

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

SCHEDULES

SCHEDULE 1

Section 7

REFERENCES TO LOCAL TRANSPORT PLANS

1 The TA 2000 is amended as follows.

Commencement Information

I1 Sch. 1 para. 1 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Quality contracts schemes

- 2 (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 Information

I2 Sch. 1 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Joint and through ticketing schemes

- 3 (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 Information

I3 Sch. 1 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Information about bus services

- 4 (1) Section 139 is amended as follows.
- (2) In subsection (1) for “local transport plan” substitute “local transport policies”.

Commencement Information

I4 Sch. 1 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Local licensing schemes

- 5 (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 Information

I5 Sch. 1 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Joint local licensing schemes

- 6 (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 Information

I6 Sch. 1 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Joint local-London licensing schemes

- 7 (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 Information

I7 Sch. 1 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Financial provisions relating to road user charging and workplace parking levy

- 8 (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 Information

I8 Sch. 1 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

SCHEDULE 2

Section 46

COMPETITION TEST: AMENDMENTS OF SCHEDULE 10 TO THE TRANSPORT ACT 2000

- 1 Schedule 10 to the TA 2000 (competition test for exercise of bus functions) is amended as follows.

Commencement Information

- I9** Sch. 2 para. 1 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Test for the exercise of functions by local authorities

- 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 Information

- I10** Sch. 2 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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 Information

- I11** Sch. 2 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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 Information

- I12** Sch. 2 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 5 Omit paragraphs 3 and 4.

Commencement Information

- I13** Sch. 2 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 6 In paragraph 5 (investigation by OFT)—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

I14 Sch. 2 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 7 In paragraph 10 (decisions) omit paragraph (a).

Commencement Information

I15 Sch. 2 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 8 Omit paragraph 11.

Commencement Information

I16 Sch. 2 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 9 In paragraph 12(1) (enforcement of decision) after “a function to which” insert “ this Part of ”.

Commencement Information

I17 Sch. 2 para. 9 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 10 In paragraph 13(1) (restriction on disclosure of information) after “its functions under” insert “ this Part of ”.

Commencement Information

I18 Sch. 2 para. 10 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 11 In paragraph 14 (offence of disclosing information) after “its functions under” (in both places) insert “ this Part of ”.

Commencement Information

I19 Sch. 2 para. 11 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 12 After paragraph 14 insert—

“Advice and information

14A(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.

Status: Point in time view as at 09/02/2009.

Changes to legislation: *Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)*

- (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 Information

I20 Sch. 2 para. 12 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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 Information

I21 Sch. 2 para. 13 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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 Information

I22 Sch. 2 para. 14 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

New test for certain agreements, decisions and practices

- 15 After paragraph 16 insert—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

“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—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

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).

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

- I23** Sch. 2 para. 15 partly in force; Sch. 2 para. 15 in force at Royal Assent for specified purposes, see s. 134(1)(c)
- I24** Sch. 2 para. 15 in force at 9.2.2009 for E. in so far as not already in force by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Schedule heading

- 16 In consequence of the amendments made by this Schedule, the heading to Schedule 10 becomes— “ Competition test: functions and agreements relating to buses ”.

Commencement Information

- I25** Sch. 2 para. 16 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

SCHEDULE 3

Section 47

DETENTION OF CERTAIN PSVs USED WITHOUT PSV OPERATORS' LICENCES

Commencement Information

- I26** Sch. 3 partly in force; Sch. 3 in force at Royal Assent for specified purposes, see s. 134(1)(c)
- I27** Sch. 3 in force at 9.2.2009 in so far as not already in force by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

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

Interpretation

- 1 (1) In this Schedule—
“authorised person” means—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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.

Detention of property

- 2 (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.

The vehicle and any other property detained, the passengers, and any personal effects

- 3 (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;

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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.

Immobilisation of vehicle

- 4 (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.

Offences relating to immobilisation

- 5 (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.

Removal and delivery of property into custody of nominated custodian

- 6 (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.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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.

Informing persons that their property has been detained etc

- 7 (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.

Return of vehicle

- 8 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.

Application to traffic commissioner for return of vehicle

- 9 (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;

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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.

Hearings by traffic commissioner

- 10 (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.

Consequences of the traffic commissioner's determination

- 11 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.

Appeal to Transport Tribunal from traffic commissioner

- 12 (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—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

the Transport Tribunal,
the traffic commissioner,
such other persons as may be prescribed.

Sale or destruction of vehicle where no application made under paragraph 9

- 13 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.

Return or disposal of contents and personal effects

- 14 (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.

Custody of property

- 15 (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.

Proceeds of sale

- 16 (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—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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.

Disputes

- 17 (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.

Obstruction of authorised person

- 18 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.

Offences as to securing possession of property

- 19 (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.”.

*Status: Point in time view as at 09/02/2009.**Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)*

SCHEDULE 4

Section 77

CHANGE OF NAME OF PTAs: CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS OF THE TRANSPORT ACT 1968

1 The TA 1968 is amended as follows.

Commencement Information**I28** Sch. 4 para. 1 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

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 Information**I29** Sch. 4 para. 2 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

3 (1) Section 9A (general functions of Passenger Transport Authorities and Executives) is amended as follows.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

I30 Sch. 4 para. 3 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I31 Sch. 4 para. 4 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 5 In section 12(1) (borrowing powers of Executive) after “the Executive for” insert “ an integrated transport area or ”.

Commencement Information

I32 Sch. 4 para. 5 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 6 In section 14(1) (accounts of Executive) after “The Executive for” insert “ an integrated transport area or ”.

Commencement Information

I33 Sch. 4 para. 6 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I34 Sch. 4 para. 7 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 8 In section 16(1) (publication of annual report by Authority and Executive) after “The Authority for any” insert “ integrated transport area or ”.

Commencement Information

I35 Sch. 4 para. 8 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 ”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I36 Sch. 4 para. 9 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I37 Sch. 4 para. 10 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I38 Sch. 4 para. 11 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I39 Sch. 4 para. 12 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I40 Sch. 4 para. 13 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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, ”;

Status: Point in time view as at 09/02/2009.

Changes to legislation: *Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)*

(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 Information

I41 Sch. 4 para. 14 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

15 In section 141(1) (application of Town and Country Planning Acts) after “any area which is” insert “ an integrated transport area or ”.

Commencement Information

I42 Sch. 4 para. 15 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

16 In section 160(5) (stamp duty) after “any area which is” insert “ an integrated transport area or ”.

Commencement Information

I43 Sch. 4 para. 16 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I44 Sch. 4 para. 17 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

PART 2

AMENDMENTS OF THE TRANSPORT ACT 1985

18 The TA 1985 is amended as follows.

Commencement Information

I45 Sch. 4 para. 18 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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* ”;

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

(b) the heading to section 57 becomes “ Areas, Authorities and Executives ”.

Commencement Information

I46 Sch. 4 para. 19 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I47 Sch. 4 para. 20 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 21 In section 64(1) (consultation with respect to policies as to services) after “with every” insert “ Integrated Transport Authority, ”.

Commencement Information

I48 Sch. 4 para. 21 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I49 Sch. 4 para. 22 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 ”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I50 Sch. 4 para. 23 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I51 Sch. 4 para. 24 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I52 Sch. 4 para. 25 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I53 Sch. 4 para. 26 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I54 Sch. 4 para. 27 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 28 (1) Section 81 (provision, maintenance and operation of bus stations) is amended as follows.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (2) In subsections (1) and (3) after “Passenger Transport Executive for any” insert “integrated transport area or”.

Commencement Information

I55 Sch. 4 para. 28 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I56 Sch. 4 para. 29 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I57 Sch. 4 para. 30 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 31 In section 86(1) (amendments consequential on orders under section 85) after “in relation to” insert “integrated transport areas or”.

Commencement Information

I58 Sch. 4 para. 31 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I59 Sch. 4 para. 32 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 33 In section 95(4) (publicity requirements for schemes) after “under section 93 of this Act are” insert “ an Integrated Transport Authority or ”.

Commencement Information

I60 Sch. 4 para. 33 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I61 Sch. 4 para. 34 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I62 Sch. 4 para. 35 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I63 Sch. 4 para. 36 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 37 In section 106(4)(a) (grants for transport facilities and services) after “any” insert “ Integrated Transport Authority, ”.

Commencement Information

I64 Sch. 4 para. 37 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- 38 In section 130(3) (capital gains tax) after “from a Passenger Transport Executive to” insert “an Integrated Transport Authority or”.

Commencement Information

I65 Sch. 4 para. 38 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I66 Sch. 4 para. 39 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I67 Sch. 4 para. 40 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

PART 3

AMENDMENTS OF THE TRANSPORT ACT 2000

- 41 The TA 2000 is amended as follows.

Commencement Information

I68 Sch. 4 para. 41 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I69 Sch. 4 para. 42 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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”;

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

I70 Sch. 4 para. 43 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I71 Sch. 4 para. 44 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I72 Sch. 4 para. 45 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 ”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

I73 Sch. 4 para. 46 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- 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 Information

I74 Sch. 4 para. 47 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

PART 4

OTHER AMENDMENTS

Local Government Act 1972 (c. 70)

- 48 (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 Information

I75 Sch. 4 para. 48 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Race Relations Act 1976 (c. 74)

- 49 (1) The Race Relations Act 1976 is amended as follows.
- (2) In Schedule 1A (bodies and other persons subject to general statutory duty), in paragraph 38, after “A Passenger Transport Executive for” insert “ an integrated transport area or ”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I76 Sch. 4 para. 49 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Transport Act 1983 (c. 10)

- 50 (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 Information

I77 Sch. 4 para. 50 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Road Traffic Regulation Act 1984 (c. 27)

- 51 (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 Information

I78 Sch. 4 para. 51 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Rates Act 1984 (c. 33)

- 52 (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 Information

I79 Sch. 4 para. 52 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Local Government Act 1985 (c. 51)

- 53 (1) The Local Government Act 1985 is amended as follows.
- (2) In section 28 (metropolitan county passenger transport authorities)—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

180 Sch. 4 para. 53 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Airports Act 1986 (c. 31)

- 54 (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) In section 57(2) (airports excluded from scope of Part 5 of that Act) in paragraph (b) —
 - (a) for “a metropolitan county passenger transport authority” substitute “ an Integrated Transport Authority for an integrated transport area in England ”,
 - (b) for “an authority” substitute “ an Authority ”.

Commencement Information

181 Sch. 4 para. 54 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Local Government Act 1988 (c. 9)

- 55 (1) The Local Government Act 1988 is amended as follows.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

182 Sch. 4 para. 55 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Local Government Finance Act 1988 (c. 41)

- 56 (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 Information

183 Sch. 4 para. 56 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Local Government and Housing Act 1989 (c. 42)

- 57 (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 Information

184 Sch. 4 para. 57 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Railways Act 1993 (c. 43)

- 58 (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 ”,

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

I85 Sch. 4 para. 58 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Value Added Tax Act 1994 (c. 23)

- 59 (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 Information

I86 Sch. 4 para. 59 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Education Act 1996 (c. 56)

- 60 (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 Information

I87 Sch. 4 para. 60 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Audit Commission Act 1998 (c. 18)

- 61 (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”.

Commencement Information

I88 Sch. 4 para. 61 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Local Government Act 1999 (c. 27)

- 62 (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 Information

189 Sch. 4 para. 62 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Greater London Authority Act 1999 (c. 29)

- 63 (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 Information

190 Sch. 4 para. 63 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Freedom of Information Act 2000 (c. 36)

- 64 (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 Information

191 Sch. 4 para. 64 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Police Reform Act 2002 (c. 30)

- 65 (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;”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I92 Sch. 4 para. 65 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Railways Act 2005 (c. 14)

- 66 (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 Information

I93 Sch. 4 para. 66 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Concessionary Bus Travel Act 2007 (c. 13)

- 67 (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 Information

I94 Sch. 4 para. 67 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Local Government and Public Involvement in Health Act 2007 (c. 28)

- 68 (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;”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I95 Sch. 4 para. 68 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

SCHEDULE 5

Section 109

ITAS AND CHARGING SCHEMES: MINOR AND CONSEQUENTIAL AMENDMENTS

Introductory

- 1 Part 3 of the TA 2000 (road user charging and workplace parking levy) is amended as follows.

Commencement Information

I96 Sch. 5 para. 1 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Preliminary: power to make schemes does not limit other powers

- 2 In section 163(6) after “joint local-London charging schemes” insert “and joint ITA-London charging schemes”.

Commencement Information

I97 Sch. 5 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Conditions for making trunk road schemes

- 3 In section 167(2)(b) after “a local traffic authority” insert “, an Integrated Transport Authority”.

Commencement Information

I98 Sch. 5 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Charging schemes to be made by order

- 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”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I99 Sch. 5 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Confirmation of charging schemes

- 5 In section 169(3) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

Commencement Information

I100 Sch. 5 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Consultation and inquiries

- 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 Information

I101 Sch. 5 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Traffic signs

- 7 In section 177(2) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

Commencement Information

I102 Sch. 5 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Guidance

- 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 Information

I103 Sch. 5 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Interpretation

- 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 Information

I104 Sch. 5 para. 9 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Financial provisions

- 10 Schedule 12 is amended as follows.

Commencement Information

I105 Sch. 5 para. 10 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 11 In paragraph 2(4) (net proceeds) after “local traffic authority” insert “or Integrated Transport Authority”.

Commencement Information

I106 Sch. 5 para. 11 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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 Information

I107 Sch. 5 para. 12 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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,”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I108 Sch. 5 para. 13 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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 Information

I109 Sch. 5 para. 14 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

- 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—

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- (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 Information

I110 Sch. 5 para. 15 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

SCHEDULE 6

Section 121

AMENDMENTS OF FINANCIAL PROVISIONS RELATING TO SCHEMES

PART 1

AMENDMENTS OF SCHEDULE 12 TO THE TRANSPORT ACT 2000

- 1 Schedule 12 to the TA 2000 (financial provisions relating to road user charging and workplace charging schemes) is amended as follows.

Commencement Information

I111 Sch. 6 para. 1 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Application of proceeds by non-metropolitan local traffic authorities

- 2 (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”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

(3) Omit sub-paragraphs (5) to (7).

Commencement Information

I112 Sch. 6 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Application of proceeds where paragraph 8 does not apply

3 Omit paragraph 9.

Commencement Information

I113 Sch. 6 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Plans and programmes for application of proceeds

- 4 (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 Information

I114 Sch. 6 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Programme for application of proceeds after end of opening period

- 5 (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)”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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) In sub-paragraph (3) for “the opening plan period” substitute “the opening five year period”.

Commencement Information

I115 Sch. 6 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Application of proceeds by London traffic authorities

- 6 (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 Information

I116 Sch. 6 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Application of proceeds by Secretary of State and Welsh Ministers

- 7 (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)”.

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

Commencement Information

I117 Sch. 6 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Regulations and orders

- 8 (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 Information

I118 Sch. 6 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

PART 2

AMENDMENTS OF SCHEDULE 23 TO THE GREATER LONDON AUTHORITY ACT 1999

- 9 Schedule 23 to the GLA Act 1999 (road user charging) is amended as follows.

Commencement Information

I119 Sch. 6 para. 9 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Application of net proceeds

- 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 Information

I120 Sch. 6 para. 10 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

- 11 In paragraph 17, omit sub-paragraphs (1), (2) and (6).

Commencement Information

I121 Sch. 6 para. 11 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Apportionment of net proceeds

- 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 Information

I122 Sch. 6 para. 12 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

SCHEDULE 7

Section 131

REPEALS

PART 1

REPEALS RELATING TO PART 2 OF THIS ACT

Commencement Information

I123 Sch. 7 Pt. 1 in force at 9.2.2009 for specified purposes for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

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— (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). Sections 110 and 111. In section 112— (a) in subsection (1), the words “(and bus strategies)” and (in each place) “(and strategies)”, (b) in subsection (2), “and their bus strategy”. Section 113(1) and (3). Section 124(10). Section 162(6). In section 181(2)(a), the words “the local transport plans of”. In section 198(2), the words from “and the councils” to the end. In Schedule 11, paragraphs 3(5) and 11(5) and (6).
Transport (Wales) Act 2006 (c. 5)	In the Schedule, paragraphs 2(3), 3(5) and (6) and 5.

PART 2

REPEALS RELATING TO PART 3 OF THIS ACT

Commencement Information

I124 Sch. 7 Pt. 2 in force at 9.2.2009 for specified purposes for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Short title and chapter

Transport Act 2000 (c. 38)

Extent of repeal

In section 116(2), the word “and” at the end of paragraph (c).
In section 125(2), paragraph (c) and the word “and” preceding it.
In section 126(4)(a), the words “or (as the case may be) paragraphs (a) to (d) of section 124(1A)”.
Section 129(4).
In section 162(4), the entry relating to section 129(4).

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

	In Schedule 10— (a) in paragraph 2(3)(b), the word “substantial”, (b) paragraphs 3 and 4, (c) paragraph 10(a), (d) paragraph 11, (e) paragraph 16(3).
Enterprise Act 2002 (c. 40)	In Schedule 25, paragraph 44(12)(b), (c), (d) and (i).

PART 3

REPEALS RELATING TO PART 4 OF THIS ACT

Commencement Information

1125 Sch. 7 Pt. 3 in force at 9.2.2009 for specified purposes for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

1126 Sch. 7 Pt. 3 in force at 9.2.2009 for specified purposes by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

<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).

Status: Point in time view as at 09/02/2009.

Changes to legislation: Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)

PART 4

REPEALS RELATING TO PART 5 OF THIS ACT

Commencement Information

I127 Sch. 7 Pt. 4 in force at 9.2.2009 for specified purposes by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Short title and chapter

Extent of repeal

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.

PART 5

REPEALS RELATING TO PART 6 OF THIS ACT

Commencement Information

I128 Sch. 7 Pt. 5 in force at 9.2.2009 for specified purposes by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

I129 Sch. 7 Pt. 5 in force at 9.2.2009 for specified purposes for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

Short title and chapter

Extent of repeal

Greater London Authority Act 1999 (c. 29)

In Schedule 23—

(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”,
(b) paragraph 16(2) to (4) and (7),

Status: Point in time view as at 09/02/2009.

Changes to legislation: *Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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)*

- (c) paragraph 17(1), (2) and (6),
- (d) in paragraph 18(1), the words “Subject to any provision made by regulations under paragraph 16(2) above,”,
- (e) in paragraph 18(2), the words “or regulations under sub-paragraph 16(2) above”,
- (f) paragraph 19(3)(a) and (4),
- (g) paragraph 20(2)(a), (3) and (4),
- (h) in paragraph 21(2), the words “and submit to the Secretary of State”,
- (i) paragraph 21(4),
- (j) paragraph 22(3),
- (k) in paragraph 22(4), the words “and approved” (in both places),
- (l) in paragraph 23(2), the words “and approved”,
- (m) in paragraph 24(3)(c), the words from “and, if approved” to the end,
- (n) paragraph 24(6)(a) and (7),
- (o) in paragraph 24(10), the words “prepared and approved” in the second place.

Transport Act 2000 (c. 38)

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).

In section 197(3) and (4)(b), the words “9(1) or”.

In Schedule 12—

- (a) paragraph 8(5) to (7),
 - (b) paragraph 9,
 - (c) paragraph 12(2)(a),
 - (d) in paragraph 13(1)(b), the words from “and comes into force” to “the commencement of this Schedule”,
 - (e) paragraph 13(2).
-

Status:

Point in time view as at 09/02/2009.

Changes to legislation:

Local Transport Act 2008 is up to date with all changes known to be in force on or before 14 June 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.