
STATUTORY INSTRUMENTS

2013 No. 1644

**The Local Transport Act 2008 (Traffic Commissioners)
(Consequential Amendments) Order 2013**

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 and comes into force on the day after the day on which it is made.

(2) Articles 2 and 3 and Schedules 1 and 2 extend to England and Wales and Scotland (but see article 2 in relation to Scotland).

(3) The amendments contained in Schedule 1 and Schedule 2 have the same extent as the enactments amended, except that nothing extends to Northern Ireland (and see article 2 in relation to Scotland).

(4) Articles 4 to 6 and Schedules 3 to 6 extend to England and Wales only (but see paragraphs (5) and (6)).

(5) Article 5 and Schedule 5 apply to England only.

(6) Article 6 and Schedule 6 apply to Wales only.

Scotland

2. In their application in relation to Scotland, article 3 and Schedules 1 and 2 have effect only so far as relating to reserved matters, within the meaning of the Scotland Act 1998(1).

Amendments – England and Wales and Scotland

3. In the tables in Schedules 1 (primary legislation) and 2 (subordinate legislation) the provisions specified in column 1 of each Schedule are amended as specified in column 2 of that Schedule.

Amendments – England and Wales

4. In the tables in Schedules 3 (primary legislation) and 4 (subordinate legislation) the provisions specified in column 1 of each Schedule are amended as specified in column 2 of that Schedule.

Amendments – England

5. In the table in Schedule 5 (subordinate legislation) the provisions specified in column 1 of that Schedule are amended as specified in column 2 of that Schedule.

(1) 1998 c.46. By virtue of subsection (4) of section 6 of the Local Transport Act 2008 the only provision that may be made by an order under that section in relation to Scotland is provision relating to reserved matters within the meaning of the Scotland Act 1998 (“the 1998 Act”). For “reserved matters” (in so far as relating to road transport) see Section E1 in Head E (transport) of Schedule 5 to the 1998 Act.

Amendments – Wales

6. In the table in Schedule 6 (subordinate legislation) the English and Welsh text of the provisions specified firstly in English and thereafter in Welsh in column 1 of that Schedule is amended as specified in English and Welsh respectively in column 2 of that Schedule.

Transitional provisions

7.—(1) Nothing in this Order affects the validity of anything done by a traffic commissioner before the date on which this Order comes into force.

(2) Anything which immediately before the date on which this Order comes into force is in the process of being done by, or in relation to, a traffic commissioner for a traffic area in England and Wales or Scotland may be continued by, or in relation to, any traffic commissioner for England and Wales or, as the case may be, the Scottish traffic commissioner.

(3) Any notice served, action taken or other thing done, before the date on which this Order comes into force, under or pursuant to any provision amended by this Order has effect on or after that date as though validly served, taken or done under or pursuant to that provision as amended by this Order.

(4) Any debt or liability of or due to a traffic commissioner for a traffic area which is due or outstanding immediately before the date on which this Order comes into force is to be treated as a debt or liability of or due to (as the case may be) the senior traffic commissioner.

(5) Without prejudice to the generality of paragraphs (2) to (4), those paragraphs apply in particular to—

- (a) any decision or determination made by a traffic commissioner;
- (b) any licence, permission, consent, approval, authorisation, exemption, dispensation or relaxation granted by a traffic commissioner;
- (c) any notice, direction or certificate given by or to a traffic commissioner;
- (d) any application, request, proposal, representation or objection made to a traffic commissioner;
- (e) any condition or requirement imposed by a traffic commissioner;
- (f) any undertaking given to a traffic commissioner;
- (g) any matter affecting fees;
- (h) any appeal against a decision of a traffic commissioner and any order made on such an appeal;
- (i) any appeal allowed or dismissed by a traffic commissioner;
- (j) any proceedings instituted by or against a traffic commissioner.

(6) The first period ending on or after the date on which this Order comes into force for which annual reports are required to be made under section 55 of the Public Passenger Vehicles Act 1981⁽²⁾ (annual report of traffic commissioners) is to be the period of one year immediately following the end of the last period, which ended before that date, in relation to which annual reports were required under that section.

(7) The annual reports which are made in relation to the first period ending on or after the date on which this Order comes into force are to cover all the proceedings of the reporting traffic commissioner during that period, whether as a traffic commissioner for a traffic area or as a traffic commissioner for England and Wales or, as the case may be, as the Scottish traffic commissioner.

(2) 1981 c.14. Section 55 was amended by the Transport Act 1985 (c.67), section 3 and Schedule 2, Part 2, paragraph 4(15) and by S.I. 1984/31.

Signed by authority of the Secretary of State for Transport

2nd July 2013

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport