication by an authorised person of such notices as may be prescribed, and
 - (b) the giving of notice by an authorised person to such persons as may be prescribed.

8 Return of vehicle

Regulations may make provision authorising a vehicle detained by virtue of paragraph 2 above to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 9 below.

9 Application to traffic commissioner for return of vehicle

- (1) Regulations must make provision enabling the owner of a vehicle which has been detained by virtue of paragraph 2 above to apply to the traffic commissioner for the area in which the vehicle was detained for the return of the vehicle.
- (2) Regulations may, in particular,—
 - (a) require notice of an application to be given to the traffic commissioner within such period as may be determined in accordance with the regulations;
 - (b) require notice of an application to be made in such form as may be prescribed.
- (3) Regulations must prescribe the grounds upon which the owner may apply for the return of the vehicle.
- (4) The grounds prescribed under sub-paragraph (3) above must include each of the following—
 - (a) that, at the time the vehicle was detained, the person using the vehicle held a PSV operator's licence (whether or not authorising the use of the vehicle);
 - (b) that, at the time the vehicle was detained, the vehicle was not being, and had not been, used in contravention of section 12(1) of this Act;
 - (c) that, although at the time the vehicle was detained it was being, or had been, used in contravention of section 12(1) of this Act, the owner did not know that it was being, or had been, so used;
 - (d) that, although knowing at the time the vehicle was detained that it was being, or had been, used in contravention of section 12(1) of this Act, the owner—
 - (i) had taken steps with a view to preventing that use, and
 - (ii) has taken steps with a view to preventing any further such use.

10 Hearings by traffic commissioner

- (1) Regulations must make provision—
 - (a) enabling the traffic commissioner to hold a hearing before determining an application by virtue of paragraph 9 above;
 - (b) requiring the traffic commissioner to hold a hearing, if requested by a person who claims to be the owner;
 - (c) as to the time within which the hearing must be held; and
 - (d) subject to such provision as may be made by the regulations, for the hearing to be held in public.
- (2) Regulations must also provide that, if no hearing is held, the traffic commissioner must determine the application within a prescribed time after receiving notice of the application.

11 Consequences of the traffic commissioner's determination

Regulations must provide that—

- (a) if the traffic commissioner determines that one of the grounds prescribed by virtue of paragraph 9(3) above is made out, the traffic commissioner must order the nominated custodian to return the vehicle to the owner; and

- (b) if the traffic commissioner determines that none of those grounds is made out, the vehicle may be sold or destroyed by the nominated custodian, in such manner as may be prescribed.

12 Appeal to Transport Tribunal from traffic commissioner

- (1) Regulations must provide for an appeal to the Transport Tribunal against the determination of the traffic commissioner.
- (2) Regulations may—
 - (a) prescribe the period within which an appeal must be made;
 - (b) make provision for notice of any appeal to be given to each of the following—
 - the Transport Tribunal,
 - the traffic commissioner,
 - such other persons as may be prescribed.

13 Sale or destruction of vehicle where no application made under paragraph 9

Regulations may provide that, if no application is made to the traffic commissioner in accordance with regulations made by virtue of paragraph 9 above, any vehicle detained by virtue of paragraph 2 above may be sold or destroyed in such manner as may be prescribed.

14 Return or disposal of contents and personal effects

- (1) Regulations may provide that the nominated custodian may retain custody of any property falling within sub-paragraph (2) below until—
 - (a) the property is returned, in accordance with the regulations, to a person who establishes entitlement to it; or
 - (b) the property is sold or destroyed by the nominated custodian in such manner as may be prescribed.
- (2) The property is—
 - (a) any property detained by virtue of paragraph 2 above;
 - (b) any personal effects that remained on the vehicle so detained.
- (3) Regulations may also make provision as to—
 - (a) the period within which a person who claims to be entitled to the property may make a claim for its return;
 - (b) the requirements to be satisfied by a person who claims to be entitled to the property (including requirements as to the person's entitlement); and
 - (c) the manner in which entitlement is to be determined where there is more than one claim to the property.
- (4) The nominated custodian may not sell or destroy any property unless—
 - (a) such steps as may be required by regulations made by virtue of paragraph 7(2) above have been taken and no person has, before the expiry of the period referred to in sub-paragraph (3)(a) above, established an entitlement to the property; or
 - (b) the condition of the property requires it to be disposed of without delay.

15 Custody of property

(1) Regulations must provide that while any property is in the custody of a nominated custodian, it is the duty of the nominated custodian to take such steps as are necessary for the safe custody of that property.

(2) Any such provision is subject to the powers of the nominated custodian to sell or destroy property by virtue of this Schedule.

16 Proceeds of sale

(1) Regulations must provide for the proceeds of sale of any property sold under regulations made by virtue of paragraph 11(b), 13 or 14(1)(b) above—

(a) to be applied towards meeting expenses incurred by any authorised person in exercising functions by virtue of this Schedule; and

(b) in so far as they are not so applied, to be applied in such other manner as may be prescribed.

(2) Regulations may in particular provide for a sum determined in accordance with the regulations to be paid to a person if—

(a) the person claims, after the sale of property under regulations made by virtue of paragraph 11(b), 13 or 14(1)(b) above, to be or to have been its owner;

(b) the claim is made within a prescribed time of the sale; and

(c) any other prescribed conditions are fulfilled.

17 Disputes

(1) Regulations may make provision about the proceedings to be followed where a dispute occurs as a result of regulations made by virtue of paragraph 14 or 16 above.

(2) The provision that may be made by virtue of sub-paragraph (1) above includes provision—

(a) for an application to be made to a magistrates' court or, in the case of an application made in Scotland, the sheriff;

(b) for a court or the sheriff to order a sum to be paid by the Secretary of State.

(3) Any application made to the sheriff in accordance with regulations made by virtue of sub-paragraph (2)(a) above must be made by way of summary application.

18 Obstruction of authorised person

Regulations may provide that a person who intentionally obstructs an authorised person in the exercise of the powers of such a person under regulations made by virtue of this Schedule is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

19 Offences as to securing possession of property

(1) Regulations may provide that a person is guilty of an offence if—

- (a) the person makes a declaration with a view to securing the return of a vehicle under regulations made by virtue of paragraph 11 above;
 - (b) the declaration is that the vehicle was not being, or had not been, used in contravention of section 12(1) of this Act; and
 - (c) the declaration is, to the person's knowledge, either false or in any material respect misleading.
- (2) Regulations may provide that a person guilty of such an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.”.

Commencement

Sch. 3 para. 1: November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 otherwise (2008 c. 26 Pt 8 s. 134(1), Pt 8 s. 134(3); SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 3 para. 1: England, Wales, Scotland

SCHEDULE 4**CHANGE OF NAME OF PTAS: CONSEQUENTIAL AMENDMENTS****Section 77****PART 1****AMENDMENTS OF THE TRANSPORT ACT 1968**

Law In Force

1

The TA 1968 is amended as follows.

Commencement

Sch. 4(1) para. 1: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 1: England, Wales

✔ Law In Force

2

(1) Section 9 (Passenger Transport Areas, Authorities and Executives) is amended as follows.

(2) In subsection (1)(a)—

(a) after “the following areas” insert “shall be designated as follows”;

(b) in sub-paragraph (i) for “the metropolitan counties” substitute “each of the metropolitan counties shall be an integrated transport area”;

(c) the words “shall be a passenger transport area” become part of sub-paragraph (ii).

(3) In subsection (1)(b) for the words from the beginning to the end of sub-paragraph (i) substitute—

“(b) any reference to “the Authority” is a reference to—

(i) in relation to an integrated transport area in England and Wales, the Integrated Transport Authority established for the metropolitan county which is coterminous with or includes that integrated transport area; and”.

(4) In subsection (1)(c) for the words preceding sub-paragraph (i) substitute—

“(c) any reference to “the Executive” is a reference to—”.

(5) In subsection (2) after “The Executive for” insert “an integrated transport area or”.

(6) In subsection (3) after “the Executive for any” insert “integrated transport area or”.

(7) In subsection (4) for “the Passenger Transport Authority” substitute “the Authority”.

(8) In subsection (5) for “a passenger transport area” substitute “an integrated transport area”.

(9) In consequence of the amendments made by this Part, the heading to that section becomes “Areas, Authorities and Executives”.

Commencement

Sch. 4(1) para. 2(1)-(9): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 2(1)-(9): England, Wales

✔ Law In Force

3

(1) Section 9A (general functions of Passenger Transport Authorities and Executives) is amended as follows.

(2) Before “passenger transport area” (in each place) insert “integrated transport area or”.

(3) In consequence of the amendments made by this Part, the heading to that section becomes “General functions of Authorities and Executives”.

Commencement

Sch. 4(1) para. 3(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 3(1)-(3): England, Wales

Law In Force

4

In section 10 (general powers of Executive), in each of subsections (1), (3) and (5), before “a passenger transport area” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 4: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 4: England, Wales

Law In Force

5

In section 12(1) (borrowing powers of Executive) after “the Executive for” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 5: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 5: England, Wales

Law In Force

6

In section 14(1) (accounts of Executive) after ““The Executive for”” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 6: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 6: England, Wales

Law In Force

7

In section 15 (further functions of Authority), in subsections (1) and (6), before “a passenger transport area” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 7: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 7: England, Wales

Law In Force

8

In section 16(1) (publication of annual report by Authority and Executive) after “The Authority for any” insert “integrated transport area or”.

Commencement

Sch. 4(1) para. 8: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 8: England, Wales

Law In Force

9

In section 20(2) (special duty of Executives with respect to railway passenger services) after “the Executive for” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 9: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 9: England, Wales

Law In Force

10

In section 23 (consents of, or directions by, Minister under Part 2), in each of subsections (1), (2) and (3), before “a passenger transport area” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 10: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 10: England, Wales

Law In Force

11

In consequence of the amendments made by this Part—

- (a) the heading to Part 2 of that Act becomes “Integrated Transport Areas and Passenger Transport Areas”;
 - (b) in the italic cross-headings preceding sections 9 and 20, before “*Passenger Transport Areas*” there is inserted “*Integrated Transport Areas or*”.
-

Commencement

Sch. 4(1) para. 11(a)-(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 11(a)-(b): England, Wales

Law In Force

12

(1) Section 56 (assistance towards capital expenditure on public transport facilities) is amended as follows.

(2) In subsection (4)(a) after “general policies formulated by” insert “an Integrated Transport Authority or”.

(3) For subsection (6)(bb) substitute—

“(bb) an Integrated Transport Authority for an integrated transport area in England;”.

Commencement

Sch. 4(1) para. 12(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 12(1)-(3): England, Wales

Law In Force

13

In section 134(1) (duty to act in certain cases as body engaged in commercial enterprise) after “any area which is” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 13: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 13: England, Wales

Law In Force

14

(1) Section 137 (machinery for negotiation and consultation with staff) is amended as follows.

(2) In subsection (1)(c) after “any area which is” insert “an integrated transport area or”.

(3) In subsection (3)(b)—

(a) after “such an Executive,” insert “to the Integrated Transport Authority for the integrated transport area in question or, in Scotland,”;

(b) for “relevant Passenger Transport Authority” substitute “relevant Authority”.

(4) In subsection (4) for “relevant Passenger Transport Authority” (in both places) substitute “relevant Authority”.

Commencement

Sch. 4(1) para. 14(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 14(1)-(4): England, Wales

Law In Force

15

In section 141(1) (application of Town and Country Planning Acts) after “any area which is” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 15: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 15: England, Wales

Law In Force

16

In section 160(5) (stamp duty) after “any area which is” insert “an integrated transport area or”.

Commencement

Sch. 4(1) para. 16: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 16: England, Wales

Law In Force

17

(1) Schedule 5 (Passenger Transport Authorities and Executives) is amended as follows.

(2) In Part 2 (the Executive), in paragraph 2, after “the Authority for” (in both places) insert “the integrated transport area or, as the case may be,”.

(3) In Part 3 (matters which may be dealt with by order under section 9), in paragraph 11, after “the Executive for” insert “an integrated transport area or”.

(4) The heading to the Schedule becomes “Passenger Transport Executives”.

Commencement

Sch. 4(1) para. 17(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(1) para. 17(1)-(4): England, Wales

PART 2
AMENDMENTS OF THE TRANSPORT ACT 1985

Law In Force

18

The TA 1985 is amended as follows.

Commencement

Sch. 4(2) para. 18: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 18: England, Wales

Law In Force

19

In consequence of the amendments made by this Part—

- (a) the italic cross-heading preceding section 57 becomes “*Integrated Transport Areas and Passenger Transport Areas*”;
- (b) the heading to section 57 becomes “Areas, Authorities and Executives”.

Commencement

Sch. 4(2) para. 19(a)-(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 19(a)-(b): England, Wales

Law In Force

20

(1) In section 63(9)(b) (functions of local councils with respect to passenger transport) after “the Passenger Transport Executive for any” insert “integrated transport area or”.

(2) In consequence of the amendments made by this Part, in the heading to section 63 after “other than” there is inserted “integrated transport areas and”.

Commencement

Sch. 4(2) para. 20(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 20(1)-(2): England, Wales

Law In Force

21

In section 64(1) (consultation with respect to policies as to services) after “with every” insert “Integrated Transport Authority,”.

Commencement

Sch. 4(2) para. 21: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 21: England, Wales

Law In Force

22

(1) Section 72 (the public transport companies and their controlling authorities) is amended as follows.

(2) In subsection (1)(a)—

- (a) before “passenger transport area” (in each place) insert “integrated transport area or”;
- (b) before “Passenger Transport Authority” (in each place) insert “Integrated Transport Authority or”.

(3) In subsection (1)(b) after “section 61 of this Act” insert “by the Integrated Transport Authority for any integrated transport area or”.

(4) In subsection (3)(a) after “(as the case may be)” insert “the Integrated Transport Authority or”.

(5) In subsection (5)—

- (a) after “in relation to” insert “an Integrated Transport Authority or”;
 - (b) after “that Executive or the” insert “Integrated Transport Authority or”.
-

Commencement

Sch. 4(2) para. 22(1)-(5)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 22(1)-(5)(b): England, Wales

✔ Law In Force

23

In section 73(5) (control over constitution and activities of public transport companies) after “whose controlling authority are” insert “the Integrated Transport Authority for any integrated transport area or”.

Commencement

Sch. 4(2) para. 23: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 23: England, Wales

✔ Law In Force

24

In section 74(2) (disabilities of directors of public transport companies)—

- (a) for “a Passenger Transport Authority for a passenger transport area” substitute “an Integrated Transport Authority for an integrated transport area”;
- (b) for “that Passenger Transport Authority” substitute “that Integrated Transport Authority”.

Commencement

Sch. 4(2) para. 24(a)-(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 24(a)-(b): England, Wales

✔ Law In Force

25

(1) Section 75 (powers of investment and disposal in relation to public transport companies) is amended as follows.

(2) In subsection (1) after “a Passenger Transport Executive,” insert “an Integrated Transport Authority,”.

(3) In subsection (4), at the beginning insert “An Integrated Transport Authority”.

Commencement

Sch. 4(2) para. 25(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 25(1)-(3): England, Wales

Law In Force

26

(1) Section 79 (financial backing for public transport companies) is amended as follows.

(2) In each of subsections (1), (4), (6) and (10), at the beginning insert “An Integrated Transport Authority”.

(3) In subsection (8) after “Subject to subsection (9) below,” insert “an Integrated Transport Authority”.

Commencement

Sch. 4(2) para. 26(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 26(1)-(3): England, Wales

Law In Force

27

(1) In section 80 (duty not to inhibit competition) at the beginning insert “An Integrated Transport Authority or”.

(2) In consequence of the amendments made by this Part, in the heading to section 80 after “Duty of” there is inserted “Integrated Transport Authority or”.

Commencement

Sch. 4(2) para. 27(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 27(1)-(2): England, Wales

Law In Force

28

(1) Section 81 (provision, maintenance and operation of bus stations) is amended as follows.

(2) In subsections (1) and (3) after “Passenger Transport Executive for any” insert “integrated transport area or”.

Commencement

Sch. 4(2) para. 28(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 28(1)-(2): England, Wales

Law In Force

29

In section 84(1)(a) (compensation for loss of employment, etc, on disposal of interest) after “any interests held by” insert “an Integrated Transport Authority,”.

Commencement

Sch. 4(2) para. 29: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 29: England, Wales

Law In Force

30

(1) Section 85 (incorporation of Passenger Transport Executives into Authorities) is amended as follows.

(2) In subsection (1)—

- (a) after “the Passenger Transport Executive for any” insert “integrated transport area or”;
- (b) after “specified in the order to” insert “the Integrated Transport Authority or, as the case may be,”.

(3) In subsection (3)—

- (a) for “and Authorities” substitute “, Integrated Transport Authorities and Passenger Transport Authorities”;
 - (b) after “in relation to the” insert “integrated transport area or”.
-

Commencement

Sch. 4(2) para. 30(1)-(3)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 30(1)-(3)(b): England, Wales

Law In Force

31

In section 86(1) (amendments consequential on orders under section 85) after “in relation to” insert “integrated transport areas or”.

Commencement

Sch. 4(2) para. 31: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 31: England, Wales

Law In Force

32

(1) Section 93 (travel concession schemes) is amended as follows.

(2) In subsection (8)(b)(i) for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority for an integrated transport area”.

(3) In subsection (9)(b) for “a Passenger Transport Authority for a passenger transport area” substitute “an Integrated Transport Authority for an integrated transport area”.

(4) In subsection (10) after “Where” insert “an Integrated Transport Authority or”.

Commencement

Sch. 4(2) para. 32(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 32(1)-(4): England, Wales

Law In Force

33

In section 95(4) (publicity requirements for schemes) after “under section 93 of this Act are” insert “an Integrated Transport Authority or”.

Commencement

Sch. 4(2) para. 33: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 33: England, Wales

Law In Force

34

In section 96(3) (right of service operators to participate in concession schemes) after “with the consent of” insert “the Integrated Transport Authority or, as the case may be,”.

Commencement

Sch. 4(2) para. 34: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 34: England, Wales

Law In Force

35

In section 97(10) (compulsory participation in concession schemes) after “the consent of” insert “the Integrated Transport Authority or, as the case may be,”.

Commencement

Sch. 4(2) para. 35: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 35: England, Wales

Law In Force

36

(1) Section 104 (travel concessions on services provided by PTEs) is amended as follows.

(2) In subsections (1) and (2) for “Passenger Transport Authority” (in each place) substitute “Authority”.

(3) In subsections (2) and (3) before “a passenger transport area” insert “an integrated transport area or”.

(4) After subsection (3) insert—

“(4) In this section “Authority”, in relation to an area, means the Integrated Transport Authority or, as the case may be, the Passenger Transport Authority for that area.”.

Commencement

Sch. 4(2) para. 36(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 36(1)-(4): England, Wales

✔ Law In Force

37

In section 106(4)(a) (grants for transport facilities and services) after “any” insert “Integrated Transport Authority;”.

Commencement

Sch. 4(2) para. 37: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 37: England, Wales

✔ Law In Force

38

In section 130(3) (capital gains tax) after “from a Passenger Transport Executive to” insert “an Integrated Transport Authority or”.

Commencement

Sch. 4(2) para. 38: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 38: England, Wales

✔ Law In Force

39

In consequence of the amendments made by this Part, in the heading to section 133 for “Passenger Transport Authorities and Executives” there is substituted “Authorities and Executives”.

Commencement

Sch. 4(2) para. 39: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 39: England, Wales

✔ Law In Force

40

In section 137(5) (interpretation of references to Authorities, etc)—

- (a) for “Passenger Transport Authorities and Executives” (in both places) substitute “Integrated Transport Authorities, Passenger Transport Authorities and Passenger Transport Executives”;

(b) before “passenger transport areas” (in both places) insert “integrated transport areas and”.

Commencement

Sch. 4(2) para. 40(a)-(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(2) para. 40(a)-(b): England, Wales

PART 3**AMENDMENTS OF THE TRANSPORT ACT 2000**

Law In Force

41

The TA 2000 is amended as follows.

Commencement

Sch. 4(3) para. 41: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(3) para. 41: England, Wales

Law In Force

42

In section 108(4) (meaning of “local transport authority” for purposes of Part 2 of that Act) for paragraph (c) substitute—

“(c) an Integrated Transport Authority for an integrated transport area in England, or”.

Commencement

Sch. 4(3) para. 42: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(3) para. 42: England, Wales

✔ Law In Force

43

(1) Section 124 (quality contracts schemes) is amended as follows.

(2) In subsection (1A)—

- (a) for “A Passenger Transport Authority” substitute “An Integrated Transport Authority”;
- (b) for “a Passenger Transport Authority” substitute “an Integrated Transport Authority”;
- (c) for “the Passenger Transport Authority” substitute “the Integrated Transport Authority”.

(3) In subsection (1B)—

- (a) for “Passenger Transport Authority” substitute “Integrated Transport Authority”;
- (b) for “Passenger Transport Authorities” substitute “Integrated Transport Authorities”.

(4) In subsection (11)—

- (a) for “Passenger Transport Authority” substitute “Integrated Transport Authority”;
- (b) for “a Passenger Transport Authority” substitute “an Integrated Transport Authority”;
- (c) for “Passenger Transport Authorities” substitute “Integrated Transport Authorities”.

Commencement

Sch. 4(3) para. 43(1)-(4)(c): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(3) para. 43(1)-(4)(c): England, Wales

✔ Law In Force

44

In section 146 (mandatory concessions: supplementary), in paragraph (c) of the definition of “travel concession authority”, for “a passenger transport area” substitute “an integrated transport area”.

Commencement

Sch. 4(3) para. 44: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(3) para. 44: England, Wales

✔ Law In Force

45

(1) In section 157(1) (grants) for “the Passenger Transport Authority for a passenger transport area” substitute “the Integrated Transport Authority for an integrated transport area”.

(2) In consequence of the amendments made by this Part, the heading to section 157 becomes “Grants to Integrated Transport Authorities”.

Commencement

Sch. 4(3) para. 45(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(3) para. 45(1)-(2): England, Wales

Law In Force

46

(1) Section 162 (interpretation of Part 2) is amended as follows.

(2) In subsection (4)—

- (a) for “a Passenger Transport Authority” substitute “an Integrated Transport Authority”;
- (b) for “passenger transport area” (in both places) substitute “integrated transport area”;
- (c) for “Passenger Transport Authorities” substitute “Integrated Transport Authorities”.

(3) In subsection (5)—

- (a) for “Passenger Transport Authorities and Executives” (in both places) substitute “Integrated Transport Authorities and Passenger Transport Executives”;
 - (b) for “passenger transport areas” (in both places) substitute “integrated transport areas”.
-

Commencement

Sch. 4(3) para. 46(1)-(3)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(3) para. 46(1)-(3)(b): England, Wales

Law In Force

47

In section 198(2) (interpretation of certain references to authority's local transport plan) for “the Passenger Transport Authority for the passenger transport area” substitute “the Integrated Transport Authority for the integrated transport area”.

Commencement

Sch. 4(3) para. 47: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(3) para. 47: England, Wales

PART 4

OTHER AMENDMENTS

Law In Force

48 Local Government Act 1972 (c. 70)

(1) The Local Government Act 1972 is amended as follows.

(2) In section 236(1) (procedure etc for byelaws) for “or a metropolitan county passenger transport authority” substitute “or an Integrated Transport Authority for an integrated transport area in England”.

(3) In section 236B(1) (power to revoke byelaws) for paragraph (d) substitute—

“(d) an Integrated Transport Authority for an integrated transport area in England.”.

(4) In section 238 (evidence of byelaws) for “or a metropolitan county passenger transport authority” substitute “or an Integrated Transport Authority for an integrated transport area in England”.

Commencement

Sch. 4(4) para. 48(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 48(1)-(4): England, Wales

Repealed

49 [...]¹

Notes

¹ Repealed by Equality Act 2010 c. 15 Sch.27(1A) para.1 (April 5, 2011 as SI 2011/1066)

Law In Force

50 Transport Act 1983 (c. 10)

(1) The Transport Act 1983 is amended as follows.

(2) In section 1 (interpretation of Part 1 of that Act)—

(a) in the definition of “Executive” for “passenger transport area” substitute “integrated transport area”,

(b) in the definition of “Authority” for “the metropolitan county passenger transport authority” substitute “the Integrated Transport Authority”.

Commencement

Sch. 4(4) para. 50(1)-(2)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 50(1)-(2)(b): England, Wales

Law In Force

51 Road Traffic Regulation Act 1984 (c. 27)

(1) The Road Traffic Regulation Act 1984 is amended as follows.

(2) In Part 5 of Schedule 9 (consultation with traffic commissioners about certain orders), in paragraph 31(b)—

- (a) after “an area which is” insert “an integrated transport area or”;
- (b) for “that passenger transport area” substitute “that area”.

Commencement

Sch. 4(4) para. 51(1)-(2)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 51(1)-(2)(b): England, Wales

Law In Force

52 Rates Act 1984 (c. 33)

(1) The Rates Act 1984 is amended as follows.

(2) In section 2(6) (authorities which may be designated for the purposes of section 1 of that Act) for paragraph (i) substitute—

“(i) Integrated Transport Authorities for integrated transport areas in England.”.

Commencement

Sch. 4(4) para. 52(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 52(1)-(2): England, Wales

✔ Law In Force

53 Local Government Act 1985 (c. 51)

- (1) The Local Government Act 1985 is amended as follows.
- (2) In section 28 (metropolitan county passenger transport authorities)—
- (a) in subsection (1) for ““Passenger Transport Authority”” substitute ““Integrated Transport Authority””,
 - (b) in subsection (2)—
 - (i) for “passenger transport authorities” substitute “authorities”,
 - (ii) for “metropolitan county passenger transport authorities” substitute “Integrated Transport Authorities”,
 - (c) in subsection (3) for “metropolitan county passenger transport authority” substitute “Integrated Transport Authority established under this section”,
 - (d) in subsection (4) for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority established under this section”.
- (3) In consequence of the amendments made by this Part, the heading to section 28 becomes “Integrated Transport Authorities”.
- (4) In section 35(3) (disqualification of members of PTE etc) for “the metropolitan county passenger transport authority” substitute “the Integrated Transport Authority”.
- (5) In section 40(3) (certain references in the Civil Aviation Act 1982 to include references to passenger transport authorities) for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority for an integrated transport area in England”.
- (6) In Schedule 10 (number of members of joint authorities) for “passenger transport authority” (in each place) substitute “Integrated Transport Authority”.

Commencement

Sch. 4(4) para. 53(1)-(6): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 53(1)-(6): England, Wales

✔ Law In Force

54 Airports Act 1986 (c. 31)

- (1) The Airports Act 1986 is amended as follows.
- (2) In section 13(7) (application of section 13 to passenger transport authorities) for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority for an integrated transport area in England”.
- (3) [...] ¹

Notes

¹ Repealed by Civil Aviation Act 2012 c. 19 Sch.8(1) para.4 (April 6, 2013)

Commencement

Sch. 4(4) para. 54(1)-(3)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 54(1)-(3)(b): England, Wales

✔ Law In Force

55 Local Government Act 1988 (c. 9)

(1) The Local Government Act 1988 is amended as follows.

(2) In Schedule 2 (public authorities to which section 17 of that Act applies)—

- (a) for “A metropolitan county passenger transport authority.” substitute “An Integrated Transport Authority for an integrated transport area in England.”,
 - (b) in the entry relating to a Passenger Transport Executive, after “an Executive for” insert “an integrated transport area or”.
-

Commencement

Sch. 4(4) para. 55(1)-(2)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 55(1)-(2)(b): England, Wales

✔ Law In Force

56 Local Government Finance Act 1988 (c. 41)

(1) The Local Government Finance Act 1988 is amended as follows.

(2) In section 88B(9) (relevant authorities for the purposes of special grants) for paragraph (b) substitute—

“(b) an Integrated Transport Authority for an integrated transport area in England.”.

(3) In section 111(2) (relevant authorities for the purposes of Part 8 of that Act) for paragraph (i) substitute—

“(i) an Integrated Transport Authority for an integrated transport area in England.”.

Commencement

Sch. 4(4) para. 56(1)-(3): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 56(1)-(3): England, Wales

✔ Law In Force

57 Local Government and Housing Act 1989 (c. 42)

(1) The Local Government and Housing Act 1989 is amended as follows.

(2) In section 155 (emergency financial assistance to local authorities), in subsection (4)(g), for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority”.

Commencement

Sch. 4(4) para. 57(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 57(1)-(2): England, Wales

✔ Law In Force

58 Railways Act 1993 (c. 43)

(1) The Railways Act 1993 is amended as follows.

(2) In section 25(1) (public sector operators not to be franchisees)—

(a) in paragraph (c) for “metropolitan county passenger transport authority” substitute “Integrated Transport Authority for an integrated transport area in England”,

(b) in paragraph (d) for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority for an integrated transport area in England”.

(3) In section 136(5)(a) (grants and subsidies) after “areas other than” insert “integrated transport areas and”.

(4) In section 149(5) (service of documents), in the definition of “local authority”, for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority for an integrated transport area in England”.

Commencement

Sch. 4(4) para. 58(1)-(4): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 58(1)-(4): England, Wales

✔ Law In Force

59 Value Added Tax Act 1994 (c. 23)

(1) The Value Added Tax Act 1994 is amended as follows.

(2) In section 33(3) (bodies entitled to refunds in certain cases) for paragraph (d) substitute—

“(d) an Integrated Transport Authority, Passenger Transport Authority or Passenger Transport Executive for the purposes of Part 2 of the Transport Act 1968;”.

Commencement

Sch. 4(4) para. 59(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 59(1)-(2): England, Wales

Law In Force

60 Education Act 1996 (c. 56)

(1) The Education Act 1996 is amended as follows.

(2) In section 509AB(7) (consultation regarding transport policy statements) for “Passenger Transport Authority” substitute “Integrated Transport Authority”.

Commencement

Sch. 4(4) para. 60(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 60(1)-(2): England, Wales

Law In Force

Amendment(s) Pending

61 Audit Commission Act 1998 (c. 18)

(1) The Audit Commission Act 1998 is amended as follows.

(2) In section 30(3) (meaning of “relevant authority” in relation to Passenger Transport Executives) for “Passenger Transport Authority” substitute “Integrated Transport Authority”.

Amendments Pending

Sch. 4(4) para. 61: repealed by Local Audit and Accountability Act 2014 c. 2 Sch. 1(2) para. 1 (date to be appointed)

Commencement

Sch. 4(4) para. 61(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 61(1)-(2): England, Wales

✔ Law In Force

62 Local Government Act 1999 (c. 27)

- (1) The Local Government Act 1999 is amended as follows.
- (2) In section 1(1) (best value authorities for the purposes of Part 1 of that Act) for paragraph (h) substitute—

“(h) an Integrated Transport Authority for an integrated transport area in England;”.

Commencement

Sch. 4(4) para. 62(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 62(1)-(2): England, Wales

✔ Law In Force

63 Greater London Authority Act 1999 (c. 29)

- (1) The Greater London Authority Act 1999 is amended as follows.
- (2) In section 211(1) (public sector operators for the purposes of Chapter 7 of Part 4 of that Act)—
 - (a) in paragraph (c) for “metropolitan county passenger transport authority” substitute “Integrated Transport Authority for an integrated transport area in England”,
 - (b) in paragraph (d) for “a metropolitan county passenger transport authority” substitute “an Integrated Transport Authority for an integrated transport area in England”.

Commencement

Sch. 4(4) para. 63(1)-(2)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 63(1)-(2)(b): England, Wales

✔ Law In Force

64 Freedom of Information Act 2000 (c. 36)

- (1) The Freedom of Information Act 2000 is amended as follows.
- (2) In Schedule 1 (public authorities) for paragraph 28 substitute—

“28

A Passenger Transport Executive for an integrated transport area for the purposes of Part 2 of the Transport Act 1968.”.

Commencement

Sch. 4(4) para. 64(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 64(1)-(2): England, Wales

✔ Law In Force

! Amendment(s) Pending

65 Police Reform Act 2002 (c. 30)

(1) The Police Reform Act 2002 is amended as follows.

(2) In Schedule 4 (police civilians), in paragraph 2 (powers of community support officers to detain, etc), for sub-paragraph (6E)(d) substitute—

“(d) an Integrated Transport Authority for an integrated transport area in England;”.

Amendments Pending

Sch. 4(4) para. 65: repealed by Policing and Crime Act 2017 c. 3, Sch. 12(2) para. 24 (date to be appointed)

Commencement

Sch. 4(4) para. 65(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 65(1)-(2): England, Wales

✔ Law In Force

66 Railways Act 2005 (c. 14)

(1) The Railways Act 2005 is amended as follows.

(2) In section 13 (railway functions of Passenger Transport Executives)—

- (a) in subsection (2) for “passenger transport area” substitute “integrated transport area”;
- (b) in subsections (3), (4), (5), (7), (8) and (9) for “a passenger transport area” substitute “an integrated transport area”.

(3) In section 33(2) (persons on whom closure requirements may be imposed) for paragraph (d) substitute—

“(d) an Integrated Transport Authority or a Passenger Transport Authority;”.

(4) In section 58(3) (references in Act to Passenger Transport Authority)—

- (a) after “a reference to” insert “an Integrated Transport Authority or”;
- (b) after “or to” insert “an integrated transport area or”.

Commencement

Sch. 4(4) para. 66(1)-(4)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 66(1)-(4)(b): England, Wales

Law In Force

67 Concessionary Bus Travel Act 2007 (c. 13)

(1) The Concessionary Bus Travel Act 2007 is amended as follows.

(2) In section 9 (variation of reimbursement and other administrative arrangements), in subsections (6)(b) and (7)(b), for “Passenger Transport Authority” substitute “Integrated Transport Authority”.

Commencement

Sch. 4(4) para. 67(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 67(1)-(2): England, Wales

Law In Force

68 Local Government and Public Involvement in Health Act 2007 (c. 28)

(1) The Local Government and Public Involvement in Health Act 2007 is amended as follows.

(2) In section 104 (application of Chapter 1 of Part 5: partner authorities) for subsection (2)(i) substitute—

“(i) an Integrated Transport Authority for an integrated transport area in England;”.

Commencement

Sch. 4(4) para. 68(1)-(2): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 4(4) para. 68(1)-(2): England, Wales

SCHEDULE 5

ITAS AND CHARGING SCHEMES: MINOR AND CONSEQUENTIAL AMENDMENTS

Section 109

Introductory

Law In Force

1

Part 3 of the TA 2000 (road user charging and workplace parking levy) is amended as follows.

Commencement

Sch. 5 para. 1: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 1: England, Wales

Preliminary: power to make schemes does not limit other powers

Law In Force

2

In section 163(6) after “joint local-London charging schemes” insert “and joint ITA-London charging schemes”.

Commencement

Sch. 5 para. 2: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 2: England, Wales

Conditions for making trunk road schemes

Law In Force

3

In section 167(2)(b) after “a local traffic authority” insert “, an Integrated Transport Authority”.

Commencement

Sch. 5 para. 3: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 3: England, Wales

Charging schemes to be made by order

Law In Force

4

(1) Section 168 is amended as follows.

(2) In subsection (2)—

(a) after “a local traffic authority” insert “, an Integrated Transport Authority”;

(b) after “the local traffic authority” insert “or the Integrated Transport Authority”.

(3) In subsection (4) after “joint local-London charging schemes” insert “or joint ITA-London charging schemes”.

Commencement

Sch. 5 para. 4(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 4(1)-(3): England, Wales

Confirmation of charging schemes

Law In Force

5

In section 169(3) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

Commencement

Sch. 5 para. 5: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 5: England, Wales

Consultation and inquiries

Law In Force

6

(1) Section 170 is amended as follows.

(2) In subsection (5) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

(3) In subsection (7)(a) after “local traffic authority” insert “or Integrated Transport Authority”.

Commencement

Sch. 5 para. 6(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 6(1)-(3): England, Wales

Traffic signs

Law In Force

7

In section 177(2) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

Commencement

Sch. 5 para. 7: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 7: England, Wales

Guidance

Law In Force

8

(1) Section 193 is amended as follows.

(2) In subsection (1) after “non-metropolitan local traffic authorities” insert “, Integrated Transport Authorities”.

(3) In subsection (2) after “joint local-London charging schemes” insert “, joint ITA-London charging schemes”.

Commencement

Sch. 5 para. 8(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 8(1)-(3): England, Wales

Interpretation

Law In Force

9

In section 198(1) insert each of the following definitions at the appropriate place—

““eligible local traffic authority” has the meaning given by section 163(4A),”;

““joint local-ITA charging scheme” shall be construed in accordance with section 163(3)(bb),”;

““joint ITA-London charging scheme” shall be construed in accordance with section 163(3)(cc),”.

Commencement

Sch. 5 para. 9: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 9: England, Wales

Financial provisions

Law In Force

10

Schedule 12 is amended as follows.

Commencement

Sch. 5 para. 10: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 10: England, Wales

Law In Force

11

In paragraph 2(4) (net proceeds) after “local traffic authority” insert “or Integrated Transport Authority”.

Commencement

Sch. 5 para. 11: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 11: England, Wales

Law In Force

12

(1) Paragraph 3 (apportionment) is amended as follows.

(2) In sub-paragraph (1)—

(a) for the word “or” at the end of paragraph (a) substitute—

“(aa) a joint local-ITA charging scheme,”;

(b) at the end of paragraph (b) insert

“or

(c) a joint ITA-London charging scheme,”.

(3) In sub-paragraph (2) after “local traffic authority” insert “or Integrated Transport Authority”.

Commencement

Sch. 5 para. 12(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 12(1)-(3): England, Wales

Law In Force

13

(1) Paragraph 7 (accounts and funds) is amended as follows.

(2) In sub-paragraph (5)(c) after “London traffic authority,” insert “or an Integrated Transport Authority,”.

Commencement

Sch. 5 para. 13(1)-(2): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 13(1)-(2): England, Wales

Law In Force

14

(1) Paragraph 8 (application of proceeds by non-metropolitan local traffic authorities) is amended as follows.

(2) In sub-paragraph (3) for the word “and” at the end of paragraph (a) substitute—

“(aa) Integrated Transport Authorities;”.

(3) In sub-paragraph (4) for the word “or” at the end of paragraph (a) substitute—

“(aa) by an Integrated Transport Authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or”.

Commencement

Sch. 5 para. 14(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 14(1)-(3): England, Wales

✔ Law In Force

15

After paragraph 11 insert—

“Application of proceeds by Integrated Transport Authorities

11A

- (1) This paragraph applies to an Integrated Transport Authority's share of the net proceeds of any relevant scheme.
- (2) The share of the net proceeds is available only—
 - (a) for application by the Authority for the purpose of directly or indirectly facilitating the achievement of any of the Authority's local transport policies, or
 - (b) for application in accordance with sub-paragraph (4) by an authority falling within sub-paragraph (3) selected by the Authority.
- (3) The authorities which fall within this sub-paragraph are—
 - (a) non-metropolitan local traffic authorities;
 - (b) London traffic authorities and the Greater London Authority.
- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
 - (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or
 - (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999,in a way which will benefit the whole or any part of the integrated transport area of the Authority.

11B

- (1) A relevant scheme made by an Integrated Transport Authority must include—
 - (a) a general plan relating to the application of its share of the net proceeds of the relevant scheme during the opening ten year period, and
 - (b) a detailed programme for the application of its share for the net proceeds of the relevant scheme during the opening five year period.
- (2) See paragraph 10(2) for the meaning of “the opening ten year period” and “the opening five year period”.

11C

- (1) If a relevant scheme made by an Integrated Transport Authority remains in force after the end of the opening five year period, the Authority shall, during every fifth financial year

after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.

(2) Any programme prepared in accordance with sub-paragraph (1) in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 11B(1)(a).

(3) Except with the consent of the Secretary of State in any particular case, an Integrated Transport Authority may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to its general fund) in any financial year beginning after the end of the opening five year period unless it is complying with sub-paragraph (1).”.

Commencement

Sch. 5 para. 15: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(k))

Extent

Sch. 5 para. 15: England, Wales

SCHEDULE 6**AMENDMENTS OF FINANCIAL PROVISIONS RELATING TO SCHEMES****Section 121****PART 1****AMENDMENTS OF SCHEDULE 12 TO THE TRANSPORT ACT 2000**

Law In Force

1

Schedule 12 to the TA 2000 (financial provisions relating to road user charging and workplace charging schemes) is amended as follows.

Commencement

Sch. 6(1) para. 1: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 1: England, Wales

✔ Law In Force

2 Application of proceeds by non-metropolitan local traffic authorities

(1) Paragraph 8 is amended as follows.

(2) In sub-paragraph (1) for “any early relevant scheme during the initial period of the scheme” substitute “any relevant scheme”.

(3) Omit sub-paragraphs (5) to (7).

Commencement

Sch. 6(1) para. 2(1)-(3): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 2(1)-(3): England, Wales

✔ Law In Force

3 Application of proceeds where paragraph 8 does not apply

Omit paragraph 9.

Commencement

Sch. 6(1) para. 3: February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 3: England, Wales

✔ Law In Force

4 Plans and programmes for application of proceeds

(1) Paragraph 10 is amended as follows.

(2) In sub-paragraph (1)(b) for “the opening transport plan period” substitute “the opening five year period”.

(3) For sub-paragraph (2)(b) substitute—

“(b) “the opening five year period” means the period which begins with that date and ends with the fifth financial year that commences on or after that date.”.

(4) In sub-paragraph (3)—

(a) after “a scheme” insert “which relates to an area in Wales”;

(b) for “the appropriate national authority” substitute “the Welsh Ministers”.

Commencement

Sch. 6(1) para. 4(1)-(4)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 4(1)-(4)(b): England, Wales

Law In Force

5 Programme for application of proceeds after end of opening period

(1) Paragraph 11 is amended as follows.

(2) For sub-paragraph (1) substitute—

“(1) If a relevant scheme made by one or more non-metropolitan local traffic authorities remains in force after the end of the opening five year period, the authority or each of the authorities shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.”.

(3) In sub-paragraph (2) for “included in a local transport plan by virtue of sub-paragraph (1)” substitute “prepared in accordance with sub-paragraph (1)”.

(4) In sub-paragraph (3) for “the opening plan period” substitute “the opening five year period”.

Commencement

Sch. 6(1) para. 5(1)-(4): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 5(1)-(4): England, Wales

Law In Force

6 Application of proceeds by London traffic authorities

(1) Paragraph 12 is amended as follows.

(2) In sub-paragraph (1) for the words from “only for application” to the end substitute—

“(a) in the case of a charging scheme under this Part, only for application for relevant transport purposes within the meaning of Schedule 23 to the Greater London Authority Act 1999;

(b) in the case of a licensing scheme under this Part, only for application in accordance with regulations made by the Secretary of State.”.

(3) After sub-paragraph (1) insert—

“(1A) Paragraphs 19(1) and (2), 20(1) and (5), 23(1) and (3) and 24 of Schedule 23 to that Act apply in relation to a charging scheme under this Part as they apply in relation to a charging scheme under that Schedule.”.

(4) In sub-paragraph (2)—

- (a) omit paragraph (a);
- (b) for “a relevant scheme” substitute “a licensing scheme”.

Commencement

Sch. 6(1) para. 6(1)-(4)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 6(1)-(4)(b): England, Wales

Law In Force

7 Application of proceeds by Secretary of State and Welsh Ministers

(1) Paragraph 13 is amended as follows.

(2) In sub-paragraph (1)(b) omit the words from “and comes into force” to “the commencement of this Schedule”.

(3) Omit sub-paragraph (2).

(4) In sub-paragraph (3)—

- (a) for “Sub-paragraph (1)” substitute “Sub-paragraph (1)(a)”;
- (b) after “a scheme” insert “made by virtue of section 167(2)(a)”.

(5) In sub-paragraph (5)—

- (a) for “sub-paragraph (1)” substitute “sub-paragraph (1)(a)”;
- (b) after “a trunk road charging scheme” insert “made by virtue of section 167(2)(a)”.

Commencement

Sch. 6(1) para. 7(1)-(5)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 7(1)-(5)(b): England, Wales

Law In Force

8 Regulations and orders

(1) In consequence of the amendments made by paragraphs 3 and 7(3), section 197 of the TA 2000 is amended as follows.

(2) In subsections (3) and (4)(b) (regulations not to be made without consent of Treasury and approval of Parliament)—

- (a) omit “9(1) or”;
- (b) for “13(2) or (5)” substitute “13(5)”.

Commencement

Sch. 6(1) para. 8(1)-(2)(b): February 9, 2009 in relation to England; April 1, 2009 otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/579 art. 2(t))

Extent

Sch. 6(1) para. 8(1)-(2)(b): England, Wales

PART 2

AMENDMENTS OF SCHEDULE 23 TO THE GREATER LONDON AUTHORITY ACT 1999

Law In Force

9

Schedule 23 to the GLA Act 1999 (road user charging) is amended as follows.

Commencement

Sch. 6(2) para. 9: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 6(2) para. 9: England, Wales

Application of net proceeds

Law In Force

10

(1) Paragraph 16 is amended as follows.

- (2) In sub-paragraph (1)—
- (a) omit “which comes into force during the period of ten years beginning with the inception of the Authority”;
 - (b) omit “during the scheme's initial period”.
- (3) After sub-paragraph (1) insert—
- “(1A) Sub-paragraph (1) above is subject to paragraph 18(1A) and (1B) below.”.
- (4) Omit sub-paragraphs (2) to (4).
- (5) In sub-paragraph (6) for “(1) to (5)” substitute “(1) and (5)”.
- (6) Omit sub-paragraph (7).

Commencement

Sch. 6(2) para. 10(1)-(6): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 6(2) para. 10(1)-(6): England, Wales

Law In Force

11

In paragraph 17, omit sub-paragraphs (1), (2) and (6).

Commencement

Sch. 6(2) para. 11: February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 6(2) para. 11: England, Wales

Apportionment of net proceeds

Law In Force

12

- (1) Paragraph 18 is amended as follows.
- (2) In sub-paragraph (1) omit “Subject to any provision made by regulations under paragraph 16(2) above.”.
- (3) After sub-paragraph (1) insert—

“(1A) In the case of a charging scheme which imposes charges in respect of a trunk road, the Secretary of State may require the scheme to include provision for the payment to the Secretary of State of such portion of the net proceeds as is—

- (a) provided for by the scheme, or
- (b) otherwise determined with the consent of the Secretary of State.

(1B) Any portion of the net proceeds paid to the Secretary of State by virtue of sub-paragraph (1A) shall be available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.”.

(4) In sub-paragraph (2)—

- (a) after “sub-paragraph (1)” insert “or (1A)”;
- (b) omit “or regulations under paragraph 16(2) above”.

Commencement

Sch. 6(2) para. 12(1)-(4)(b): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 6(2) para. 12(1)-(4)(b): England, Wales

SCHEDULE 7

REPEALS

Section 131

PART 1

REPEALS RELATING TO PART 2 OF THIS ACT

 Partially In Force

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Transport Act 1968 (c. 73)	In section 9A(7), the words from “and to the bus strategy” to the end.
Transport Act 1985 (c. 67)	In section 63— <ul style="list-style-type: none"> (a) in subsection (8), the words “and to the appropriate bus strategy”, (b) subsection (8A). Section 89(7)(b) and (8).
Transport Act 2000 (c. 38)	In section 108(1)(a), the words “facilities and services”. Section 109(5) and (6).

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Transport (Wales) Act 2006 (c. 5)	<p>Sections 110 and 111.</p> <p>In section 112—</p> <p>(a) in subsection (1), the words “(and bus strategies)” and (in each place) “(and strategies)”,</p> <p>(b) in subsection (2), “and their bus strategy”.</p> <p>Section 113(1) and (3).</p> <p>Section 124(10).</p> <p>Section 162(6).</p> <p>In section 181(2)(a), the words “the local transport plans of”.</p> <p>In section 198(2), the words from “and the councils” to the end.</p> <p>In Schedule 11, paragraphs 3(5) and 11(5) and (6).</p> <p>In the Schedule, paragraphs 2(3), 3(5) and (6) and 5.</p>

Commencement


Sch. 7(1) para. 1(a)-(ba): February 9, 2009 in relation to England for repeals specified in SI 2009/107 art.2(2) and Sch.2 Part 1; January 11, 2010 in relation to England for repeals specified in SI 2009/3242 art.2(1)(c); January 31, 2010 in relation to Wales for repeals specified in SI 2009/3294 art.2(d); not yet in force otherwise (SI 2009/107 art. 2(2), Sch. 2(1) para. 1; SI 2009/3242 art. 2(1)(c); SI 2009/3294 art. 2(d))

Extent

Sch. 7(1) para. 1(a)-(ba): England, Wales

PART 2

REPEALS RELATING TO PART 3 OF THIS ACT

 Partially In Force

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Transport Act 2000 (c. 38)	<p>In section 116(2), the word “and” at the end of paragraph (c).</p> <p>In section 125(2), paragraph (c) and the word “and” preceding it.</p> <p>In section 126(4)(a), the words “or (as the case may be) paragraphs (a) to (d) of section 124(1A)”.</p> <p>Section 129(4).</p> <p>In section 162(4), the entry relating to section 129(4).</p> <p>In Schedule 10—</p> <p>(a) in paragraph 2(3)(b), the word “substantial”,</p> <p>(b) paragraphs 3 and 4,</p> <p>(c) paragraph 10(a),</p> <p>(d) paragraph 11,</p>

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Enterprise Act 2002 (c. 40)	(e) paragraph 16(3). In Schedule 25, paragraph 44(12)(b), (c), (d) and (i).

Commencement

Sch. 7(2) para. 1(a)-(e): February 9, 2009 in relation to England for repeals specified in SI 2009/107 art.2(2) and Sch.2 Part 1; April 6, 2009 in relation to England for the repeal specified in SI 2009/107 art.4(2) and Sch.5; January 11, 2010 in relation to England for repeals specified in SI 2009/3242 art.2(1)(d); January 31, 2010 in relation to Wales for repeals specified in SI 2009/3294 art.2(d); not yet in force otherwise (SI 2009/107 art. 2(2), art. 4(2); SI 2009/107 Sch. 2(1) para. 1, Sch. 5 para. 1; SI 2009/3242 art. 2(1)(a), art. 2(1)(d); SI 2009/3294 art. 2(d))

Extent

Sch. 7(2) para. 1(a)-(e): England, Wales

PART 3**REPEALS RELATING TO PART 4 OF THIS ACT**

Law In Force

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Transport Act 1968 (c. 73)	In section 10(1)— (a) paragraph (i), (b) in paragraph (iii), “(i or” (in both places), (c) in paragraph (iv), “(i).” Section 24.
Transport Act 1985 (c. 67)	Section 9(3), (4) and (7) to (9). In section 22(1), in paragraph (c) of the definition of “community bus service”, the words “but not more than sixteen”. Section 23(2)(a). Section 60(2) to (4), (7) and (8). Section 74(3) to (12). Section 75(3). In section 79— (a) subsections (3) and (7), (b) in subsection (8), the words “, with the consent of the Secretary of State,”.
Transport Act 2000 (c. 38)	Section 155(2) and (4). In Schedule 11, paragraph 13.
Constitutional Reform Act 2005 (c. 4)	In Schedule 9, paragraph 42(2).

Commencement

Sch. 7(3) para. 1(a)-(ba): February 9, 2009 for repeals specified in SI 2009/107 art.2(1) and Sch.1 Part 1; February 9, 2009 in relation to England for repeals specified in SI 2009/107 art.2(2) and Sch.2 Part 1; April 6, 2009 for repeals specified in SI 2009/107 art.4(1) and Sch.4 Part 1; January 31, 2010 for repeals specified in SI 2009/3294 art.2(d) otherwise (SI 2009/107 art. 2(1), art. 2(2); SI 2009/107 art. 4(1), Sch. 1(1) para. 1; SI 2009/107 Sch. 2(1) para. 1, Sch. 4(1) para. 1; SI 2009/3294 art. 2(d))

Extent

Sch. 7(3) para. 1(a)-(ba): England, Wales, Scotland

PART 4**REPEALS RELATING TO PART 5 OF THIS ACT**

Law In Force

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Transport Act 1968 (c. 73)	In section 9(1), the words “Subject to any order under section 42(1)(c) of the Local Government Act 1985 (alteration or abolition of passenger transport areas, etc)”.
Local Government Act 1985 (c. 51)	In section 42(1)— (a) the words “any of the following purposes”, (b) paragraph (c), (c) in paragraph (d) the words “whether or not an order is made for any of the foregoing purposes”. In section 42(3), the words “any passenger transport authority”. In Schedule 12, paragraph 3(1). In Schedule 14, paragraph 31(2).
Transport Act 1985 (c. 67)	Section 58(2)(a) and (4)(c). In Schedule 3, paragraph 18(c).
Education Reform Act 1988 (c. 40)	In Schedule 12, paragraphs 45 and 46.
Transport Act 2000 (c. 38)	Section 156.

Commencement


Sch. 7(4) para. 1(a)-(c): February 9, 2009 (SI 2009/107 art. 2(1), Sch. 1(1) para. 1)

Extent

Sch. 7(4) para. 1(a)-(c): England, Wales

PART 5

REPEALS RELATING TO PART 6 OF THIS ACT

 Partially In Force

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Greater London Authority Act 1999 (c. 29)	<p>In Schedule 23—</p> <p>(a) in paragraph 16(1), the words “which comes into force during the period of ten years beginning with the inception of the Authority” and “during the scheme's initial period”,</p> <p>(b) paragraph 16(2) to (4) and (7),</p> <p>(c) paragraph 17(1), (2) and (6),</p> <p>(d) in paragraph 18(1), the words “Subject to any provision made by regulations under paragraph 16(2) above,”,</p> <p>(e) in paragraph 18(2), the words “or regulations under sub-paragraph 16(2) above”,</p> <p>(f) paragraph 19(3)(a) and (4),</p> <p>(g) paragraph 20(2)(a), (3) and (4),</p> <p>(h) in paragraph 21(2), the words “and submit to the Secretary of State”,</p> <p>(i) paragraph 21(4),</p> <p>(j) paragraph 22(3),</p> <p>(k) in paragraph 22(4), the words “and approved” (in both places),</p> <p>(l) in paragraph 23(2), the words “and approved”,</p> <p>(m) in paragraph 24(3)(c), the words from “and, if approved” to the end,</p> <p>(n) paragraph 24(6)(a) and (7),</p> <p>(o) in paragraph 24(10), the words “prepared and approved” in the second place.</p>
Transport Act 2000 (c. 38)	<p>In section 166(2)(a), the words “the local transport plans of”. Section 169(5). In section 170(5), paragraph (b) and the word “and” preceding it. In section 171(5), the word “and” at the end of paragraph (d).</p>

<i>Short title and chapter</i>	<i>Extent of repeal</i>
	<p>In section 197(3) and (4)(b), the words “9(1) or”.</p> <p>In Schedule 12—</p> <p>(a) paragraph 8(5) to (7),</p> <p>(b) paragraph 9,</p> <p>(c) paragraph 12(2)(a),</p> <p>(d) in paragraph 13(1)(b), the words from “and comes into force” to “the commencement of this Schedule”,</p> <p>(e) paragraph 13(2).</p>

Commencement

Sch. 7(5) para. 1(a)-(ea): February 9, 2009 for repeals specified in SI 2009/107 art.2(1) and Sch.1 Part 1; February 9, 2009 in relation to England for repeals specified in SI 2009/107 art.2(2) and Sch.2 Part 1; January 31, 2010 in relation to Wales for repeals specified in SI 2009/3294 art.2(d); not yet in force otherwise (SI 2009/107 art. 2(1), art. 2(2); SI 2009/107 Sch. 1(1) para. 1, Sch. 2(1) para. 1; SI 2009/3294 art. 2(d))

Extent

Sch. 7(5) para. 1(a)-(ea): England, Wales

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Local Transport Act 2008 (“the Act”), which received Royal Assent on 26 November 2008. They have been prepared by the Department for Transport in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY AND BACKGROUND

3. The provisions in the Act are intended to address increasing road congestion and to improve the quality of local bus services. The policy context and related background were set out in the consultation document *Strengthening Local Delivery: the draft Local Transport Bill*, published in May 2007 (Cm 7043). The Government's response to the consultation was published in November 2007, and copies are available from the Department for Transport's website (www.dft.gov.uk).

4. The Act contains provisions to amend the law relating to:
- the responsibilities of local authorities in relation to local transport policies and plans;
 - the operation of local bus services and related matters, including provisions relating to traffic commissioners;
 - the constitution and functions of Passenger Transport Authorities (“PTAs”), which are renamed as Integrated Transport Authorities (“ITAs”);
 - the establishment and operation of local and London road user charging schemes (commonly referred to as “local road pricing schemes”).
5. It also contains provision conferring a new framework power on the National Assembly for Wales that will enable the Assembly to make provision for and in connection with charging schemes for Welsh trunk roads, and certain other miscellaneous provisions.

Local bus services

Legal background

6. The current legal framework within which local bus services are operated in England and Wales (outside Greater London) is set out in the Transport Act 1985 (“the TA 1985”). In brief, the effect of the provisions contained in that Act was to deregulate the bus market outside London.

* *Local bus services* are services provided on public service vehicles, on which passengers may travel for distances of less than 15 miles.

Quality partnership and quality contracts schemes

7. Part 2 of the Transport Act 2000 (“the TA 2000”) includes provisions relating to “quality partnership schemes” and “quality contracts schemes”. A quality partnership scheme is a scheme under which:

- a local authority provides specified facilities in their area: such facilities might include bus lanes or other bus priority measures, or enhanced facilities for passengers at bus stops and bus stations; and
- operators of local services who wish to use such facilities must undertake to provide those services to a particular standard when using those facilities.

8. A quality contracts scheme is a scheme under which:

- a local authority determines what local services should be provided in the area to which the scheme relates and any additional facilities or services which should be provided in that area; and
- local services may be provided in that area only in accordance with quality contracts entered into by a local authority with a bus operator following a competitive tendering process, unless they are explicitly excluded from the scheme.

A scheme may comprise one or more contracts relating to services that form part of the overall scheme.

9. A quality contracts scheme therefore has the effect of closing down the deregulated market established under the TA 1985 in the area to which it applies, for the duration of the scheme.

Voluntary partnership agreements

10. A number of local authorities have entered into agreements with bus operators independently of the statutory provisions contained in the TA 2000. Such voluntary agreements are used as a means of improving the quality of bus services in a particular area, but without the restrictions

which are imposed by the statutory schemes. The majority are bilateral agreements between one authority and one operator. Many have been in place since before the TA 2000 provisions on quality partnership schemes were brought into force, while others have been made subsequently in preference to using the statutory route described above.

The Act

11. The Act includes measures to:

- create a statutory post of “senior traffic commissioner” and increase flexibility in the deployment of traffic commissioners in England and Wales;
- amend provisions in the TA 2000 relating to quality partnership and quality contracts schemes;
- provide a tailored competition test relating to voluntary partnership agreements and certain other agreements entered into by bus operators;
- strengthen the enforcement powers of the traffic commissioners;
- amend existing legislative provisions relating to the community transport sector;
- enable the establishment of a statutory body to represent the interests of bus passengers or the conferral of appropriate bus-related functions on the Rail Passengers' Council; and
- amend a number of other legislative provisions that relate to local public passenger transport services.

* The *traffic commissioners* are appointed by the Secretary of State under section 4 of the Public Passenger Vehicles Act 1981 (“the PPVA 1981”). There is currently a traffic commissioner for each traffic area in Great Britain. Each traffic commissioner has responsibilities relating to the goods vehicle and public service vehicle sectors and the registration of local bus services.

Local transport functions

Legal background

12. At present, responsibility for setting overall strategies for transport services for a particular area in England (outside London and the six metropolitan counties) lies with the county council or unitary authority, which is also the local highways authority and local traffic authority for that area. Under section 108 of the TA 2000, these local transport authorities are required to develop policies relating to local transport, and to prepare and publish a local transport plan.

13. In the metropolitan counties outside London (West Midlands, Greater Manchester, Merseyside, South Yorkshire, West Yorkshire and Tyne & Wear) these responsibilities are split. The metropolitan counties have been designated as “passenger transport areas” and a PTA has been established in relation to each of those areas, with responsibility for planning local transport services (jointly with metropolitan district councils) and for procuring public transport services. The metropolitan district councils have responsibility for the local road network as local traffic authorities and local highways authorities.

14. Across England (outside London) the Secretary of State, acting through the Highways Agency, is the highways authority and traffic authority for the strategic road network.

The Act

15. The Act amends provisions in Part 2 of the TA 2000 concerning local transport policies and plans. These changes will apply in all local authority areas outside London. The Act expands the existing duty on local transport authorities to develop policies relating to transport, so that these

policies must cover all aspects of transport, rather than the currently more limited requirement relating only to transport facilities and services, and must take the protection and improvement of the environment (including mitigation of, and adaptation to, climate change) into account. The Act also provides that in the six metropolitan counties this duty will lie solely with the Integrated Transport Authority (see below). The Act also amends the arrangements for preparing and publishing the local transport plans which contain those policies, removes the need for local transport authorities to prepare a separate bus strategy, and amends an existing duty relating to the needs of persons who are elderly or have mobility problems so that it applies also to the needs of disabled persons.

16. The Act also provides a means for making changes to the organisational arrangements for the discharge of statutory transport functions in local authority areas (“governance”). It changes the name “Passenger Transport Authority” (“PTA”) to “Integrated Transport Authority” (“ITA”), and enables changes to be made to the constitutions and functions of the renamed ITAs. It includes provisions relating to the establishment of new ITAs, and provision enabling changes to be made to the boundaries of existing integrated transport areas. It also gives all ITAs power to promote or improve the economic, social and environmental well-being of their areas.

Local charging schemes

Legal background

17. Part 3 of the TA 2000 includes provisions relating to local charging schemes in England and Wales. These provisions set out the conditions under which a local authority outside Greater London can set up a charging scheme in relation to roads for which they are the local traffic authority. The Greater London Authority Act 1999 (“the GLA Act 1999”) included powers for Transport for London, the London boroughs and the Common Council to establish charging schemes in their areas. The GLA Act 1999 provides the vires for the London Congestion Charge and the London Low Emission Zone. The Transport (Scotland) Act 2001 includes provisions relating to charging schemes in Scotland.

* A *local traffic authority* is a traffic authority, other than the Secretary of State, which has functions under Part 10 of the Road Traffic Regulation Act 1984.

* The *Common Council* is the Common Council of the City of London.

The Act

18. Provisions in the Act allow ITAs to make a charging scheme jointly with local traffic authorities, provide that local charging authorities will no longer require the approval of the Secretary of State for their schemes, and make a number of other miscellaneous amendments to the provisions of the GLA Act 1999 and the TA 2000.

OVERVIEW OF STRUCTURE

19. The Act is organised in eight Parts and seven Schedules.

20. Part 1 contains provisions relating to traffic commissioners.

21. Part 2 amends Part 2 of the TA 2000, in particular the duties on local transport authorities to develop transport policies and prepare and publish local transport plans and bus strategies.

22. Part 3 contains provisions relating to local bus services, amending in particular Part 2 of, and Schedule 10 to, the TA 2000.

23. Part 4 contains a number of general provisions relating to passenger transport, amending various sections of the Transport Act 1968 (“TA 1968”), the PPVA 1981, the TA 1985, the TA 2000 and other enactments.
24. Part 5 makes provision relating to Integrated Transport Authorities (“ITAs”).
25. Part 6 amends provisions relating to local and London charging schemes in Part 3 of, and Schedule 12 to, the TA 2000 and Schedule 23 to the GLA Act 1999.
26. Part 7 contains miscellaneous provisions relating to the powers of the National Assembly for Wales, certain aspects of the regulatory regime for goods vehicles, and the disclosure and use of information about foreign-registered vehicles, as well as amending the New Roads and Street Works Act 1991, the Traffic Management Act 2004 and the Road Traffic Offenders Act 1988.
27. Part 8 contains supplementary provisions.
28. Schedule 1 substitutes references to “local transport policies” (as defined by a new provision inserted by Part 2) in place of certain references in the TA 2000 to local transport plans or bus strategies.
29. Schedule 2 amends provisions in Schedule 10 to the TA 2000, which applies a competition test to the exercise of certain functions by local transport authorities. It also inserts a new competition test, applying to voluntary partnership agreements and certain other agreements, and makes specific provision for investigation and enforcement action to be taken by the Office of Fair Trading in relation to such agreements.
30. Schedule 3 contains provisions empowering the Secretary of State to put in place a new enforcement regime for certain public service vehicles operated without a valid operator’s licence.
31. Schedule 4 contains amendments to various enactments, consequential on the provisions in Part 5 under which passenger transport areas and metropolitan county passenger transport authorities in England and Wales are to be known as integrated transport areas and Integrated Transport Authorities (“ITAs”) respectively.
32. Schedule 5 contains minor and consequential amendments to the TA 2000, relating to provisions in Part 5 that introduce the name “ITA”, and in Part 6 that allow ITAs to make local charging schemes jointly with local traffic authorities.
33. Schedule 6 amends Schedule 12 to the TA 2000, which contains financial provisions relating to charging schemes under Part 3 of that Act, and Schedule 23 to the GLA Act 1999.
34. Schedule 7 contains repeals relating to Parts 2 to 6 of the Act.

TERRITORIAL EXTENT

35. Provisions in the Act extend to England and Wales, with certain specified provisions also extending, in whole or in part, to Scotland and Northern Ireland.
36. The provisions extending to Scotland are:
- sections 1 to 6, which amend provisions in the PPVA 1981 relating to traffic areas and traffic commissioners, and create a statutory post of senior traffic commissioner; their application to Scotland is limited to matters which are not devolved;
 - section 47 and Schedule 3, which facilitate the detention of certain public service vehicles (“PSVs”) used without valid PSV operators’ licences;

- sections 53 and 54(1) to (7), which enable the holders of private hire vehicle (“PHV”) licences to operate local bus services; these provisions are drafted so as to extend this provision to holders of PHV licences in Scotland;
- sections 55 and 56, which make provision relating to the carrying of disabled persons in wheelchairs in designated taxis and PHVs that are being used to operate local bus services;
- sections 57 to 61, which make provision relating to permits issued under sections 19 and 22 of the TA 1985 (which exempt the operators of particular community services from certain licensing requirements);
- section 68(1) and (2), which makes provision relating to the payment by local councils of subsidy to secure passenger transport services;
- section 72, which provides for remuneration to be paid to members of the Disabled Persons Transport Advisory Committee; in relation to Scotland, the provision applies only to matters that are not devolved;
- section 74, which provides a power for the Secretary of State to confer certain non-rail functions on the Rail Passengers' Council;
- section 119, which provides a power for the Secretary of State to charge a reasonable fee for the provision of information obtained by the Secretary of State in the exercise of any function that relates to reserved matters to charging authorities in relation to a charging scheme made under Part 3 of the Transport (Scotland) Act 2001;
- section 122, which inserts a new matter into Schedule 5 to the Government of Wales Act 2006;
- section 125, which amends certain requirements relating to goods vehicle operator licensing;
- section 126, which amends existing provision relating to the detention of certain goods vehicles;
- section 128, which amends the Road Traffic Offenders Act 1998 so as to enable financial deposit requirements to be imposed on those who are issued with conditional offers in Scotland by vehicle examiners;
- sections 129 and 130, which make provision about the disclosure and use of information obtained by the Secretary of State in relation to foreign registered vehicles;
- sections 132 (interpretation), 133 (extent), 134 (commencement) and 135 (short title); and
- the repeals in Part 3 of Schedule 7 (repeals) relating to sections 22 and 23 of the TA 1985, and section 131 so far as relating to those repeals.

37. The Act does not contain any provisions that triggered the Sewel Convention in Scotland.

38. The provisions extending to Northern Ireland are:

- section 122, which inserts a new matter into Schedule 5 to the Government of Wales Act 2006;
- sections 129 and 130, which relate to the disclosure of information relating to foreign registered vehicles; and
- sections 132 (interpretation), 133 (extent), 134 (commencement) and 135 (short title).

TERRITORIAL APPLICATION: WALES

39. The Act confers a number of new or expanded powers on the Welsh Ministers, in line with changes being made to certain powers of the Secretary of State in relation to England. In addition, one provision, which relates to the application of revenues from local charging schemes, would replace an existing power for the Welsh Ministers to make regulations with provision on the face of the TA 2000.

40. Table 1 below lists the sections which *affect the existing powers of, or confer new powers on, the Welsh Ministers.*

Table 1:

Sections which affect the existing powers of, or confer new powers on, the Welsh Ministers

Section(s)	Subject of section(s)	Effect on the powers of the Welsh Ministers
Part 3: section 18	Regulations about certain quality partnership schemes	A new power for the Welsh Ministers to make regulations in respect of quality partnership schemes which specify frequencies, timings or fares.
Part 3: section 26	Making of a quality contracts scheme	The power for the Welsh Ministers by order to vary a time period stipulated in section 127 of the TA 2000 is extended to include power to vary certain other time periods.
Part 3: section 32	Exempt continuation proposals	A new power for the Welsh Ministers to prescribe circumstances, in addition to those listed in section 32, in which a proposal is to be treated as an exempt continuation proposal.
Part 3: section 34	Procedure for continuation of quality contracts schemes for areas in Wales	New provisions in the Act allow the continuation of a quality contracts scheme beyond its initial ten year period. For schemes in Wales, the Welsh Ministers will have the power to approve the continuation (except where the continuation is exempt, and therefore requires no approval, because it meets specified conditions).
Part 3: section 35	Appeals where continuation proposals considered exempt	New power for the Welsh Ministers to make regulations with respect to the procedures to be followed in cases where the Transport Tribunal decide that a proposal to continue a quality contracts scheme was not an exempt continuation proposal.
Part 3: section 37	Variation or revocation of quality contracts scheme	Certain variations of quality contracts schemes are exempt from the requirement to be approved by the Welsh Ministers. The Welsh Ministers are also empowered to make regulations to modify or exclude the procedure to be followed when varying or revoking a scheme.
Part 3: section 38	Appeals where proposed variation considered exempt	New power for the Welsh Ministers to make regulations with respect to the procedures to be followed in cases where the Transport Tribunal decide that a variation of a quality contracts scheme was not an exempt variation.
Part 3: section 41	Regulations about quality contracts schemes	The powers of the Welsh Ministers to make regulations are extended so that regulations may additionally make provision with respect to the continuation of quality contracts schemes, and with respect to the application of provisions relating to quality contracts schemes in Part 2 of the TA 2000 in certain specified circumstances.
Part 3: section 42	Power to make transitional provision about schemes	The power for the Welsh Ministers to make regulations governing the transitional period between the making and coming into force of a quality contracts scheme is extended to cover the continuation of schemes, and to enable such regulations to modify provisions about the letting of subsidy contracts.

Section(s)	Subject of section(s)	Effect on the powers of the Welsh Ministers
Part 3: section 43	Guidance about schemes	A power for the Welsh Ministers to issue guidance to local authorities about the performance of their functions in respect of quality contracts schemes.
Part 4: section 64	Additional sanctions for failures by bus operators	A power for the Welsh Ministers to prescribe additional forms of orders that a traffic commissioner may make under section 155(1A) of the TA 2000.
Part 4: section 69	Subsidy to secure passenger transport services in Wales	Extension of existing power for the Welsh Ministers to subsidise public passenger transport services to cover standards of service.
Part 4: section 75	Power to require display of certain information	New power for the Welsh Ministers to make regulations requiring prescribed persons to display prescribed information relating to persons or bodies with functions relating to public passenger transport services.
Part 6: section 112	Charges	Charging schemes (including those made by the Welsh Ministers under section 167 of the TA 2000) may impose different charges for different means of recording, administering, collecting or paying the charge.
Part 6: section 113	Manner of payment of charges in a charging scheme	A new power for the Welsh Ministers to make regulations regulating the manner in which, in certain circumstances, persons may pay road user charges.
Part 6: section 114	Suspension of charging schemes	Charging schemes made by the Welsh Ministers under the TA 2000 may be suspended in an emergency or for a temporary event.
Part 6: section 115	Interference with functioning of equipment	An extension to the existing power for the Welsh Ministers, by regulations, to make certain provisions relating to examination of, or entry into, a motor vehicle for certain purposes.
Part 6: section 116	Use of equipment for charging schemes	A new power for the Welsh Ministers to regulate the manner in which equipment installed as part of a charging scheme is used, supplementing the existing power for them to make regulations to approve standards for such equipment.
Part 6: section 117	Power to require information	A new power for the Welsh Ministers to direct a local traffic authority in Wales to provide specified information relating to the performance or proposed performance of their functions under Chapter 1 of Part 3 of the TA 2000.
Part 6: section 118	Information	A new power for the Welsh Ministers to charge a reasonable fee for the supply of information under section 194(1) and (3) of the TA 2000.
Part 6: section 121 and Schedule 6	Application of revenues from charging schemes	The existing power for the Welsh Ministers to make regulations relating to the use of net proceeds from local charging schemes in Wales (other than during the initial period of an early relevant scheme) is replaced with a requirement that all such net proceeds may only be used to facilitate the achievement of the charging authority's local transport policies.

41. Table 2 below summarises the provisions in the Act which *have different effect in Wales, as compared to their effect in England* (outside London). Table 2 does not repeat measures set out in Table 1.

Table 2:

Measures which have different effect in Wales, as compared to England (outside London)

Section(s)	Subject of section	Effect in Wales
Part 2	Transport policies	The following do not have effect in Wales: the duty on local transport authorities to take into account Government policies on protecting and improving the environment (section 8(4)), the duty to include implementation proposals in the local transport plan (section 9(1)), the power to replace the local transport plan as the local transport authority thinks fit rather than to a 5 year timetable (section 9(3)), the duty to consult certain persons when preparing a local transport plan (section 9(4)), the duty on ITAs to prepare the local transport plan (section 12).
Part 3: sections 19 to 45	Quality contracts schemes	While the Act amends the procedures that apply in relation to the making of a quality contracts scheme in England (and in some cases in Wales), the Act preserves the existing provisions whereby (i) a scheme in Wales must be approved by the Welsh Ministers; and (ii) there is no right of appeal to the Transport Tribunal in relation to the Welsh Ministers' decisions to approve or reject a scheme.
Part 4: section 66	Revival of certain powers of PTEs	There are no PTEs in Wales, and so the provisions do not have any effect there.
Part 4: section 67	Subsidy to secure passenger transport services in integrated transport areas	There are no integrated transport areas in Wales, and so the provisions do not have any effect there.
Part 4: section 73	Public Transport Users' Committee for England	This section has no effect in Wales, where separate arrangements for passenger representation apply.
Part 4: section 74	Power to confer non-rail functions on the Rail Passengers' Council	The power is limited to functions relating to local bus services, scheduled coach services and tram services to the extent that they operate within England, and passenger transport facilities in England. It has no effect in Wales, where separate arrangements for passenger representation apply.
Part 5	Integrated Transport Authorities etc.	There are no ITAs in Wales, and so the provisions do not have any effect there.
Part 6: sections 103 to 109	Involvement of Integrated Transport Authorities in charging schemes	There are no ITAs in Wales, and so the provisions do not have any effect there.
Part 6: section 110	Removal of requirement for Secretary of State confirmation of charging schemes in England	The section preserves the existing provision that the order by which a local charging scheme in Wales is made must be approved by the Welsh Ministers.

Section(s)	Subject of section	Effect in Wales
Part 6: section 111	Amendment to powers relating to inquiries into local charging schemes	The section preserves the existing provisions allowing the Welsh Ministers to require a local charging authority to consult on, or to allow the Welsh Ministers to hold an inquiry into, a local charging scheme. Accordingly the new duty on local charging authorities to consult before making a local charging scheme does not apply in Wales.
Part 6: section 121 and paragraph 4 of Schedule 6	Financial provisions relating to road user charging schemes	The amendments to paragraph 10(3) of Schedule 12 to the TA 2000 preserve, in Wales, the existing requirement for the Welsh Ministers to approve a local traffic authority's plans for the application of revenues from a local charging scheme.

POWERS FOR THE NATIONAL ASSEMBLY FOR WALES

42. Section 122 confers a new framework power on the National Assembly for Wales by inserting a matter into field 10 (highways and transport) of Schedule 5 to the Government of Wales Act 2006. This is discussed further at the appropriate place under “Commentary” below. The existing power for information obtained by any Minister of the Crown, government department, local authority or other statutory body to be disclosed to charging authorities under Part 3 of the TA 2000 is extended to allow information to be disclosed to the Welsh Ministers in relation to charging schemes established pursuant to an Assembly Measure under Part 3 of the Government of Wales Act 2006 (see section 123).

APPLICATION: LONDON

43. In relation to many of the matters covered in the Act, separate provision is made for London by other enactments, including the GLA Act 1999. The following table lists the provisions in the Act which have application in London.

Table 3:

Measures which have application in London

Section or Part	Subject of section or Part
Part 1	The traffic commissioners.
Part 4: section 47 and Schedule 3	Detention of certain public service vehicles used without valid operator's licence.
Part 4: sections 53 and 54	Use of private hire vehicles to provide local services outside London, power for Transport for London to extend the provisions to Greater London and power for Transport for London to make certain regulations in relation to taxis and hire cars.
Part 4: sections 55 and 56	Carrying of passengers in wheelchairs in vehicles providing local services.
Part 4: sections 57 to 61	Vehicles used under permits issued under sections 19 and 22 of the TA 1985.
Part 4: section 62	Attachment of conditions to related licences (applies in London to a limited extent).
Part 6: sections 107 to 109	Involvement of ITAs in charging schemes. These provisions cater for the possibility of a future ITA being established in the vicinity of London, and the local traffic authority and/or the ITA seeking to make a charging scheme jointly with one or more charging authorities in London.
Part 6: section 112	Charges.
Part 6: section 113	Supplementary provision as to charging schemes.
Part 6: section 115	Interference with functioning of equipment.

Section or Part	Subject of section or Part
Part 6: section 116	Use of equipment for charging schemes.
Part 6: section 117	Power of national authority to require information from charging authorities.
Part 6: section 118	Information: England and Wales.
Part 6: section 120	London charging schemes: 10 year plan for share.
Part 6: section 121 and Schedule 6	Application and apportionment of net proceeds of a London charging scheme.
Part 7: section 124	Street works: reinstatement and remedial works
Part 7: section 125	Amendment of certain requirements relating to goods vehicle operator licensing.
Part 7: section 126	Goods vehicles used without operators' licence: power to return detained vehicles.
Part 7: section 129	Disclosure of information relating to foreign-registered vehicles.

COMMENTARY

Part 1: The traffic commissioners

Section 1: *Traffic areas*

44. Section 3(2) of the Public Passenger Vehicles Act 1981 (“PPVA 1981”) empowers the Secretary of State by order to vary the extent or number of traffic areas. Section 1 inserts new subsections (2A), (2B) and (2C) into section 3 of the PPVA 1981.

45. These new subsections provide that an order made under section 3(2) may include amendments or modifications to any provision of the Local Transport Act 2008 or any other enactment needed to give full effect to any changes to traffic areas in England and Wales. Orders made under this provision are subject to the affirmative resolution procedure.

Section 2: *Traffic commissioners*

46. Subsection (2) substitutes subsections (1) and (2) of section 4 of the PPVA 1981. The effect is to abolish the existing requirement for a traffic commissioner to be appointed for each traffic area. Instead, the Secretary of State may appoint such number of traffic commissioners for England and Wales as is considered appropriate. However, a single commissioner for the Scottish Traffic Area is retained. New section 4(2) continues the existing provision for traffic commissioners to be appointed by the Secretary of State and provides for them to be known as “traffic commissioners”.

47. Subsection (4) inserts new section 4(3A) and (3B) into the PPVA 1981 to define the jurisdiction of traffic commissioners. Traffic commissioners in England and Wales are granted full jurisdiction in respect of all their statutory functions throughout England and Wales, and also in relation to “reserved matters” (within the meaning of the Scotland Act 1998) in the Scottish traffic area. The Scottish Commissioner is granted full jurisdiction in respect of all devolved and reserved statutory functions in the Scottish traffic area, and also in relation to reserved matters in England and Wales.

Section 3: *The senior traffic commissioner*

48. The Secretary of State has designated one of the traffic commissioners as senior traffic commissioner. The post currently has no statutory basis and the post holder no statutory powers. Subsection (1) inserts new sections 4A to 4D into the PPVA 1981 to put this post on a statutory footing.

49. New section 4B confers powers on the senior traffic commissioner to deploy other traffic commissioners. The effect is that the senior traffic commissioner can require any traffic commissioner or deputy in England and Wales to carry out any function at any place within that

jurisdiction, and also to carry out reserved functions in Scotland. The senior traffic commissioner can also require the traffic commissioner for the Scottish Traffic Area, and his deputies, to carry out any reserved function in any place in England and Wales.

50. New section 4C empowers the senior traffic commissioner, following consultation, to issue guidance and general directions to traffic commissioners about the exercise of any of their functions. Traffic commissioners would be required to act under the general directions of, and to have regard to any such guidance given by, the senior traffic commissioner. This replaces the previous requirement for traffic commissioners to act under the general directions of the Secretary of State (whose power to give such directions is removed). The power of the senior traffic commissioner to issue guidance and directions to the Scottish traffic commissioner extends only to reserved matters.

51. New section 4D empowers the Secretary of State to issue guidance to the senior traffic commissioner on the exercise of his functions, and subsection (2) requires the senior traffic commissioner to have regard to any such guidance.

52. Section 3 also provides for additional remuneration to be paid to the senior traffic commissioner, and includes a transitional provision so that the person designated as senior traffic commissioner prior to the creation of the new statutory post will become the first holder of that office.

Section 4: *Amendments of Schedule 2 to the PPVA 1981*

53. This section amends Schedule 2 to the PPVA 1981, which includes provisions about the terms of service of traffic commissioners, appointment and terms of office of deputy traffic commissioners, and pensions and remuneration.

54. The circumstances in which the Secretary of State can dismiss a traffic commissioner are amended. Currently a traffic commissioner can be dismissed for “inability or misbehaviour”. Under the new provisions the Secretary of State could dismiss a traffic commissioner for misbehaviour or because that traffic commissioner is unable, unfit or unwilling to perform the functions of a traffic commissioner to a satisfactory standard.

55. Section 4 inserts new provisions relating to the appointment and terms of office of deputy traffic commissioners in England and Wales. The effect is to empower the Secretary of State to appoint such number of deputy traffic commissioners in England and Wales as the Secretary of State thinks fit. Deputy traffic commissioners for England and Wales may be deployed by the senior traffic commissioner to exercise any of their functions in any place in England and Wales, and to exercise functions in relation to reserved matters in the Scottish Traffic Area.

56. The existing powers in paragraphs 3 to 5 of Schedule 2 relating to the appointment and terms of office of deputy traffic commissioners will in future apply in Scotland only.

Section 5: *Transitional provision for existing traffic commissioners etc*

57. This section contains transitional provisions which will apply to traffic commissioners and deputy traffic commissioners in England and Wales who are in post when these provisions come into force. In particular, traffic commissioners already in post will remain on their existing terms and conditions of employment, except that they will be subject to the revised terms on dismissal in the amended paragraph 1 of Schedule 2 to the PPVA 1981 (see notes on section 4 above). Similar provisions are made for any existing traffic commissioner for the Scottish Traffic Area. As the appointment and terms of office for any deputy traffic commissioner for the Scottish Traffic Area are not affected by these provisions, no transitional arrangements are required.

Section 6: *Consequential amendments*

58. This section empowers the Secretary of State, in secondary legislation, to make any necessary consequential changes to the Local Transport Act 2008 and to other legislation (primary and secondary) to give full effect to the new provisions about traffic commissioners. This will be necessary in particular to reflect the new jurisdiction of traffic commissioners and the removal of the link in England and Wales between particular commissioners and specific traffic areas. The power is limited, in so far as it extends to Scotland, to reserved matters. Orders made under this provision will be subject to the affirmative resolution procedure.

Part 2: **Transport policies**

Section 7: *Local transport policies*

59. This section, together with Schedule 1, inserts the new term “local transport policies” into Parts 2 and 3 of the TA 2000. This is defined as the policies developed under section 108(1)(a) of the TA 2000. Section 108(1)(a), as amended by section 8 of the Act, will require each local transport authority to develop policies “for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area”.

60. This section extends to England and Wales.

Section 8: *Nature of duty to develop transport policies*

61. This section amends section 108 of the TA 2000. Subsection (2) omits the words “facilities and services” from the duty in section 108(1)(a), as described in relation to section 7 above. Subsection (3) makes consequential changes following on from subsection (2).

62. Subsection (4) inserts new subsections (2ZA) to (2ZC) in section 108 of the TA 2000. These subsections create new duties on all English local transport authorities: first, to take account of any policies announced by the Government, and, secondly, to have regard to any guidance issued by the Secretary of State, with respect to the mitigation of, or adaptation to, climate change or otherwise with respect to the protection or improvement of the environment.

Section 9: *Local transport plans*

63. This section amends the duty in sections 108 and 109 of the TA 2000 for local transport authorities to produce a local transport plan (“LTP”). Subsection (1) provides that an LTP in England must be one or more documents containing local transport policies plus proposals for implementing those policies. Subsection (3) replaces the obligation on local transport authorities to replace their LTPs every five years with a power to replace them as they think fit. Subsection (4) inserts new subsections (2A) to (2D) into the TA 2000 which list those authorities which (i) local transport authorities other than ITAs, and (ii) ITAs, must consult in drawing up their LTP and keeping it under review.

Section 10: *Bus strategies no longer required*

64. This section repeals the requirement under the TA 2000 for local transport authorities — including ITAs — to prepare a bus strategy. Following on from this, subsections (8) to (11) make consequential amendments to the TA 1968 and the TA 1985.

Section 11: *Duty to have regard to transport needs of disabled persons*

65. Section 112(2) of the TA 2000 contains a duty for local transport authorities, when *developing* their policies under section 108(1) of that Act, to have regard to the transport needs of persons who are “elderly or have mobility problems”.

66. Section 11 amends that duty in two respects. First, it provides that it will extend additionally to the *implementation* (as well as the *development*) of local transport policies. Secondly, it extends it to cover the transport needs of all “disabled persons” within the meaning of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005), in addition to those to whom it already extends.

Section 12: *Development of policies by ITA no longer joint duty with district councils*

67. The provisions in section 12 remove the previous joint duty on PTAs and metropolitan district councils in a passenger transport area to produce a local transport plan under section 108(1)(a), and place the duty in future solely with the ITA (see section 9). The duty in section 108(1)(b) to carry out functions so as to implement those policies continues to apply to metropolitan district councils, who will also in this respect be subject to the new duty in section 108(2ZB) to have regard to certain policies and guidance relating to the protection or improvement of the environment.

Part 3: Bus Services

Sections 13 to 18: *Quality partnership schemes*

68. Sections 13 to 18 amend provisions on quality partnership schemes in sections 114 to 123 of the TA 2000. As section 114 stands, before making such a scheme, the local transport authority must be satisfied that it will benefit the users of local bus services by improving the quality of such services, or will reduce or limit traffic congestion, noise or air pollution. These sections extend to England and Wales.

* A *quality partnership scheme* is a scheme made by a local transport authority under which that authority provides particular facilities at specific locations along the routes used by local bus services, and operators of local services who wish to use those facilities agree to provide services of a particular standard.

Section 13: *Quality partnership schemes*

69. Section 13 amends section 114 of the TA 2000. Section 114(6)(b) of the TA 2000 currently excludes requirements as to frequency or timing of services from the description of a “standard of service”. The effect of subsection (5) is to amend section 114(6)(b) so that such requirements may explicitly be included in a quality partnership scheme. Subsection (6) inserts new subsections (6A) and (6B) into section 114. The effect of subsection (6A) is to stipulate that requirements as to maximum fares may be specified in a scheme. Subsection (6B) provides that a scheme may include requirements as to frequencies, timings and maximum fares only if there are no “admissible objections” from relevant bus operators (see also notes on section 18 below). The effect of the amendment in subsection (7) (which inserts a new subsection (6C) into section 114) is to enable both facilities and service standards to be phased in on predetermined dates over a period of time, rather than the current procedure under which all facilities and standards must be available when the scheme takes effect.

70. Subsection (4) inserts new subsections (3A) to (3D) into section 114 of the TA 2000. The purpose of these provisions is to enable a local transport authority, in appropriate circumstances, to specify in a quality partnership scheme any restrictions which are to be imposed on the registration of certain local services. Such restrictions can be imposed only where the local authority considers

that the provision of additional local services in the area of a quality partnership scheme may be detrimental to the provision of services under that scheme. Any scheme which includes restrictions on the registration of local services must also specify the criteria to be used by traffic commissioners when deciding whether or not to accept an application to register a local service. (See also notes on section 48.)

Section 14: *Notice and consultation requirements*

71. Section 14 amends section 115 of the TA 2000 (notice and consultation requirements) to require any notice which is given about proposals to make a scheme to include details of any proposed restrictions on the registration of local services, and the criteria against which any applications to register such services will be judged (see paragraph 70 above). Subsection (3) also amends the description of “relevant local authority” that must be consulted if affected by the scheme, so as to include non-metropolitan as well as metropolitan district councils. This would bring the provision into line with the consultation requirements for quality contracts schemes under section 125 of the TA 2000.

Sections 15 to 17: *Provisions relating to phased implementation of schemes*

72. These sections make consequential amendments to sections 116 to 118 of the TA 2000 to provide for the phased implementation of quality partnership schemes and the ability to postpone any part of a scheme, not just the whole of it.

Section 18: *Regulations about schemes which specify frequencies, timings or fares*

73. This section amends section 122 of the TA 2000, which makes provision for regulations about quality partnership schemes. The purpose of the amendments is to enable regulations to make specific provisions in respect of quality partnership schemes that include requirements as to frequencies, timings or maximum fares.

74. Subsection (2) inserts a new section 122(1)(aa), which enables regulations to make provision with respect to the “content or operation” of such schemes, in addition to “the procedure to be followed when making, varying or revoking a quality partnership scheme” (which is provided by the existing section 122(1)(a)). This is to allow regulations to cover matters such as those mentioned in new section 122(3), discussed below.

75. Subsection (3) inserts new subsections (3) to (6) into section 122. These new subsections provide that, as regards schemes which include requirements as to frequencies, timings or maximum fares, regulations made under section 122(1)(a) and (aa) may in particular make provision for a number of specified matters.

76. The provisions would enable such regulations, for example, to:

- specify certain circumstances (such as *de minimis* conditions) in which requirements as to frequencies, timings or maximum fares, or changes to such requirements, could be included in a scheme without needing to meet the requirements in section 114(6B) about admissible objections (new subsection (3)(a));
- specify that, where schemes include requirements as to frequencies, timings or maximum fares, they must also include provision about how and when such requirements may or must be set, reviewed and revised (new subsection (3)(b), read with subsection (4));
- specify that requirements as to frequencies, timings or maximum fares may be revised only if there are no “admissible objections” from “relevant operators” (new subsection (3)(c));

- disapply the above requirements in prescribed circumstances where a scheme is subject to postponement under section 117 (new subsection (3)(d));
- define the terms “admissible objection” and “relevant operator” for the purposes of section 114(6B) and section 122(3) (new subsection (3)(e) and (f)); and
- make provision as to the determination of whether an objection is an “admissible objection”, or an operator is a “relevant operator”, within the meaning set out in regulations (new subsection (3)(g)).

77. The effect of new section 122(5) is to ensure that, where requirements as to frequencies, timings or maximum fares are revised in accordance with provision made in accordance with the new section 122(3)(b) described above, the provisions of section 120 of the TA 2000 (variation or revocation of schemes), which include requirements as to notice and consultation, do not apply.

78. New section 122(6) provides that regulations may make provision about the appointment and payment of certain persons in connection with the determination of whether an objection is an “admissible objection” or an operator is a “relevant operator”.

Sections 19 to 45: *Quality contracts schemes*

79. These sections amend, and insert new provisions in relation to, sections 124 to 134 of the TA 2000, which provide for the making of quality contracts schemes (“QCSs”) in England and Wales. A quality contracts scheme is a scheme under which the local authority determines the local bus network for the area to which the scheme relates. Where such a scheme is in place local bus services in that area can only be provided under quality contracts (with the exception of services specifically excluded from the scheme by virtue of section 127(4) of the TA 2000, or services registered in accordance with new section 6B of the TA 1985 — see notes on section 49). A quality contract is a contract under which the authority grants a particular operator the exclusive right to operate certain services following a competitive tender.

80. One effect of the amendments is to replace the existing requirement that a quality contracts scheme must be the “only practicable way” of implementing the policies in the local authority's bus strategy with a new set of criteria.

* Section 110 of the TA 2000 provides that a *bus strategy* must be included within a local transport authority's local transport plan. Section 10 specifies that a bus strategy is no longer required.

81. The provisions also abolish the requirement for quality contracts schemes in England to be approved by the Secretary of State; instead, they establish a new type of board (“QCS boards”) to provide advice and recommendations to the authority proposing to make the scheme. A separate board is to be assembled for each application. There is a right of appeal to the Transport Tribunal against an English local transport authority's decision to make a quality contracts scheme. The amendments also include a number of other changes to allow schemes to be implemented in stages, to extend the maximum duration of quality contracts, to enable schemes to be continued beyond their initial period, and generally to allow greater flexibility. New sections are also inserted into the TA 2000 to provide for certain employment protections to apply to workers whose jobs are affected by the implementation of quality contracts schemes, and to allow the authority who made a quality contracts scheme to operate local bus services within the area of that scheme in certain very limited circumstances.

82. These sections extend to England and Wales, although — as noted below — some provisions apply only in relation to schemes in England.

Section 19: *Quality contracts schemes*

83. Section 19 amends section 124 of the TA 2000, which has already been amended by section 39 of the Railways Act 2005 (quality contracts schemes in connection with modification of rail services). Those amendments have not been materially affected by the further amendments in this section.

84. The new section 124(1)(a) to (e) (substituted by subsection (2)) set out the revised criteria which the local authority must be satisfied are met before making a quality contracts scheme:

- The scheme must increase the use of local bus services, and bring benefits to people using them through the provision of services of a higher quality.

* *Increase*, in this context, is defined in the new section 124(9B), inserted by subsection (6), to include a reference to reducing, arresting or reversing decline in the use of bus services.

- The scheme must contribute to the implementation of the authority's local transport policies, rather than just those policies set out in their bus strategy (as now). By virtue of section 10, local transport authorities in England and Wales will no longer be required to prepare bus strategies; moreover, not all local transport authorities in England are currently required to prepare local transport plans (or bus strategies), by virtue of the Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (SI 2005/157). However, all local transport authorities (including ITAs) will be required to “develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area” (section 108(1)(a) of the TA 2000 as amended by section 8). The requirement that a quality contracts scheme must contribute to the implementation of “local transport policies” is therefore applicable in every case. The effect would be to enable a scheme to be made for purposes not limited to matters previously included in the authority's bus strategy. For example, such purposes might relate to the introduction of a demand management scheme (such as a local charging scheme made under Part 3 of the TA 2000), or to the provision of better integration with rail or light rail services.

* *Local transport policies* are defined in the new section 108(5) of the TA 2000, inserted by section 7.

- The scheme must also (as previously) implement the policies in a way that is economic, efficient and effective.
- Any adverse effects of the scheme on operators must be proportionate generally to the well-being of persons living or working in the area.

85. The effect of subsection (3) is to replace the requirement for proposed schemes in England to be approved by the Secretary of State with a new requirement that, before making a scheme, an authority in England must (among other things) publish a response to the report of the relevant “QCS board” (see below). For schemes in Wales, the requirement to obtain the approval of the Welsh Ministers is retained.

Section 20: *Notice and consultation requirements*

86. This section amends section 125 of the TA 2000 (notice and consultation requirements). Subsection (1) of section 125 is amended so as to require an authority which is proposing to make a quality contracts scheme to issue a consultation document. The document must include a statement by the authority of the reasons why they are satisfied that the criteria set out in the new section 124(1) will be met, and a statement on funding.

Section 21: *Approval of proposed schemes: required for areas in Wales only*

87. This section amends section 126 of the TA 2000 (approval of proposed scheme) to remove the requirement for a proposed QCS in England to be approved by the Secretary of State. In Wales, such schemes will continue to be approved by the Welsh Ministers. The amendments made by this section have no effect in respect of the procedure in Wales.

Section 22: *Boards for proposed schemes for areas in England*

88. This section inserts a new section 126A into the TA 2000, which provides for the constitution of “QCS boards”, whose remit will be to consider proposals submitted by English local transport authorities to make quality contracts schemes. Any such board will be chaired by a traffic commissioner (normally designated by the senior traffic commissioner), with two other members drawn from a panel of persons appointed by the Secretary of State. Wherever appropriate, the commissioner designated to chair the board will be the most appropriate one by reason of any particular knowledge or experience that commissioner may have.

* The post of *senior traffic commissioner* is established by section 3, described above.

Section 23: *Advice by boards or their Commissioners*

89. This section inserts a new section 126B into the TA 2000, empowering QCS boards to give advice of a procedural nature when requested to do so. If such a request is made before the second and third members of the board have been appointed from the Secretary of State's panel (see notes on section 22 above), the Commissioner appointed to chair the board is empowered to exercise those powers on behalf of the board. The Secretary of State may also make regulations about the giving of advice under new section 126B, in order to secure propriety in the giving of such advice.

Section 24: *Consideration of proposed schemes by boards*

90. This section inserts two new sections, 126C and 126D, into the TA 2000.

91. New section 126C sets out the steps to be taken by an English local authority if, having complied with the notice and consultation requirements in section 125, it wishes to proceed with its proposed scheme. The authority is required to send certain information to the QCS board, including a copy of the proposed scheme, and a request for the board to begin its formal consideration of that scheme.

92. New section 126D sets out the functions to be performed by a QCS board, having received a request under section 126C. The board is to form an opinion on certain matters, and may make recommendations, and is to notify the authority or authorities who submitted the proposal of its opinion, any recommendations, and the board's reasons. The board must also publish a report stating those opinions, recommendations and reasons. The authority may modify its proposals having received the board's opinion and, having done so, may submit a further request to the board under section 126C.

Section 25: *Practice and procedure of boards*

93. This section inserts a new section 126E into the TA 2000 empowering the Secretary of State to make regulations with respect to the constitution, powers, duties, practices and procedures of QCS boards. Regulations may also prescribe the period within which the Secretary of State considers that a board should normally have published its report. The board is placed under a duty to take reasonable steps to publish its report within that time and, if it is unable to do so, it must prepare and publish a statement of its reasons.

94. The new section 126E also provides for the Secretary of State to issue guidance to QCS boards on the carrying out of their functions, to which boards must have regard.

Section 26: *Making of scheme*

95. This section amends section 127 of the TA 2000. Subsection (2) of section 26 retains the effect of the existing section 127(1) in Wales, so that a scheme in Wales may be made at any time within six months of the date when the proposal is approved by the Welsh Ministers. In relation to England, however, section 127(1) is amended so as to enable a local authority to make a scheme at any time within 6 months of the publication of the QCS board's report, so long as the authority has published its response to that report.

96. The effect of the amendment in subsection (3) is to enable different parts of a quality contracts scheme to come into effect on different dates (see also sections 28 and 29). Under the existing provisions in the TA 2000, all parts of the scheme must come into operation on the same date.

97. The amendment made by subsection (9) reflects the fact that, in an integrated transport area, it is for the Passenger Transport Executive for that area (not the Integrated Transport Authority) to issue invitations to tender for quality contracts. See section 130 of the TA 2000, as read with section 162(4).

Section 27: *Appeals against the making of schemes for areas in England*

98. Subsection (1) of this section inserts new sections 127A and 127B into the TA 2000. Section 127A provides that certain persons may appeal to the Transport Tribunal against the decision of an English local transport authority to make a quality contracts scheme. Such an appeal may be on a point of law in all cases. In addition, where the opinion of the QCS Board is that either the conditions in section 124(1) (or, where appropriate, (1A)) of the TA 2000 have not been met, or that the authority has not complied with the statutory notice and consultation requirements, an appeal may also be on a question of fact.

99. Section 127B prescribes the powers of the Transport Tribunal to deal with such appeals. These include the power to dismiss the appeal, remit the matter to the authority with directions, direct the authority to vary the scheme or, where the Tribunal is of the opinion that defects in the scheme cannot be remedied in any other way, to quash the decision of the authority to make the scheme.

100. The amendment made by subsection (2) reflects the fact that, in an integrated transport area, it is for the Passenger Transport Executive for that area (not the Integrated Transport Authority) to issue invitations to tender for quality contracts. See section 130 of the TA 2000, as read with section 162(4).

Section 29: *Effect of scheme: different operational dates and excepted services*

101. This section amends section 129 of the TA 2000 in three respects.

102. First, subsection (2) makes changes consequential on the amendment in subsection (3) of section 26, and on the new sections inserted into the TA 2000 by section 40.

103. Secondly, subsection (3) amends section 129(2) so as to add further cases in which section 129(1) (which disapplies provisions of the TA 1985 on the registration of local services) does not apply. The circumstances in which such a registration may be accepted by the traffic commissioner are set out in new section 6B of the TA 1985 (as inserted by section 49 below).

104. Thirdly, subsection (4) repeals the requirement for tenders to be invited within a particular period after the scheme has been made.

Section 30: *Extension of maximum period of quality contracts*

105. This section amends section 130 of the TA 2000 so as to extend the maximum duration of a quality contract from five years to ten (which, subject to section 31, is also the maximum duration of the scheme itself). Ten years is also the limit of duration specified for public service contracts for coach and bus services prescribed by article 4.3 of the Regulation of the European Parliament and of the Council on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70 (O.J. L315 3.12.2007 p.1).

* A *quality contracts scheme* may include one or more individual *quality contracts*.

Section 31: *Continuation of schemes for further periods*

106. This section inserts a new section 131A into the TA 2000 setting out the procedure that must be followed if an authority wants a quality contracts scheme to continue, with or without modification, beyond the initial period of not more than ten years. Under the existing legislation, it is not possible to continue a scheme, and a new scheme must be made instead.

107. Unless the proposal is an exempt continuation proposal (see section 32), an authority in Wales must secure the approval of the Welsh Ministers before a scheme may continue in operation beyond its initial period, while an authority in England must have published its response to the report issued by the QCS board in relation to the proposed continuation. The notice and continuation requirements of section 125 are to apply to the proposed continuation of a scheme (whether or not it is an exempt continuation proposal), but with the modifications set out in subsections (3), (4) and (5) of section 131A.

Section 32: *Exempt continuation proposals*

108. Section 32 inserts a new section 131B into the TA 2000, the effect of which is to provide that certain proposals to continue a scheme are to be “exempt continuation proposals”. Such proposals are not subject to the requirement to be approved by the Welsh Ministers (in Wales) or to be considered by a QCS board (in England).

Section 33: *Continuation of schemes for areas in England: procedure*

109. This section inserts a new section 131C into the TA 2000, setting out the procedures to be followed where an authority wishes for a scheme in England to continue in operation beyond its initial period. Earlier sections of the TA 2000 are applied with modifications, depending on whether or not the proposal to continue the scheme is an exempt continuation proposal.

Section 34: *Continuation of schemes for areas in Wales: procedure*

110. This section inserts a new section 131D into the TA 2000, setting out the procedure to be followed where an authority in Wales wishes for a scheme to continue in operation beyond its initial period. Earlier sections of the TA 2000 are applied with modifications, depending on whether or not the proposal to continue the scheme is an exempt continuation proposal. The arrangements in Wales (section 131D) differ from those in England (section 131C), in particular as a consequence of the differing functions performed by the Welsh Ministers (in Wales) and by QCS boards (in England).

Section 35: *Appeals where proposed continuation considered exempt*

111. This section inserts a new section 131E into the TA 2000. It provides a right of appeal to the Transport Tribunal against a decision by a local transport authority that a proposal to continue a scheme in operation was an exempt continuation proposal, or against a decision to proceed with a

proposal that it considered (rightly or wrongly) to be exempt. Section 131E provides that such an appeal may be made on a point of law or a question of fact, and sets out the powers of the Tribunal on such an appeal.

Section 36: *Appeals where proposed continuation in England considered non-exempt*

112. This section inserts a new section 131F into the TA 2000. It provides for appeals against a decision by an English local authority that a scheme is to continue in operation. Whereas section 131E (inserted by section 35) provides a right of appeal in cases where the authority proceeded on the basis that a proposal was an exempt continuation proposal, section 131F deals with other cases in England (i.e. cases where the authority is required to consult a QCS board and publish a response to that board's report).

Section 37: *Variation or revocation of scheme*

113. This section amends section 132 of the TA 2000, which sets out a procedure for varying or revoking a quality contracts scheme. The amendments make provision for certain variations (“exempt variations”) to be exempt from the requirement to be approved by the Welsh Ministers (in Wales) or the requirements relating to QCS boards (in England). They provide for an additional situation in which an authority may revoke a scheme. The amended section 132 also sets out revised procedures to be followed where an authority wishes to vary or revoke a quality contracts scheme.

114. The procedures for variation mirror those applying for the making and continuation of a scheme, but with certain modifications.

115. In England, the amendments also provide that an authority may revoke a scheme without the need for approval, or for consultation with a QCS board.

Section 38: *Appeals where proposed variation considered exempt*

116. This section inserts a new section 132A into the TA 2000 to provide a procedure to appeal to the Transport Tribunal against a scheme variation where the authority has decided to vary a scheme, and has done so on the basis that the variation was an exempt one. That is to say, it has neither sought the approval of the Welsh Ministers (in Wales) nor responded to a report from a QCS board (in England).

117. Such an appeal may be on a point of law or a question of fact, and section 132A sets out the powers of the Tribunal on such an appeal.

Section 39: *Exemption from section 132 for specific variations directed by Transport Tribunal*

118. This section inserts a new section 132B into the TA 2000. Its effect is that where an appeal is made to the Transport Tribunal under certain preceding sections of Part 2 of the TA 2000, and the Tribunal direct the authority to vary the scheme in a specified manner, the authority is not required to follow the procedures (e.g. as regards notice and consultation, approval or submitting the proposals to a QCS board and responding to its report) that would normally apply to a scheme variation.

Section 40: *Power of authorities to provide services in exceptional circumstances*

119. This section inserts two new sections, 132C and 132D, into the TA 2000. The effect of those sections is to provide a power for a local transport authority to operate local bus services (“interim services”) where an operator of services under a quality contract has ceased to provide those services before the contract was due to terminate.

120. Subsection (2) of new section 132C provides the power. Subsection (3) provides that this power is available to authorities regardless of contrary provisions contained in other enactments, while subsection (4) provides that an authority providing an interim service must hold a valid public service vehicle operator's licence.

121. Subsections (5) to (7) of the new section set out some limitations on the new power. Their effect is to require authorities providing an interim service to invite tenders for the provision of those services within a prescribed time limit, except where the authority decides to proceed under section 131 of the TA 2000 (which specifies certain circumstances in which an authority may make a quality contract without having first invited tenders).

122. The new section 132D limits to nine months the period for which an interim service may be provided and, in certain circumstances, empowers the traffic commissioner to grant an extension of up to three months if requested by the local authority.

123. The effect of subsection (2) of the new section is that the power to provide interim services in an integrated transport area is conferred on the Passenger Transport Executive rather than the Integrated Transport Authority. Subsection (3) makes a consequential amendment to the TA 1985.

124. The new sections 132C and 132D to be inserted into the TA 2000 are to extend to England and Wales.

Section 41: *Regulations about schemes*

125. This section amends section 133 of the TA 2000, a provision which enables regulations to be made on various matters relating to quality contracts schemes. The additional provisions will enable regulations to be made about the continuation of schemes, and matters relating to QCS boards. Subsection (6) provides a power to make regulations modifying or excluding the application of provisions of Part 2 of the TA 2000, so far as relating to quality contracts schemes, in certain circumstances.

126. No regulations have been made to date under section 133 of the TA 2000.

Section 42: *Power to make transitional provision about schemes*

127. This section amends section 134 of the TA 2000, which enables regulations to be made concerning transitional provision in connection with the coming into operation of quality contracts schemes, or the variation or ending of such schemes. The most significant amendment is that which will enable transitional provisions to modify the effect of sections 89 to 92 of the TA 1985 (obligation to invite tenders for subsidised services other than quality contracts). The amendments also clarify that any transitional provision concerning the coming into effect of a scheme can only have effect from the date on which a scheme has been made, and that transitional provision may be made additionally in connection with the continuation of quality contracts schemes.

Section 43: *Guidance about schemes*

128. This section inserts a new section 134A into the TA 2000 making provision for the appropriate national authority in England and Wales to issue guidance about the performance by local transport authorities of their functions in respect of quality contracts schemes. Local authorities are required to have regard to any such guidance in the exercise of those functions.

* The *appropriate national authority* is the Secretary of State (in England) or the Welsh Ministers (in Wales).

Section 44: *Quality contracts: application of TUPE*

129. This section inserts a new section 134B into the TA 2000. Subsection (3) of section 134B provides that two situations, described in subsections (1) and (2) of that new section, shall be regarded as “relevant transfers” for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“the TUPE Regulations”). Subsection (5) of that section provides that sections 257 and 258 of the Pensions Act 2004, and any regulations made under those provisions, apply to a relevant transfer that takes place by virtue of section 134B in the same way as they do to a relevant transfer within the meaning of the TUPE Regulations.

130. Inserted section 134B also provides that the Secretary of State may make provision in regulations about how such transfers are to operate and the procedures to be followed, including provision requiring existing operators who will be affected by the scheme to supply the necessary information about relevant employees. There are provisions for administrative sanctions against operators who fail to supply that information. A new criminal offence of knowingly or recklessly supplying false or misleading information in response to a requirement imposed on an existing operator by virtue of this section is also created.

131. The Secretary of State is also empowered to make regulations to secure “pension protection” for “transferring employees”, as defined in subsection (8) of section 134B. Subsection (9) requires the Secretary of State to exercise that power to make regulations containing specified protection for “transferring original employees”, but this obligation does not preclude the Secretary of State from making regulations to secure additional protections.

Section 45: *Power to make traffic regulation orders*

132. This section inserts a new subsection (3B) into section 1 of the Road Traffic Regulation Act 1984. Subsection (3A) of that section enables a local traffic authority in England and Wales to make a traffic regulation order (under that section) in respect of a road for which the Secretary of State is, or the Welsh Ministers are, the traffic authority, with their consent, if that order is required to provide facilities under a quality partnership scheme. The effect of the amendment is to extend this power to traffic regulation orders providing facilities pursuant to a quality contracts scheme.

* A *traffic regulation order* is an order made by a traffic authority to regulate use of a road. It may be made to avoid danger to road users, to prevent damage to the road, to prevent or facilitate the use of the road by certain classes of road user, to preserve amenities, or for environmental reasons.

Section 46: *Competition scrutiny of functions and agreements relating to buses*

133. This section substitutes a new section 153 for section 153 of the TA 2000. Section 153 introduces Schedule 10 to that Act, which applies a competition test to the exercise of functions by a local transport authority relating to quality partnership schemes, ticketing schemes and subsidised local services. The effect of the amendment is to apply a separate competition test and enforcement regime to voluntary partnership agreements (as defined in the substituted section 153) and certain other bus-related agreements, in place of provisions in Chapter 1 of the Competition Act 1998. Subsection (3) provides for the amendment of Schedule 10 to the TA 2000 by Schedule 2 to the Act.

134. Schedule 2 amends existing provisions in Schedule 10 to the TA 2000, and also inserts additional paragraphs which will form a new Part 2 of that Schedule. The amendments to what is now Part 1 of Schedule 10 include a repeal of the provisions under which an application may be made to the Office of Fair Trading for a decision as to whether the exercise of certain local authority functions meets the competition test.

135. Part 2 applies a modified form of the competition test in the Competition Act 1998 to voluntary partnership agreements, and to certain other agreements, where the object or effect of those agreements is the restriction, prevention or distortion of competition in the market for provision of bus services.

136. The agreements to which the test will apply are:

- agreements between the local authority and more than one operator (“voluntary multilateral agreements”);
- agreements between the local authority and one operator (“voluntary bilateral agreements”) if, when taken together with one or more other such agreements, they would have an effect on competition; and
- agreements between bus undertakings, decisions by associations of bus undertakings or concerted practices by bus undertakings, where the agreement, decision or practice in question has been certified by a local transport authority in accordance with paragraph 18(4) of the amended Schedule 10.

137. Paragraph 19 of the amended Schedule 10 provides that price-fixing agreements cannot be subject to the provisions in Part 2 of Schedule 10; such agreements would instead continue to fall to be considered within the provisions of the Competition Act 1998.

138. The Schedule provides that where an agreement is subject to this competition test, the prohibition in Chapter 1 of the Competition Act 1998 on agreements, decisions or concerted practices that would prevent, restrict or distort competition does not apply. The modified competition test applies in place of the provisions of the 1998 Act. The Schedule also applies investigation and enforcement powers of the OFT as set out in the Competition Act 1998, with the exception of the power to impose financial penalties, to relevant agreements which do not meet the competition test in Part 2 of this Schedule. The provision includes power for the Secretary of State to modify the application of relevant investigation and enforcement powers in the Competition Act 1998 in respect of agreements subject to this revised competition test. That power could not, however, be used to empower the OFT to impose financial penalties.

139. This section extends to England and Wales.

Part 4: General provisions relating to passenger transport

Section 47: *Detention of certain PSVs used without PSV operators' licences*

140. Schedule 1A to the Goods Vehicles (Licensing of Operators) Act 1995 enables regulations to be made permitting an authorised person to detain a goods vehicle and its contents in circumstances where the person using that vehicle did so in contravention of the requirement to have an operator's licence for that or any other vehicle. The Goods Vehicles (Enforcement Powers) Regulations 2001 came into force on 4 January 2002.

141. Subsection (1) makes a corresponding provision for the unauthorised use of passenger vehicles adapted to carry more than eight passengers as public service vehicles (“PSVs”). It inserts a new section 12A into the PPVA 1981, which gives effect to a new Schedule 2A to that Act (inserted by subsection (2)). The content of new Schedule 2A to the PPVA 1981 is contained in Schedule 3 to the Act. The purpose of new Schedule 2A is to empower the Secretary of State to make regulations to facilitate the detention of certain PSVs used in contravention of the requirement to hold a valid PSV operator's licence. These provisions are based on the ones which already apply to goods vehicles, as described above.

142. This section and the Schedule extend to Great Britain.

Sections 48 to 51: ***Registration of local services***

143. These sections amend provisions in the TA 1985 relating to the registration of local services (as defined in section 2 of that Act) and the determination of traffic regulation conditions. They extend to England and Wales.

Section 48: ***Determination of applications for registration where restrictions in force***

144. Section 48 amends section 6 of the TA 1985 (registration of local services) to give effect to new section 6A of that Act which it inserts. That section makes provision in respect of applications to register local services in areas where a quality partnership scheme has been made, and that scheme includes restrictions on the registration of local services (see the note in respect of sections 13 and 14 in paragraphs 69ff. above).

145. The new section 6A prescribes the procedure to be followed when such an application is received. The traffic commissioner is required to give notice of the application to relevant local authorities and operators. Where authorities or operators make representations in response to that notice the traffic commissioner must decide, after following the prescribed procedure, whether the effect of accepting the application would be detrimental to the quality partnership scheme. In so doing, he must apply the registration criteria contained in the scheme. Where the traffic commissioner decides that such a registration would be detrimental, he may refuse the application, require the applicant to amend it or, where the applicant has not already done so, require the applicant to give an undertaking under section 118(4) of the TA 2000 (effect of scheme) that he will provide services in accordance with standards specified in the scheme. The provisions provide a right of appeal to the Transport Tribunal against the decision of the traffic commissioner.

Section 49: ***Applications for registration where quality contracts scheme in force***

146. This section amends section 6 of the TA 1985 (registration of local services) to give effect to new section 6B of that Act which it inserts. That new section provides for the registration of services within the area of a quality contracts scheme in certain circumstances, as an exception to the general rule (contained in section 129(1)(a) of the TA 2000) that such services cannot be registered in those areas.

147. New section 6B provides that where an operator wishes to provide, in the area of a quality contracts scheme, a service otherwise than under a quality contract he may apply to register that service with the traffic commissioner. The traffic commissioner on receiving the application must consult the authority or authorities that made the quality contracts scheme. The traffic commissioner may not accept the registration unless, within a prescribed time, the authority certifies that the provision of the proposed service will not have an adverse effect on the services provided under quality contracts. A similar procedure is to operate in relation to an application to vary an existing registration of a service provided otherwise than under a quality contract.

Section 50: ***Traffic regulation conditions for anticipated traffic problems***

148. Section 50 amends section 7 of the TA 1985 (application of traffic regulation conditions to local services subject to registration under section 6). Under the existing legislation a traffic commissioner can impose traffic regulation conditions on the providers of local services when asked to do so by the traffic authority in relation to a particular traffic problem. Such conditions can be imposed only where the traffic commissioner is satisfied that they are necessary in order to

prevent danger to road users, reduce severe traffic congestion, or to reduce or limit noise or air pollution.

149. The effect of the amendment is to extend the circumstances in which a traffic authority may ask the traffic commissioner to exercise those powers to situations where that authority reasonably foresees that a traffic problem is likely to arise.

Section 51: *Transport Tribunal to decide appeals against traffic regulation conditions*

150. This section amends section 9 of the TA 1985, which provides for a right of appeal against actions by a traffic commissioner in determining, or refusing to determine, traffic regulation conditions under section 7 of the TA 1985. The appeal currently lies to the Secretary of State and the effect of this amendment is to transfer it to the Transport Tribunal.

This is consistent with the appeal process in respect of other decisions of traffic commissioners. The provisions in Schedule 4 to the TA 1985 (constitution, powers and proceedings of the Transport Tribunal) will apply to such appeals, including the right of appeal against a decision of the Transport Tribunal to the Court of Appeal on a point of law.

Section 52: *Fees for registration of services*

151. Section 126 of the TA 1985 contains a power for the Secretary of State to prescribe fees to be paid by bus operators in connection with the registration of local bus services. Section 52 extends the scope of that power. Currently the Secretary of State may prescribe fees chargeable by the traffic commissioners for applications to register a local service, and to vary such registrations. This section, in addition, enables fees to be prescribed for the cancellation of a particular registered service, and for the continuation in force of registrations.

152. Section 52 extends to England and Wales. The power to make regulations to prescribe the new fees will be exercisable by the Secretary of State.

Section 53: *Use of private hire vehicles to provide local services*

153. This section amends section 12 of the TA 1985, which currently enables holders of a taxi licence to apply to the traffic commissioner for a restricted Public Service Vehicle (“PSV”) operator's licence — referred to as a “special licence”. A special licence entitles the operator to use taxis to provide local bus services — which have to be registered with the traffic commissioner. The effect of the amendment is to enable the holders of private hire vehicle (“PHV”) licences similarly to apply for a special licence in order to use PHVs to provide local bus services — which also have to be registered with the traffic commissioner. The amendment allows PHVs operating in this way to pick up passengers at bus stops as provided for in the route registration, rather than having to be pre-booked through an operator.

154. Section 53 extends to Great Britain. However it will apply (i.e. have effect) in London only if Transport for London (“TfL”) makes a decision that it should do so and makes an order under new section 13A (inserted by section 54).

* A *taxi licence* is a licence granted under section 6 of the Metropolitan Public Carriage Act 1869 (in London), or section 37 of the Town Police Clauses Act 1847 (in the rest of England and Wales), or section 10 of the Civic Government (Scotland) Act 1982 (in Scotland). The driver can accept immediate hirings by standing at ranks or by being hailed in the street; pre-bookings can also be arranged.

* A *private hire vehicle licence* is a licence granted under section 7 of the Private Hire Vehicles (London) Act 1998, or section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (in the rest of England and Wales), or section 10 of the Civic Government (Scotland) Act 1982 (in Scotland). Private hire vehicles must be pre-booked.

Section 54: *Application of certain provisions about taxis and hire cars to London*

155. This section amends section 13 of the TA 1985 (provisions supplementary to sections 10 to 12) and inserts a new section 13A (application of sections 10 to 13 to London). This allows for differentiation between the section 12 provision as it applies in London and as it applies in the rest of Great Britain.

156. Section 13 of the TA 1985 is amended to include a definition of “appropriate authority”. This is to identify TfL as being responsible in London for making regulations under section 12 of the TA 1985 and amending the codes in respect of both taxis and PHVs for the purposes of sections 10 to 13 of the TA 1985, and the Secretary of State as being responsible for the same elsewhere in Great Britain.

157. Section 13A contains a power for TfL to, by order, apply section 12 of the TA 1985 to PHVs in London should it so wish.

158. Subsections (1) to (7) of this section extend to Great Britain (although sections 10 and 11 of the TA 1985, which are referred to, do not extend to Scotland).

Sections 55 and 56: *Carrying of passengers in wheelchairs*

159. These two sections amend the Disability Discrimination Act 1995 (“the DDA 1995”). Section 36 of that Act imposes certain duties which relate to the carrying of disabled persons who are in wheelchairs. The duties apply to any driver of a “regulated taxi” who does not hold a valid exemption certificate issued by the relevant taxi licensing authority. The term “regulated taxi” in this section carries the meaning given to it in regulations made under section 32 of the DDA 1995. No regulations have been made under section 32, and sections 32 to 36 have not been brought into force.

160. Section 55 amends section 36 of the DDA 1995 so as to apply the duties to the drivers of “designated vehicles” that are being used to provide a local service within the meaning of section 2 of the TA 1985. It also makes provision for licensing authorities to exempt drivers on medical or physical grounds. “Designated vehicles” are defined as vehicles appearing on a list maintained by a licensing authority under the new section 36A of the DDA 1995, inserted by subsection (2) of section 56. Only vehicles meeting the conditions set out in subsection (2) of new section 36A may be included in such a list. These conditions include that the vehicle must be either a taxi or a PHV.

161. Subsections (3) to (7) of section 56 amend section 38 of the DDA 1995, so as to provide a right of appeal against the decision of a licensing authority to include a vehicle on such a list. Subsection (8) amends section 68(1) of that Act (interpretation), to provide that (for the purposes of sections 36, 36A and 38) the phrase “licensing authority” is to carry the meaning given in section 36A(6).

162. Section 70(3) of the DDA 1995 (commencement) provided for most provisions of that Act to come into force on a date or dates to be appointed by the Secretary of State. Subsection (9) of section 56 inserts a new subsection (2A), which provides that section 36 as it applies to designated vehicles, section 36A and section 38 as it extends to Scotland (section 38 is already in force in

England and Wales) will instead come into force two months after the Local Transport Act 2008 receives Royal Assent. (This reflects the provision made by virtue of section 132 of the Act.)

163. The provisions of sections 55 and 56 extend to Great Britain.

Sections 57 to 61: *Vehicles used under permits*

164. These sections amend sections 19 to 23 of the TA 1985, which enable certain voluntary bodies to operate public service vehicles without a PSV operator's licence (which would otherwise be required under section 12 of the PPVA 1981).

165. Section 19 of the TA 1985 enables permits to be granted to educational, religious, social welfare and other bodies. The effect of a permit is that the body does not need a PSV operator's licence to operate passenger-carrying services for members of the body. Members of the general public may not be carried on such services. Section 22 of the same Act enables permits to be granted, under certain conditions, for the provision of local services for the general public.

166. Permits for "small buses" (as defined in section 19(1) of the TA 1985) may be granted either by the traffic commissioners or by bodies designated by order under section 19(7) of that Act. Bodies so designated include local authorities and a number of national non-Governmental organisations.

167. These sections extend to Great Britain.

Sections 57 and 58: *Permits in relation to use of vehicles by educational and other bodies*

168. The effect of section 57 is to remove the current restriction which prevents the use of PSVs with fewer than nine seats under a permit issued under section 19 of the TA 1985. It also makes a small change to the order-making power for designated bodies so that an order may require them to keep records of permits as well as make returns. Section 58 makes consequential changes to sections 20 and 21 of the TA 1985.

Section 59: *Relaxation of rules relating to community bus services*

169. This section amends sections 22 and 23 of the TA 1985. The effect of subsections (1) and (2) is to enable large buses (defined as those capable of carrying in excess of 16 passengers) to be used to provide community transport services. The effect of subsections (3) and (4) is to remove the current prohibition on the drivers of such services from being paid.

Section 60: *Power to limit permits under section 19 or 22 of TA 1985 to 5 years*

170. Under the TA 1985, permits granted under section 19 or 22 remain in force indefinitely until surrendered or revoked. The effect of subsection (1) (which inserts a new section 23A into the TA 1985) is to enable a date to be specified in regulations after which all such permits will be granted for a specified period, not exceeding 5 years. Subsection (2) enables regulations to provide for all permits granted before that date, and which were therefore issued on an indefinite basis, to be revoked. Holders of such permits would be able to apply for new time-limited permits to replace those revoked.

Section 61: *Traffic commissioners to keep records about such permits*

171. This section amends section 126 of the TA 1985 (application of sections 52 and 56 (records of licences) of the PPVA 1981) to require traffic commissioners to keep records both of permits granted by them and copies of permits submitted to them by designated bodies. It amends provisions already requiring them to keep records of other documents issued under the TA 1985.

Sections 62 to 65: *Services not operated as registered etc.*

172. The effect of these sections is to strengthen the enforcement powers of the traffic commissioners with particular reference to punctuality of registered local bus services. These sections extend to England and Wales.

Section 62: *Attachment of conditions to related licences*

173. This section amends section 26 of the TA 1985 (conditions attached to PSV operator's licence) which empowers a traffic commissioner to attach conditions to the licences of operators who engage in certain conduct, such as failing to comply with particular requirements applying to local bus services or failing to take the necessary steps to maintain their vehicles in a fit and serviceable condition. Such conditions may prohibit the operator from using vehicles to provide specified local services, or prevent him from providing any local services.

* The *requirements applying to local bus services* (outside London) include that a local service has been registered under section 6 of the TA 1985, that the registered particulars (including the route and timetable) have been complied with and that, where applicable, the standards required under a quality partnership scheme have been complied with.

174. The amendments in subsections (1) to (6) of section 62 would enable a traffic commissioner to attach such conditions to any other licence held by that operator (by directing the traffic commissioner for the traffic area in which that licence is held to do so), or to the licence of another operator that is connected with the operator in default (for example, a subsidiary of the same holding company). A traffic commissioner who is given a direction by another commissioner must attach the condition unless he considers there is a good reason not to do so. The amendments also enable a condition to be attached either indefinitely or for a specified period of time.

175. Subsections (7) to (9) amend subsections (5) and (6) of section 26 of the TA 1985, which allow a traffic commissioner to attach a condition to a licence to restrict the vehicles which a PSV operator may use under that licence to particular vehicles specified in a condition. This provision may be used where the commissioner is of the view that vehicles have not been maintained in a fit and serviceable condition, and applies to PSV operators generally, not just to operators of local services. These amendments also enable such conditions to be attached to licences held in other traffic areas by the same operator and to licences of other subsidiary companies.

Section 63: *Powers of traffic commissioners where services not operated as registered*

176. This section introduces a new power to enable a traffic commissioner, when investigating the poor performance of a bus operator, also to investigate and take into account the effect of action taken, or not taken, by the local authority on bus punctuality, and to make recommendations to try to improve punctuality.

177. The section inserts new sections 27A and 27B into the TA 1985 to give new powers to the traffic commissioners to investigate poor punctuality. In particular a commissioner may require a local traffic authority to provide any specified information connected with any aspect of their network management duty under Part 2 of the Traffic Management Act 2004 and to attend any inquiry into an operator's performance. (Section 27 of the TA 1985 requires the traffic commissioner to hold an inquiry, if so requested by the operator, before attaching any conditions to the operator's licence under section 26 of that Act.) The commissioner may prepare a report recommending such remedial measures (for implementation by either operators or the local traffic authority) as he considers necessary to improve performance. The new section 27A(6) places an obligation on the

traffic commissioner to send a copy of the report to the operator and, in certain circumstances, to the local authority or Integrated Transport Authority. It also enables him to send the report to relevant persons and authorities (in particular the appropriate national authority) and, if he sees fit, to publish the report.

* The *appropriate national authority* is the Secretary of State (in England) or the Welsh Ministers (in Wales).

Section 64: *Additional sanctions for failures by bus operators*

178. This section amends section 155 of the TA 2000, which enables the traffic commissioner to impose financial penalties on operators who fail to operate local services satisfactorily. The amendments would empower the traffic commissioner, either as an alternative or in addition to a fine, to make an order requiring the operator to spend a specified sum of money on providing, or making specified improvements to, specified local services or facilities, or requiring the operator to compensate the passengers on such services. Compensation could take the form of free or reduced price travel for a period of time. There is a provision for further sanctions to be prescribed by regulations, and such regulations would be made by statutory instrument subject to affirmative resolution by both Houses of Parliament (or, as respects Wales, by the National Assembly for Wales).

Section 65: *Operational data*

179. This section amends section 155 of the TA 2000 to enable a traffic commissioner to impose sanctions for a failure to comply with requirements about the provision of information in accordance with regulations made under section 6 of the TA 1985. Subsections (3) and (4) amend the regulation-making powers in section 6 of the TA 1985 (registration of local services) so that regulations requiring operators to keep records or provide information may impose restrictions to prevent the misuse of such records or information. The regulations may make failure to observe the restrictions a criminal offence with a maximum penalty not exceeding level 4 on the standard scale.

Section 66: *Revival of certain powers of PTEs*

180. This section amends section 10(1) of the TA 1968, which specifies the powers of PTEs. The section originally included powers for PTEs to carry passengers by road (paragraph (i)) and to let passenger vehicles on hire (paragraph (viii)). These two powers were disapplied (along with section 24(2) of the TA 1968) by orders made under section 60(5) of the TA 1985.

181. Section 66 would revive the power in an amended paragraph (viii) for the specific purpose of enabling PTEs to purchase buses to hire out to operators who provide local services by contract, either in pursuance of section 9A of the TA 1968 (see note on section 67 below) or under a quality contract. It would also enable a PTE to hire out vehicles to a community transport body holding a permit under section 19 of the TA 1985 (permits in relation to the use of vehicles by educational and other bodies). Section 66 revokes the existing orders so far as they disapply paragraph (viii) of section 10(1) of the TA 1968. It also repeals paragraph (i) of section 10(1) of the TA 1968, section 24 of the TA 1968 and provisions in section 60 of the TA 1985 which are now spent.

182. This section extends to England and Wales, but since there are no passenger transport areas in Wales, it has no effect there.

Section 67: *Subsidy to secure passenger transport services in integrated transport areas*

183. This section amends section 9A of the TA 1968, which sets out the general functions of Passenger Transport Authorities (to be renamed “Integrated Transport Authorities” by the Act) and Passenger Transport Executives (“PTEs”). Section 9A(4) empowers a PTE to enter into agreements in order to secure the provision of passenger transport services where the service would not otherwise be provided. The effect of this section is to empower a PTE to enter into such agreements also in cases where the service would not otherwise be provided “to a particular standard”. Subsection (3) provides that the term “standard” includes the frequency or timing of the service, the days or times of day when the service may be provided, and the vehicles used to provide the service.

184. This section extends to England and Wales, but since there are no passenger transport areas in Wales, it has no effect there.

Section 68: *Subsidy to secure passenger transport services in other areas*

185. This section amends section 63 of the TA 1985 to empower authorities other than PTEs in the way described above under section 67. It extends to England and Wales.

Section 69: *Subsidy to secure passenger transport services in Wales*

186. This section amends section 7 of the Transport (Wales) Act 2006, which enables the Welsh Ministers to secure the provision of any public passenger transport service which they consider appropriate for the purpose of meeting any public transport requirements within Wales which would not otherwise be met. It empowers the Welsh Ministers in the way described under section 67 above.

Section 70: *Extension of maximum length of subsidised services agreements*

187. This section amends section 90(1) of the TA 1985 to increase the maximum length of a service subsidy agreement which is made in accordance with section 89 of that Act from five to eight years. It extends to England and Wales.

Section 71: *Removal of certain disabilities and requirements for consent*

188. This section repeals various provisions in Part 4 of the TA 1985 which relate to public transport companies and their directors.

* A *public transport company* is defined in section 72 of the TA 1985.

189. Subsection (2) repeals the provisions in section 74 of the TA 1985 which require a director of a public transport company who is a councillor of the authority that owns the company to obtain dispensation from the Secretary of State (in England) or Welsh Ministers (in Wales) in order to take part in, or vote on, matters relating to the activities of the company.

190. Subsection (3) repeals sections 75(3), 79(3) and 79(7), and some words in section 79(8), of the TA 1985 so as to remove the requirement for local authorities to seek consent of the Secretary of State before exercising the powers contained within these sections. These are powers to dispose of public transport companies owned by the authorities, or shares or significant assets of the companies, as well as the power to provide financial backing for the establishment and operations of public transport companies.

191. The repeal of these requirements extends to England and Wales.

Section 72: *The Disabled Persons Transport Advisory Committee: remuneration*

192. The Disabled Persons Transport Advisory Committee (“DPTAC”) was established under section 125 of the TA 1985 to consider any matter relating to the needs of disabled persons in

connection with public passenger transport and to give advice to the Secretary of State on such matters where appropriate.

193. The original terms of the TA 1985 restricted payments to DPTAC members to travelling and other allowances and payments to defray other expenses incurred in connection with DPTAC functions.

194. Subsection (2) of section 72 amends paragraph 2 of Schedule 5 to the TA 1985 to enable the Secretary of State to provide DPTAC with funds to remunerate its members for carrying out Committee work.

195. DPTAC is a cross-border public authority within the meaning of section 88(5) of the Scotland Act 1998. Subsection (3) of section 72 ensures that DPTAC members are not remunerated for performing functions relating to devolved matters.

Section 73: The Public Transport Users' Committee for England

196. This section inserts three new sections into the TA 1985. The new provisions are inserted after section 125 of that Act, which already provides for the establishment of the Disabled Persons Transport Advisory Committee.

197. New section 125A empowers the Secretary of State by order to establish a body to be known as the Public Transport Users' Committee for England. Section 125A(3) provides that the order may make provision about the status and membership of the Committee and prescribe other details about its proceedings and conduct of business.

198. New section 125B sets out the functions of the Committee. In particular it provides that the Committee may consider and make recommendations or representations to the Secretary of State about any matter relating to such public passenger transport services or facilities in England as may be prescribed by the Secretary of State. This will enable the Secretary of State to determine the scope of the powers of the Committee by prescribing the services and facilities, or the description of services and facilities, in relation to which the Committee is to exercise its functions.

199. If, under new section 125B(3), the Secretary of State has conferred powers on the Committee to make recommendations or representations to certain people or bodies, such as bus operators, local authorities, and traffic commissioners, new section 125C would enable the Secretary of State, by order, to confer functions on those persons in respect of such recommendations or representations. The power could, for example, be used to provide that where the Committee makes representations to a particular person, that person must consider those representations and send a written response to the Committee.

200. Orders made under these new sections are subject to the affirmative resolution procedure. Following the close of the consultation on strengthening bus passenger representation, the Secretary of State announced on 8 April 2008 that, subject to further consultation, the remit of the Rail Passengers' Council (Passenger Focus) would be widened to take on the role of the bus passenger representative body. Therefore there are no immediate plans to establish a Public Transport Users' Committee for England.

Section 74: Power to confer non-rail functions on the Rail Passengers' Council

201. This section inserts a new section 19A into the Railways Act 2005. Section 19A(1) empowers the Secretary of State by order to confer functions on the Rail Passengers' Council relating to local

bus services, domestic coach services and tramway passenger services to the extent that they operate in England, and relating to passenger transport facilities in England. Subsection (2) enables such amendments to be made to provisions of the Railways Act 2005 and any other Act as may be needed as a consequence of making such provision. Subsection (4)(b) empowers the Secretary of State to alter the number of members which can be appointed by the Secretary of State to the Rail Passengers' Council so as to enable members to be appointed to represent bus and coach passengers. This will not affect members appointed by the Scottish Ministers, the Welsh Ministers or the London Assembly.

202. Subsections (5) and (6) make provision corresponding to that made in relation to the Public Transport Users' Committee for England by inserted section 125C of the TA 1985. Those subsections provide that, where a function of making representations or recommendations to a body or person has been conferred on the Rail Passengers' Council, the relevant order may also place an obligation on that body or person to respond to such representations or recommendations in a specified manner, so long as that new obligation relates to local services, domestic coach services or tramway services operating in England, and passenger transport facilities in England.

203. Subsection (7) provides that the power does not extend to altering the functions of the Rail Passengers' Council so far as they relate to the provision of railway passenger services or station services.

204. Orders made under the new section are subject to the affirmative resolution procedure.

Section 75: *Power to require display of certain information*

205. This section empowers the appropriate national authority (the Secretary of State in relation to England and the Welsh Ministers in relation to Wales) to make regulations imposing obligations on prescribed persons to display certain information relating to public transport. The information could, for example, relate to the Rail Passengers' Council, the Bus Appeals Body (a non-statutory body), the customer complaints manager of the transport operator concerned, or travel information services like Traveline or Transport Direct. Any regulations would be subject to the negative resolution procedure.

206. This section also enables the appropriate national authority to empower traffic commissioners to impose financial penalties on any operator of a public service vehicle (which could include buses providing local services or long-distance coach services) who does not comply with regulations made under this section. The regulations would specify the maximum penalty that may be imposed. Operators would have a right of appeal to the Transport Tribunal against any decision by a traffic commissioner to impose a financial penalty.

Section 76: *Appeals to the Transport Tribunal*

207. This section amends Schedule 4 to the TA 1985, which prescribes the constitution, powers and proceedings of the Transport Tribunal. Paragraph 9 of that Schedule sets out the Tribunal's powers in relation to appeals against various decisions of the traffic commissioners. The Tribunal, when hearing an appeal against any determination of a traffic commissioner, has the power to make any order they think fit, or where appropriate to remit a matter to the traffic commissioner for a rehearing.

208. Section 76 amends paragraph 9 so that these powers apply in relation to appeals under section 75 of this Act, and also to appeals under section 155 of the TA 2000. Section 155 empowers traffic

commissioners to impose financial penalties on bus operators in certain circumstances and is amended by section 64 of this Act to make additional sanctions available.

Part 5: *Integrated Transport Authorities etc.*

209. The provisions in this Part extend to England and Wales, but, because they relate to passenger transport areas, in practice they have effect only in relation to areas in England.

Section 77: *Change of name of passenger transport areas and PTAs*

210. This section provides for the passenger transport areas in England created under the Transport Act 1968 — that is, the six metropolitan counties in England — to be known in future as “integrated transport areas”. It also provides for the Passenger Transport Authorities in England established under the Local Government Act 1985 (one for each passenger transport area) to be known as “Integrated Transport Authorities” (“ITAs”). This section also provides that any reference in existing legislation to a “passenger transport area” or “Passenger Transport Authority” in England and Wales should be read respectively as a reference to “integrated transport area” or “Integrated Transport Authority”.

211. This section also introduces Schedule 4, which makes amendments to various enactments consequential on the change of name. The amendments reflect the fact that the change of name does not apply in Scotland, where the Strathclyde Passenger Transport Authority remains as a statutory entity.

Section 78: *Power to establish a new ITA*

212. This section provides that, subject to certain conditions, the Secretary of State can make orders establishing new integrated transport areas in England and creating ITAs for those areas. Subsections (2) and (3) provide that the Secretary of State can make an order to establish an ITA only where a scheme has been published under the provisions of section 80 and 81 or a direction under section 81 to prepare and publish a scheme has not been complied with.

Section 79: *Provision that may be made in an order under section 78*

213. This section sets out the provision that be made in an order under section 78. Subsection (2) provides that where an order is made creating a new ITA, it must provide that a majority of the ITA's members must be elected members of the “constituent councils” (as defined in subsection (3)) that make up the integrated transport area, appointed by the council to which they were elected. It also provides that such an order must provide for each “representative council” (as defined in subsection (4)) to appoint at least one of its elected members to the ITA.

214. The effect of subsections (5) and (6) is that where ITA members are to be appointed otherwise than by a constituent council from among its elected members, the order must provide for those members to be non-voting members of the ITA. The voting members of the ITA are then given a power to resolve to give a non-voting member a vote.

Section 80: *Authorities' review: new ITA*

215. This section provides that any two or more of the types of authorities listed in subsection (1) may review the effectiveness and efficiency of transport within a geographical area the extent of which complies with subsections (2) and (3). The effect of this is that the area under review must consist of two or more local authority districts. If that review concludes that the establishment of an integrated transport area and ITA would improve the exercise of statutory transport functions in the area and the effectiveness and efficiency of transport in the area, then those authorities must

publish a scheme for the establishment of the area and an ITA for it. Subsection (5) provides that the area of the proposed integrated transport area can be all or part of the area covered by the review or can also cover one or more additional counties or districts not covered by the review, as long as the authorities listed in subsection (6) have given their consent.

Section 81: *Secretary of State's power to direct a review: new ITA*

216. This section provides that the Secretary of State can direct any two or more of the authorities listed in subsection (2) to carry out a review of the effectiveness and efficiency of transport in the whole or part of their combined areas. Subsection (4) provides that such a direction may also require the authorities to produce a scheme to establish a new ITA. Subsection (6) lists the types of issues which a direction may require to be covered by a review and any scheme.

Section 82: *Authorities' review of arrangements*

217. This section provides that any one or more of the types of authorities listed in subsection (2) may review the effectiveness and efficiency of transport within one or more existing integrated transport areas. If that review concludes that the exercise of statutory transport functions in those areas would be improved by the making of an order under sections 84 to 91, changing the way in which statutory transport functions in that area are exercised, then those authorities must publish a scheme proposing how this should be done.

Section 83: *Secretary of State's power to direct a review of arrangements*

218. This section provides that the Secretary of State can direct any combination of the following to carry out a review:

- existing ITAs;
- county or district councils in an existing integrated transport area; or
- county or district councils which are not yet in an integrated transport area but could be included in one by virtue of a boundary change (see section 90).

219. The Secretary of State can direct that the review should consist of any of the matters covered by sections 84 to 91, namely:

- the constitutional arrangements (for example the membership) of the ITA;
- the delegation of functions from the Secretary of State or individual local authorities to an ITA (or to a local transport authority for areas where there is no longer an ITA);
- conferring on an ITA a power to give directions to local authorities on the exercise of their highway and traffic authority powers; and
- changing the boundaries of, or dissolving, an integrated transport area.

220. Subsection (6) provides that such a direction can also require the directed body or bodies to prepare and publish a scheme containing proposals which would require the making of an order by the Secretary of State to enable them to be implemented (for instance setting out how many representatives each authority in an integrated transport area would have on the ITA).

221. Subsection (8) sets out certain requirements which the direction can also impose, including the timetable for the review and the preparation and publication of the scheme, and certain issues which must be addressed in each of them (for instance, what would be the membership of the ITA).

Section 84: *Constitutional arrangements*

222. This section allows the Secretary of State to make an order about the constitutional arrangements of an individual ITA.

223. Subsection (2) defines what is meant by “constitutional arrangements”. An order could, for instance, cover the membership of that ITA, executive arrangements within an ITA or the functions of any “executive body” of the ITA. (Under the existing legislation, each PTA has a Passenger Transport Executive, which is the executive body responsible for implementing the policies of the PTA.)

224. Subsection (3) defines what is meant by “executive arrangements” within the ITA, for instance the establishment of an executive and the arrangements by which that executive can exercise the powers of the ITA. These provisions mirror the provision made for local authorities by Part 2 of the Local Government Act 2000.

225. Subsection (5) provides that an order cannot provide that anyone other than the ITA has responsibility for agreeing its budget, so this function could not be delegated to an executive of the ITA.

Section 85: *Provision that may be made in an order under section 84: membership of ITA*

226. This section describes the provision that may be made in an order under section 84. Subsection (1) provides that where an order is made in relation to the constitution of an existing ITA and that order includes provision about the ITA's membership, it must provide that a majority of the ITA's members must be elected members of the ITA's “constituent councils” (as defined in subsection (2)), appointed by the council to which they were elected. It also requires such an order to provide for each of the “representative councils” (as defined in subsection (3)) to appoint at least one of its elected members to the ITA.

227. The effect of subsections (4) and (5) is that where some ITA members are to be appointed otherwise than by a constituent council from among its elected members, the order must provide for them to be non-voting members of the ITA. However, the voting members of the ITA may resolve that a non-voting member is to be able to vote.

Section 86: *Delegation of functions of the Secretary of State*

228. This section provides that the Secretary of State can make an order delegating any of the Secretary of State's own functions (for instance in relation to strategic roads or rail), to:

- an ITA; or
- where an existing ITA is being dissolved or its boundary being contracted, a designated local transport authority.

229. Section 86 does not allow the delegation of the Secretary of State's powers to make secondary legislation or to set fees and charges.

Section 87: *Delegation of local authority functions*

230. This section allows the Secretary of State to include provision in an order to delegate the exercise of functions of a county council or district council to:

- an ITA; or
- where an existing ITA has been dissolved or its boundary contracted, a designated local transport authority.

231. This power applies to such functions only in so far as they relate to the integrated transport area (or to a former such area), and only if the Secretary of State thinks it appropriate for the ITA or other authority to exercise that function.

232. Subsection (3) provides that an order made under section 87 may delegate functions of a “charging authority” to an ITA, but only where the conditions set out in that subsection are met. Functions of a charging authority include the power to make, vary or revoke a local road charging scheme under Part 3 of the TA 2000.

Section 88: *Conferral of a power to direct*

233. This section enables the Secretary of State to make an order which confers a power to direct on (i) an ITA, or (ii) where an existing ITA is dissolved or its boundary contracted, a designated local transport authority.

234. Where the power to direct is conferred on it, an ITA or designated local transport authority would be able to issue a direction to a metropolitan district council, county council or unitary authority as to how the latter should exercise its functions as a local highway authority or local traffic authority. Such directions could include for instance a requirement to install traffic management measures (such as bus lanes) or traffic calming measures, or the carrying out of maintenance works on their roads.

235. Subsection (6) provides that the power to give such directions may only be conferred in relation to specific roads or descriptions of roads (for instance, major bus routes). Subsection (7) makes clear that directions cannot apply to roads covered by concession agreements under the New Roads and Street Works Act 1991.

236. Subsections (8) and (11) list the matters to which a direction can relate, which are:

- the provision of information about the exercise of local highway authority or local traffic authority powers;
- that the directed authority must do certain things or obtain consent before using those powers;
- imposing conditions on how the directed authority can make use of its powers in a particular case;
- that the directed authority must not make use of certain of its powers in certain circumstances; and
- that the directed authority must make use of its powers in a specific case, provided that the directing authority meets the cost of compliance with that direction.

Section 89: *Contravention of an order under* section 88

237. This section provides that if an authority to which the Secretary of State has granted the power to direct under section 88 issues a direction to a local highway authority or local traffic authority and the authority to which the direction is issued fails to comply with it — for instance it fails to take the necessary action to enable a bus lane to be installed on one of its roads — then the authority which issued the direction can take the necessary steps to rectify matters. This includes the ability to take over the relevant powers of the directed authority for the purposes of putting matters right and to recoup the costs of doing so from that authority.

Section 90: *Changing the boundaries of an integrated transport area*

238. This section allows the Secretary of State to make an order changing the boundary of an existing integrated transport area. This would enable the order to either add to or take away from an integrated transport area the whole of the area of:

- a county;
- a shire district; or

- a metropolitan district.

239. Where the order removes an authority's territory from an integrated transport area, it must also designate an authority to take over as the local transport authority for that territory. The order may also transfer the former ITA's other functions — in so far as they relate to that territory — to that authority.

Section 91: *Dissolution of an integrated transport area*

240. This section allows the Secretary of State to make an order to dissolve an integrated transport area and abolish its ITA. However, where the Secretary of State does so the order must also designate one or more authorities — for instance the metropolitan district councils within the boundaries of the integrated transport area — to take over as the local transport authorities for the former area. The order may also transfer the former ITA's other functions to these authorities.

Section 92: *Orders under* sections 84 to 91

241. This section sets out several constraints on the Secretary of State's power to make orders under sections 84 to 91, including:

- before making the order the Secretary of State must consult representatives of the bodies listed under sections 82(2) and 83(2) and any other person the Secretary of State considers relevant (subsection (4));
- an order dissolving an ITA cannot be made unless a majority of the metropolitan district, county and unitary councils whose territory comprises the relevant integrated transport area have agreed to the dissolution (subsection (6)); and
- an order changing the boundary of an integrated transport area cannot be made unless each of the metropolitan district, county and unitary councils whose territory is either added to or excluded from that integrated transport area have agreed to the boundary change (subsection (8)).

Section 93: *Incidental etc. provision*

242. This section provides that the Secretary of State may make such incidental, consequential, transitional or supplementary provision as the Secretary of State deems necessary in support of an order made under Chapter 2 of Part 5 of the Act. For instance, an order could provide for the transfer of property and assets to an ITA in consequence of an order under section 86 or 87 which has delegated certain functions to an ITA.

243. Subsection (4) also allows the Secretary of State to make orders making such amendments, modifications, repeals or revocations to other primary and subordinate legislation as appear to the Secretary of State to be appropriate in consequence of making an order, for instance to reflect the fact that a new ITA has been established.

Section 94: *Procedure for orders under this Chapter*

244. This section provides that any order made under Chapter 2 of Part 5 would be a statutory instrument and subject to affirmative resolution in each House of Parliament. Subsection (3) provides that such an order shall not be subject to hybrid instrument procedures in either House of Parliament.

Section 95: *Further provision about directions*

245. This section provides that directions given by the Secretary of State must be in writing. Their contents can also be varied or revoked by further directions.

Section 96: *Guidance*

246. This section provides that the Secretary of State can issue guidance about anything which could be done by an authority under Chapter 2 of Part 5. Authorities must have regard to this guidance in exercising any function under that Chapter.

Section 97: *Change of name of ITA*

247. This section provides that an existing ITA can make a resolution to change its name. Subsection (2) sets out conditions which must be followed in making that resolution. The ITA must notify the Secretary of State that it has changed its name. The Secretary of State can also direct the ITA that it must publish this notification and in what manner.

Section 98: *Amendment of power to reorganise functions*

248. Section 42 of the Local Government Act 1985 allows the Secretary of State to make orders providing, amongst other things, for the dissolution of a passenger transport area or removing the territory of one or more metropolitan district councils from that passenger transport area. Sections 90 and 91 provide revised powers to dissolve such transport areas or amend their boundaries. Given that, this section repeals the provisions in the Local Government Act 1985.

Section 99: *Power to promote well-being*

249. ITAs operate within a framework laid down by statute. They have no powers to act other than where they are expressly or impliedly authorised by law to do so. There is a range of statutory duties which they are required to fulfil, and a wider range of permissive powers enabling them to undertake defined activities if they so wish.

250. This section provides ITAs with a power to take any steps which they consider likely to promote or improve the economic, social or environmental well-being of their local community. These powers have already been granted to local authorities by means of Part 1 of the Local Government Act 2000. This section would allow ITAs to undertake a wide range of activities for the benefit of their local area and to improve the quality of life of local residents, businesses and those who commute to or visit the area.

251. Subsection (3) provides that this power enables ITAs to work in partnership with other bodies. For example, it allows ITAs to assist other statutory bodies to discharge their functions, or to exercise those functions on their behalf. Subsections (6) and (7) enable an ITA to delegate its power to take action under these well-being powers to a PTE or other executive body created by an order under this Part.

Section 100: *Limits on power to promote well-being*

252. Subsection (1) limits the power established in section 99 by preventing an ITA from taking any action that is prevented by a statutory prohibition, restriction or limitation. Subsection (2) prevents ITAs from using the well-being power in section 99 to raise money. Subsection (3) allows the Secretary of State to prevent one or more ITAs from using the power to do anything which the Secretary of State specifies by order that they should not do, subject to the consultation requirements in subsection (5).

253. Subsection (7) permits the Secretary of State to issue guidance to ITAs on the exercise of the power, subject to the consultation requirements in subsection (8). Subsection (10) provides that any order made under the preceding subsections will be a statutory instrument subject to the affirmative resolution procedure.

Section 101: *Power to amend or repeal enactments*

254. Section 99 provides ITAs with a broad power to act. They will be able to use the power except where there are specific prohibitions, restrictions or limitations in other legislation. Section 101 allows the Secretary of State, by order, to amend, repeal, revoke or disapply any such enactment which obstructs ITAs from taking steps to promote the wellbeing of their areas. This power could be exercised in relation to one or more ITAs.

255. Subsection (5) provides that any order made under subsection (1) is a statutory instrument subject to the affirmative resolution procedure.

Section 102: *Procedure for orders under section 101*

256. This section sets out the procedure to be followed by the Secretary of State in making orders under section 101. It provides for detailed scrutiny of any such orders. Before laying any orders before Parliament, the Secretary of State is required to consult representatives of local government and others. The Secretary of State must make available to Parliament the results of that consultation, together with an explanation of the purpose of the order.

Part 6: Local and London charging schemes

Section 103: *Power of ITAs to make charging schemes*

257. This section provides that a charging scheme under Part 3 of the TA 2000 may be made jointly by an ITA and one or more eligible local traffic authorities. An eligible local traffic authority is one which is either in the ITA's area, adjoins the ITA's area, or adjoins an area which adjoins the ITA area. Such a scheme is referred to as a "joint local-ITA charging scheme".

258. The section also allows a charging scheme to be made jointly between a ITA, one or more eligible local traffic authorities and one or more London traffic authorities. Such a scheme is referred to as a "joint ITA-London charging scheme". An ITA can make a charging scheme in accordance with the provisions of section 103 only if it is done jointly with at least one eligible local traffic authority.

259. Because ITAs are established only in England, this section and sections 104 to 109 have no application to Wales.

Section 104: *Local charging schemes to implement policies of ITAs*

260. This section amends section 164 of the TA 2000 so that a local charging scheme which is made by one local traffic authority acting alone, and which has effect wholly within an integrated transport area, can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the ITA. Where the charging scheme has effect outside of the integrated transport area then section 104 means that it can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authority.

* Local transport policies are defined in section 108(5) of the TA 2000, inserted by section 7, as explained above.

Section 105: *Joint local charging schemes to implement policies of ITAs*

261. This section amends section 165 of the TA 2000 so that where a local charging scheme is made jointly by two or more local traffic authorities, and has effect wholly or partly within an integrated transport area, it can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities and the local transport policies of the ITA

for that integrated transport area. Where the charging scheme has effect outside of the integrated transport area then section 105 means that it can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities.

Section 106: *Joint local-ITA charging schemes*

262. This section inserts a new section 165A in the TA 2000. This new section provides that a joint local-ITA charging scheme can be made only in respect of roads for which any of the charging authorities is the traffic authority, and if at least one of the roads is within the integrated transport area of the relevant ITA.

263. The new section 165A also provides that a joint local-ITA charging scheme can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities, including the local transport policies of the ITA.

Section 107: *Joint local-London charging schemes to implement policies of ITAs*

264. This section amends section 166 of the TA 2000 so that a joint local-London charging scheme that has effect partly within an integrated transport area may be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities, including the local transport policies of the ITA, and the policies and proposals set out in the Mayor's transport strategy. As with the equivalent provision in section 165 of the TA 2000 as amended by section 105, the last of these three requirements applies even though, in a joint local-London scheme, the ITA is (by definition) not a charging authority for the scheme. Where the charging scheme has effect wholly outside of the ITA area then it can be made under section 166 of the TA 2000 only if it directly or indirectly facilitates the achievement of the local transport policies of the local traffic authority.

* A joint local-London charging scheme is a scheme that is made jointly by a non-metropolitan local traffic authority and a London traffic authority.

* The Mayor's transport strategy is the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

Section 108: *Joint ITA-London charging schemes*

265. This section inserts a new section 166A in the TA 2000. The new section specifies that a joint ITA-London charging scheme can be made only if:

- all of the roads included within the scheme have one of the charging authorities as their traffic authority;
- the scheme includes roads in relation to which a London traffic authority may impose a charge under Schedule 23 to the GLA Act 1999; and
- at least one of the roads included within the scheme is within the integrated transport area of the relevant ITA.

266. The new section 166A also provides that a local charging scheme may be made jointly by one or more local traffic authorities, an ITA and one or more London traffic authorities only if it directly or indirectly facilitates the achievement of the local transport policies of the local traffic authorities by which the scheme is made, the local transport policies of the ITA, and the policies and proposals set out in the Mayor's transport strategy.

Section 109: *Consequential amendments*

267. This section introduces Schedule 5, which makes consequential amendments resulting from the introduction of powers to allow ITAs to be party to a joint charging scheme. This includes provision for revenues from a scheme to be apportioned to the ITA.

Section 110: *Abolition of requirement for confirmation of English schemes*

268. This section amends section 169 of the TA 2000, so as to remove the requirement for the Secretary of State to approve a local charging scheme in England.

269. These amendments preserve the existing requirement in the TA 2000 for local charging schemes in Wales to be approved by the Welsh Ministers.

Section 111: *Consultation and inquiries for English schemes*

270. This section amends section 170 of the TA 2000. The effect of subsection (2) is to require a local charging authority in England, prior to making a charging scheme, to consult such local persons and such representatives of local persons (as defined in the provision) as they consider appropriate. It does not affect the existing powers in section 170 for local authorities in England to decide for themselves whether to consult on varying or revoking a scheme or to hold an inquiry into a scheme. The effect of subsections (3) to (5) is to remove the power for the Secretary of State to hold an inquiry in relation to a proposed local scheme in England or to require a local authority to consult on a proposed charging scheme.

271. The amendments also preserve the existing provisions in the TA 2000 for a local charging authority in Wales to decide whether to consult on, or hold an inquiry into, the making, varying or revocation of a local charging scheme in Wales, or for the Welsh Ministers to hold an inquiry into a local charging scheme in Wales, or to require a local authority to consult on such a scheme.

Section 112: *Charges*

272. This section amends section 171(5) of the TA 2000 and paragraph 10(4) of Schedule 23 to the GLA Act 1999, which specify a number of examples of how a charging scheme can impose different charges for different cases.

273. The amendments provide that, in addition to the cases already specified in each provision, local authorities may vary charges according to the methods or means of recording, administering, collecting or paying the charge. This could, for example, allow different rates to be applied where a road user chooses to have charges recorded automatically by means of different technologies, or to pay by different means (such as a prepay account or direct debit).

Section 113: *Supplementary provision as to charging schemes*

274. Subsection (1) amends section 172 of the TA 2000. It allows the appropriate national authority by means of regulations to require schemes to provide that road users may choose to pay charges in a specific manner, and (where the road user so chooses) to require the charging authority to collect charges in a specified manner. It also enables the appropriate national authority to regulate any arrangements made by the charging authority with other schemes or with other third parties for charges to be paid and collected. Regulations made under section 172 (as amended) could, for example, make provisions so that a road user could register with one charging scheme, install any appropriate equipment and make arrangements for payment in a particular way. The road user could then choose for these arrangements also to apply to one or more additional charging schemes, so that all his payments were processed in that fashion.

275. Subsection (7) makes equivalent provision in Schedule 23 to the GLA Act 1999, in relation to London.

276. Subsections (3), (5) and (6) amend section 172 of the TA 2000 and Schedule 23 to the GLA Act 1999 so as to provide that a road in London may be made subject to charges by more than one charging authority at a time, provided the Greater London Authority has given its consent.

Section 114: *Suspension of charging schemes*

277. This section inserts a new section 172A into the TA 2000, to allow a charging authority to suspend the operation of a charging scheme, in whole or in part, where there is an emergency or to allow for a temporary event to take place. Subsection (2)(a) provides that the maximum possible duration of suspension in an emergency is 30 days. Where the suspension is to allow for a temporary event to take place, subsection (2)(b) means that the suspension can only be for the duration of the event and any time to set up before, and clear up after, the event. Subsection (3) details the respects in which a scheme may be partially suspended. Subsections (4) and (5) require that notice of any suspension must be published and detail what is required. Under subsection (6) the duration of a suspension in an emergency must be reviewed and may be altered.

Section 115: *Interference with functioning of equipment*

278. Subsection (1) amends section 173 of the TA 2000 to make it an offence to interfere with the functioning of any equipment used for, or in connection with, a charging scheme. Subsection (2) amends section 174 to allow the appropriate national authority to make regulations permitting the examination of a vehicle to determine whether the functioning of the equipment has been interfered with.

279. Subsections (3) to (5) amend paragraphs 25 and 26 of Schedule 23 to the GLA Act 1999 to make similar provisions in relation to London.

Section 116: *Use of equipment for charging schemes*

280. Subsection (2) amends section 176 of the TA 2000 to allow the appropriate national authority in England and Wales to regulate the manner in which equipment installed as part of a charging scheme is used. This supplements the existing power to make regulations to approve standards for such equipment. Regulations made under the new section 176(2)(b) could, for example:

- specify standard data formats so that equipment installed or provided by one charging scheme is compatible with similar equipment installed or provided by another;
- specify unique numbering systems for items of equipment, to avoid duplication of identification numbers between different schemes; or
- set common standards for data encryption and security.

281. The effect of subsection (3) is to prevent the use of equipment in connection with a charging scheme other than in accordance with regulations made under the new section 176(2)(b).

282. Subsections (4) to (8) amend paragraph 29 of Schedule 23 to the GLA Act 1999. The amendments to paragraph 29(1) allow the Greater London Authority to make directions relating to the use of equipment in connection with charging schemes made under that Act. The insertion of paragraph 29(3A) and (3B) allows the Secretary of State to give notice to the Greater London Authority that its directions regarding the use of equipment in connection with a charging scheme in London are incompatible with regulations made under the new section 176(2)(b) of the TA 2000, and that this incompatibility is detrimental to persons resident in England outside Greater London.

It also provides that, where such notice has been given, the equipment may no longer be used in connection with a charging scheme except with the permission of the Secretary of State.

Section 117: *Power of national authority to require information from charging authorities*

283. Subsection (1) inserts a new section 177A in the TA 2000. The new section allows the appropriate national authority in England and Wales to require information from a local traffic authority or an ITA relating to an existing or proposed charging scheme. This information can be required in a specified period, and must be information that the authority have in their possession or can be expected to obtain.

284. Subsection (2) inserts a new paragraph 34B in Schedule 23 to the GLA Act 1999. This new paragraph allows the Secretary of State to require information to be provided, under the same conditions, by Transport for London, a London borough council or the Greater London Authority.

Section 118: *Information: England and Wales*

285. Subsections (1) to (5) amend section 194 of the TA 2000.

286. Section 194(1) currently allows the disclosure of information to charging authorities only in relation to existing schemes. The amendment to section 194(1) which is made by subsection (2) allows information obtained by Ministers, Government Departments, Welsh Ministers or a local authority also to be disclosed to a local traffic authority or ITA in relation to a proposed charging scheme. Subsection (3) makes a corresponding amendment to the power in section 194(2), enabling a local traffic authority or ITA to use in relation to a proposed charging scheme information it has obtained from its exercise of other functions.

287. Subsection (5) allows the Secretary of State or the Welsh Ministers to charge a reasonable fee for supplying information under section 194 of the TA 2000. Where the traffic authority or ITA has asked the Secretary of State to obtain information from registration authorities overseas, with a view to disclosing that information under subsections (1) and (3), the Secretary of State may charge a reasonable fee for obtaining that information or for seeking to obtain it.

288. Subsections (6) to (9) make equivalent provision in paragraph 34A of Schedule 23 to the GLA Act 1999.

Section 119: *Information: Scotland*

289. Subsection (1) allows the Secretary of State to charge a reasonable fee in respect of the cost of supplying information to a Scottish charging authority in relation to a scheme that is made under Part 3 of the Transport (Scotland) Act 2001 or any person with whom the authority has entered into arrangements under section 61(b) of that Act.

290. Subsection (2) limits the information to which subsection (1) refers to information obtained by the Secretary of State in the exercise of any function that relates to reserved matters (within the meaning of the Scotland Act 1998).

Section 120: *London charging schemes: 10 year plan for share*

291. This section amends paragraphs 19 to 24 of Schedule 23 to the GLA Act 1999 so that the approval of the Secretary of State is no longer required for charging authorities' ten year general plans and four year programmes for the application of their share of revenues from a London charging scheme.

Section 121: *Other amendments relating to schemes under Part 3 of TA 2000*

292. This section introduces Schedule 6, which makes amendments to Schedule 12 to the TA 2000 (financial provisions relating to road user charging and workplace parking levy schemes) and to Schedule 23 to the GLA Act 1999 (road user charging).

293. Paragraph 8 of Schedule 12 is amended and paragraph 9 is repealed. The effect is that all the net proceeds of all local charging schemes are to be used for local transport purposes.

294. Paragraphs 10 and 11 are amended to require a detailed programme for the application of the net proceeds of a charging scheme to be produced every five years from the date on which the scheme comes into force, rather than linking the timing of the production of the detailed programme to the timing of the production of the local transport plan.

295. Paragraph 10(3) is amended so as to remove the requirement for the Secretary of State to approve a charging authority's general plans and specific programmes for the application of the net proceeds of a charging scheme in England before the relevant scheme order can come into force. This amendment does not have effect in relation to charging schemes in Wales, thus preserving the existing requirement for approval of such plans and programmes by the Welsh Ministers.

296. Paragraph 12 is amended to remove the Secretary of State's power to make regulations determining the application of proceeds by London traffic authorities from a joint London-local scheme. Instead, the proceeds will be applied in the same way as they would be in a scheme made under Schedule 23 to the GLA Act 1999.

297. Paragraph 13 is amended so that all proceeds of a trunk road charging scheme made by virtue of section 167(2)(b) of the TA 2000 are available only for application by the Secretary of State or Welsh Ministers for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.

298. Paragraphs 16 and 17 of Schedule 23 to the GLA Act 1999 are amended to the effect that all the net proceeds of all London charging schemes are to be used for relevant transport purposes, rather than enabling net proceeds in some circumstances to be applied as specified by the appropriate national authority.

299. Paragraph 18 of Schedule 23 to the GLA Act 1999 is amended to allow the Secretary of State to share in revenues from a charging scheme in London which includes a trunk road.

Part 7: Miscellaneous provisions

Section 122: *Powers of the National Assembly for Wales*

300. Section 94 of the Government of Wales Act 2006 provides that a provision of an Assembly Measure is within the legislative competence of the National Assembly for Wales if it relates to (or is incidental or consequential on provision that relates to) one or more of the matters specified in Schedule 5 to that Act. The list of twenty fields in which the Assembly currently exercises functions is set out in Part 1 of Schedule 5, and each field will be divided into matters. Assembly Measures may include any provision that could be made by Act of Parliament, subject to specific restrictions set out in Part 2 of Schedule 5.

301. Section 122 amends Schedule 5 to the Government of Wales Act 2006 to insert a matter into field 10 (highways and transport). This matter will allow the Assembly to pass an Assembly Measure containing provision for and in connection with the making, operation and enforcement of schemes that impose charges in respect of the use or keeping of motor vehicles on Welsh trunk roads (which are defined as those roads for which the Welsh Ministers are the traffic authority). The new matter

does not enable such an Assembly Measure to make provision about traffic signs, apart from provision about the placing and maintenance of such signs.

302. Any Assembly Measure would be able to make provision about the application of the proceeds of a charging scheme, which must be for transport-related purposes.

Section 123: *Information*

303. Section 123 replicates the provisions of section 194 of the TA 2000 (as amended by section 118 of this Act) in respect of a trunk road charging scheme or proposed such scheme which is made by or under an Assembly Measure.

304. Section 123 allows information obtained by Ministers, Government Departments, local authorities or other statutory bodies to be disclosed to the Welsh Ministers in relation to a trunk road charging scheme or proposed such scheme. Subsection (2) allows any information that has been or could be disclosed to the Welsh Ministers under subsection (1) to be disclosed to any person with whom the Welsh Ministers have entered into charging scheme arrangements. Subsection (3) provides that such information must only be used in connection with Welsh trunk road charging schemes.

305. Subsection (4) allows the Secretary of State to charge a reasonable fee for supplying information under subsection (1) or (2). Subsection (5) provides that where the Welsh Ministers have asked the Secretary of State to obtain information from registration authorities overseas, with a view to disclosing that information under subsection (1) or (2), the Secretary of State may charge a reasonable fee for obtaining that information or for seeking to obtain it.

Section 124: *Street works: reinstatement and remedial works*

306. This section amends the New Roads and Street Works Act 1991 (c.22).

307. Section 48(3) of that Act defines “street works” for the purposes of Part 3 of the Act. Subsection (2) of section 124 inserts a new subsection (3A) into section 48 to clarify that the meaning of “street works” includes reinstatement of the street and, where an undertaker has failed to comply with his duties under Part 3 with respect to reinstatement of the street, any remedial works.

308. Section 50(1) of the New Roads and Street Works Act 1991 provides a power for street authorities to grant “street works licences” permitting, for example, apparatus to be placed, retained or inspected and to execute any works required for or incidental to such works. Subsection (3) of section 124 amends that section to clarify that reinstatement and, where an undertaker has failed to comply with his duties under Part 3 with respect to reinstatement of the street, any remedial works are works required for or incidental to works carried out under a street works licence.

309. Section 124 extends to England and Wales.

Section 125: *Vehicles authorised to be used under operator's licence*

310. Section 5(6) of the Goods Vehicles (Licensing of Operators) Act 1995 (c.23) makes it unlawful for an operator to use a vehicle which is not specified in that operator's licence unless notice of the vehicle, together with payment of the prescribed fee, has been made, within one month, to the traffic commissioner. Section 125 amends that subsection, and makes a consequential amendment to subsection (7), to provide for situations where no such fee is prescribed.

311. Section 125 also amends section 263 of the TA 2000, which would substitute section 5(6) of the Goods Vehicles (Licensing of Operators) Act 1995 but has not yet been brought into force. Section 125:

- a) inserts a new subsection (6A) to define the period within which an operator must provide information to the traffic commissioner about any new vehicle to be specified on their operator's licence. This will enable the Secretary of State to prescribe a period of up to one month beginning with the day on which the vehicle was first in the lawful possession of the operator, or (if later) the day when the relevant operator's licence came into force; and
- b) makes a consequential amendment to the substituted section 5(6) to provide for situations where a fee is not required to be paid.

Section 126: *Vehicles used without operator's licence: power to return detained vehicles*

312. Section 126 replaces paragraph 8 of Schedule 1A to the Goods Vehicles (Licensing of Operators) Act 1995 to bring it in line with paragraph 8 of the new Schedule 2A to the PPVA 1981 (which is inserted by Schedule 3 to the Act).

Section 127: *Civil enforcement of traffic contraventions: meaning of "local authority"*

313. This section amends provisions in Part 6 of the Traffic Management Act 2004 (c.18). The effect of the amendments is to provide a power for non-metropolitan district councils to appoint new civil enforcement officers for the purposes of sections 76, 85, 86 and 87 of that Act.

314. The relevant provisions in Part 6 of the Traffic Management Act 2004 extend to England and Wales, but are of practical relevance only in England because there are no twotier authorities in Wales.

Section 128: *Financial penalty deposits: powers of vehicle examiners in Scotland*

315. This section amends the definition of "conditional offer" in section 90F of the Road Traffic Offenders Act 1988 (c.53) ("the RTOA"). It enables financial deposit requirements to be imposed on those who are issued with conditional offers in Scotland by Vehicle and Operator Services Agency (VOSA) vehicle examiners.

316. Part 3A of the RTOA (sections 90A to 90F) was inserted by section 11 of the Road Safety Act 2006 (c.49). It establishes a system of financial penalty deposits in England and Wales and Scotland to provide a means of enforcement against offenders who avoid payment of fixed penalties and prosecution by not having a satisfactory address in the United Kingdom.

317. Under section 90A of the RTOA, police constables and vehicle examiners, appointed under section 66A of the Road Traffic Act 1988 (c.52), are able to require the payment of a deposit by a person they believe to have committed an offence in relation to a motor vehicle who does not provide a satisfactory address in the United Kingdom at which it is likely the person can be found. The police constable or vehicle examiner must also believe that the person, the offence and the circumstances in which the offence is committed are of a description specified in an order made by the Secretary of State.

318. The person must also be given written notification that it appears likely that proceedings will be brought against him in respect of the offence, or, if the offence is a fixed penalty offence, either given such notification or given a fixed penalty notice (or, in Scotland, handed a conditional offer) in respect of the offence.

319. "Conditional offer" is defined in section 90F of the RTOA to mean a notice under section 75(3)(a) of that Act. Section 75(3)(a) provides that in Scotland, a police constable may, on any occasion, hand a notice to any person he believes to be committing a fixed penalty offence, or who he believes to have committed a fixed penalty offence on that occasion.

320. The amendment extends the definition of conditional offer to include those notices under section 75(3B)(a) of the RTOA. This refers to those offers made by vehicle examiners equivalent to those made by police constables under section 75(3)(a).

321. Section 128 extends to Great Britain, but is of practical effect only in relation to Scotland.

Section 129: *Disclosure of information relating to foreign-registered vehicles*

322. This section inserts a new section 49A into the Road Safety Act 2006 (c.49). The new section allows the Secretary of State to disclose information, derived from a register of vehicles maintained in a country or territory outside the UK, to the list of people and for the purposes specified at subsection (3). The effect of subsection (4) is to allow the Secretary of State to charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information and for supplying information. Subsection (5) provides that this section does not affect any other power of the Secretary of State to disclose information.

Section 130: *Use of information relating to foreign-registered vehicles*

323. This section inserts a new section 49B into the Road Safety Act 2006. The new section allows the Secretary of State to use the information to which section 129 applies for the purposes set out in subsection (2). The information can be used:

- to carry out vehicle identity checks (allowed by virtue of the regulations made under section 22A(2) of the Vehicle Excise and Registration Act 1994);
- to check records of examinations of goods and other vehicles as maintained under section 45(6B) or 49(3A) of the Road Traffic Act 1988;
- to promote compliance with test certificates under section 47 or 53 of the Road Traffic Act 1988; and
- to trace non-resident parents (within the meaning of the Child Support (Information, Evidence and Disclosure) Regulations 1992).

COMMENCEMENT DATES

324. The following provisions of the Act came into force on Royal Assent:

- section 77(10), which relates to the change of name of Passenger Transport Authorities and passenger transport areas;
- the provisions in Part 8 (Supplementary Provisions), other than section 131 and Schedule 7 (Repeals); and
- any power under or by virtue of the Act to make regulations or an order.

325. Sections 55, 56, 122, 123, 124 and 127 come into force two months after Royal Assent.

326. Other provisions come into force on such day or days as the Secretary of State, or the Welsh Ministers in the case of the provisions mentioned in section 134(6), may by order made by statutory instrument appoint.

327. Any repeal comes into force in the same way as the provisions of the Act to which the repeal relates.

HANSARD REFERENCES

328. The following table sets out the dates and Hansard references for each stage of this Act's passage through Parliament.

Stage	Date	Hansard reference
<i>House of Lords</i>		
Introduction	7 November 2007	Vol. 696, Col. 21
Second Reading	20 November 2007	Vol. 696, Cols. 743 to 759 and 773 to 802
Grand Committee	6 December 2007	Vol. 696, Cols. GC35 to GC92
	12 December 2007	Vol. 697, Cols. GC113 to GC174
	17 December 2007	Vol. 697, Cols. GC203 to GC260
Report	16 January 2008	Vol. 697, Cols. 1297 to 1368
Third Reading	30 January 2008	Vol. 698, Cols. 622 to 640
<i>House of Commons</i>		
Introduction	31 January 2008	No debate
Second Reading	26 March 2008	Vol. 474, Cols. 190 to 293
Public Bill Committee	22, 24, 29 April and 6, 8 May 2008	Local Transport Bill Committee 2008
Report and Third Reading	27 October 2008	Vol. 481, Cols. 568 to 699
<i>Subsequent stages</i>		
Lords Consideration of Amendments	18 November 2008	Vol. 705, Cols. 1071 to 1102
Royal Assent	26 November 2008	Vol. 705, Cols. 1477 to 1478

GLOSSARY

Existing Acts referred to in these Explanatory Notes

Abbreviation used in these Notes	Short Title of Act
The TA 1968	Transport Act 1968 (c. 73)
The PPVA 1981	Public Passenger Vehicles Act 1981 (c. 14)
The TA 1985	Transport Act 1985 (c. 67)
The GLA Act 1999	Greater London Authority Act 1999 (c. 29)
The TA 2000	Transport Act 2000 (c. 38)

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