



# Local Transport Act 2008

## 2008 CHAPTER 26

### <sup>F1</sup><sup>F1</sup>PART 5A

#### SUB-NATIONAL TRANSPORT BODIES

#### <sup>F1</sup>General powers etc

#### Textual Amendments

- F1** Pt. 5A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), ss. 21, 25\(2\)](#)

#### 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.

*Status: Point in time view as at 31/01/2017.*

*Changes to legislation: Local Transport Act 2008, Cross Heading: General powers etc is up to date with all changes known to be in force on or before 07 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (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).

### **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.

### **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—

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- (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.

### **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.]

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