

SCHEDULE 1

Article 5

Modification of the Crime and Disorder Act 1998

1. In section 39(1) (youth offending teams), in subsection (7) for paragraph (b) substitute—
 - “(b) to carry out such functions as are assigned to the team or teams either—
 - (i) in the youth justice plan formulated by the authority under section 40(1) below;
or
 - (ii) where the authority are an excepted authority, under section 40A(2) below.”.
2. In section 40 (youth justice plans), in subsection (4) after the words “local authority” insert “other than an excepted authority”.
3. After section 40, insert—

“40A Youth justice arrangements of excepted authorities

- (1) Subsections (2) to (4) below apply where an excepted authority—
 - (a) have, before being excepted, made a youth justice plan, but decide not to implement it; or
 - (b) decide not to formulate a youth justice plan.
 - (2) The authority shall be under a duty to determine, in conjunction with the relevant persons and bodies—
 - (a) how youth justice services in their area are to be provided and funded; and
 - (b) how the youth offending team or teams established by them (whether alone or jointly with one or more other local authorities) are to be composed and funded, how they are to operate, and what functions they are to carry out.
 - (3) The functions assigned to a youth offending team under subsection (2)(b) above may include, in particular, functions under paragraph 7(b) of Schedule 2 to the 1989 Act (local authority’s duty to take reasonable steps designed to encourage children and young persons not to commit offences).
 - (4) Any assignment of functions to a youth offending team under subsection (2)(b) above shall be made in writing.
 - (5) In this section, “relevant persons and bodies” has the meaning given by section 40(2) above.”.
4. In section 42 (supplementary provisions), in subsection (1) after the definition of “chief officer of police” insert—

““excepted authority” means a local authority who—

 - (a) are an excellent authority within the meaning given to that term by the Local Authorities’ Plans and Strategies (Disapplication) (England) Order 2005, or
 - (b) are treated as though they were such an authority by virtue of article 5(5) of that Order.”.

(1) Section 39 was substituted in part by the Criminal Justice and Court Services Act 2000 (2000 c.43), section 74, Schedule 7 Part 2, paragraphs 4, 150 and 151, and by the Health Act 1999 (Supplementary, Consequential etc. Provisions) Order 2000 (SI 2000/90), article 3(1) and Schedule 1 paragraph 35(1), (4).

SCHEDULE 2

Article 7

Modification of provisions relating to local transport plans and bus strategies

Part 1

Modification of the Transport Act 2000

1. In section 108 (local transport plans)—
 - (a) for subsection (3), substitute—

“(3) Each local transport authority who are not an excepted authority must prepare a document to be known as the local transport plan containing their policies under subsection (1).

(3A) An excepted authority may prepare a local transport plan and, if they do so, the provisions of this Part shall, unless a contrary intention is indicated, apply to them as though they were not excepted.

(3B) An excepted authority who—

 - (a) have prepared a local transport plan under subsection (3A) or
 - (b) are taken by the operation of section 109(5) to have a local transport plan,

may at any time decide that they will cease to exercise their powers under this Part by reference to the plan and, if they do so decide, the plan shall cease to have effect from the date of their decision.”;
 - (b) in subsection (4), at the end add—

“, and

“excepted authority” means a local transport authority in England who—

 - (a) are an excellent authority within the meaning given to that term by the Local Authorities’ Plans and Strategies (Disapplication) (England) Order 2005 or
 - (b) are treated as such an authority by virtue of article 7(7) of that Order.”.
 2. In section 109 (further provision about plans)—
 - (a) in subsection (1), after the word “authority” insert “who are required or have decided to prepare a local transport plan (“the authority”)”;
 - (b) in subsection (6), after the word “But,” insert “subject to subsection (7),”;
 - (c) at the end add—

“(7) The requirement under subsection (6)(a) to replace a document by the specified date shall not apply where that document is the local transport plan of an excepted authority.”.
 3. In section 110 (bus strategies)—
 - (a) in subsection (1), after the word “authority” insert “who are required or have decided to prepare a local transport plan (“the authority”)”; and
 - (b) at the end add—

“(6) An excepted authority who—

 - (a) have not prepared a local transport plan or a document taken by the operation of section 109(5) to be a local transport plan, or

(b) have decided to cease to exercise their powers under this Part as mentioned in section 108(3B),

must, in formulating their general policies as to how best to carry out their functions (or, in the case of a Passenger Transport Authority for a passenger transport area, as to how the functions of the Passenger Transport Executive for their area would be best carried out), have regard to securing the objects mentioned in paragraphs (a), (b) and (c) of subsection (1).

(7) References in this Part to an excepted authority with no local transport plan are to an authority of the description mentioned in paragraph (a) or (b) of subsection (6).”

4. In section 112 (plans and strategies: supplementary), in subsection (1) for the words “a local transport authority” substitute “a local transport authority other than an excepted authority”.

5. In section 114 (quality partnership schemes), for subsection (1) substitute—

“(1) A local transport authority, or two or more such authorities acting jointly, may make a quality partnership scheme if they are satisfied that the scheme will to any extent implement—

- (a) the policies set out in their bus strategy; or
- (b) in the case of an excepted authority with no local transport plan, the policies which they have formulated in accordance with section 110(6).”

6. In section 124 (quality contracts schemes), for subsection (1) substitute—

“(1) A local transport authority, or two or more such authorities acting jointly, may make a quality contracts scheme covering the whole or any part of their area if they are satisfied that—

- (a) making a quality contracts scheme is the only practicable way of implementing—
 - (i) the policies set out in their bus strategy for that area or part of that area, or
 - (ii) in the case of an excepted authority with no local transport plan, the policies which they have formulated in accordance with section 110(6); and
- (b) the proposed scheme will implement those policies in a way which is economic, efficient and effective.”

7. In section 135 (joint and through ticketing schemes), for subsection (1) substitute—

“(1) A local transport authority, or two or more such authorities acting jointly, may make a ticketing scheme covering the whole or any part of their area if they consider that the proposed scheme—

- (a) would be in the interests of the public, and
- (b) would to any extent implement—
 - (i) the policies set out in their bus strategy, or
 - (ii) in the case of an excepted authority with no local transport plan, the policies which they have formulated in accordance with section 110(6).”

8. In section 139 (information about bus services)—

- (a) in subsection (1), omit the words “having regard to their local transport plan”;
- (b) after subsection (2), insert—

“(2A) In making such a determination—

- (a) an authority other than an excepted authority must have regard to their local transport plan, and

- (b) an excepted authority with no local transport plan must have regard to their policies developed under section 108(1)(a).”.

9. In section 162 (interpretation of Part II), in subsection (1) after the definition of “eligible service” insert—

““excepted authority” has the meaning given in section 108(4);”.

10. In section 164 (local charging schemes), in subsection (2) for the words “the achievement of policies in the charging authority’s local transport plan” substitute—

“—

- (a) in the case of an authority other than an excepted authority, the achievement of policies in their local transport plan, or
- (b) in the case of an excepted authority with no local transport plan, the achievement of their policies developed under section 108(1)(a).”.

11. In section 165 (joint local charging schemes), in subsection (2) for the words “in the charging authorities’ local transport plans” substitute—

“—

- (a) in the charging authorities’ local transport plans, or
- (b) if one or more of the charging authorities concerned is an excepted authority with no local transport plan, in their local transport plans and in their policies developed under section 108(1)(a).”.

12. In section 166 (joint local-London charging schemes), at the end add—

“(3) The reference in subsection (2)(a) to policies in the local transport plan or (as the case may be) plans shall be treated, in relation to an excepted authority with no local transport plan, as a reference to their policies developed under section 108(1)(a).”.

13. In section 179 (local licensing schemes), for the words “the achievement of policies in the licensing authority’s local transport plan” substitute—

“—

- (a) in the case of an authority other than an excepted authority, the achievement of policies in their local transport plan, or
- (b) in the case of an excepted authority with no local transport plan, the achievement of their policies developed under section 108(1)(a).”.

14. In section 180 (joint local licensing schemes), in subsection (2) for the words “in the licensing authorities’ local transport plans” substitute—

“—

- (a) in the licensing authorities’ local transport plans, or
- (b) if one or more of the licensing authorities concerned is an excepted authority with no local transport plan, in their local transport plans and in their policies developed under section 108(1)(a).”.

15. In section 181 (joint local-London licensing schemes), at the end add—

“(3) The reference in subsection (2)(a) to policies in the local transport plan or (as the case may be) plans shall be treated, in relation to an excepted authority with no local transport plan, as a reference to their policies developed under section 108(1)(a).”.

16. In section 198 (interpretation of Part III), in subsection (1) after the definition of “charging scheme penalty charges”, insert—

““excepted authority” has the meaning given in section 108(4);”.

17. In Schedule 12—

(a) in paragraph 8, after sub-paragraph (6) insert—

“(6A) In this paragraph a reference to policies in an authority’s local transport plan shall be treated, in relation to an excepted authority with no local transport plan, as a reference to their policies developed under section 108(1)(a).”;

(b) in paragraph 10—

(i) in sub-paragraph (1)(b), at the beginning insert—

“, where the authority or authorities are not excepted”;

(ii) in sub-paragraph (2), in the definition of “the opening transport plan period” after “means” insert—

“, in relation to an authority other than an excepted authority.”;

(iii) in sub-paragraph (3), before “detailed programme” insert—

“(in relation to an authority other than an excepted authority)”;

(c) in paragraph 11, in sub-paragraph (1) after “authorities” in the first place where it occurs, insert “other than excepted authorities”.

Part 2

Modification of the Transport Act 1985

1. In section 63 of the Transport Act 1985(2), for subsection (8A) substitute—

“(8A) In subsection (8) “the appropriate bus strategy” means—

(a) in the case of a council who are an excepted authority to which subsection (6) of section 110 of the Transport Act 2000 applies, the relevant policies which they have formulated in accordance with that subsection;

(b) in the case of a district council who are not a local transport authority—

(i) the bus strategy of the council for the county in which the district is situated,
or

(ii) if the county council are an excepted authority to which section 110(6) of the Transport Act 2000 applies, the relevant policies which they have formulated in accordance with that subsection;

(c) in the case of any other local transport authority, their bus strategy.

(8B) In this Part of this Act—

“bus strategy” means the document prepared in accordance with section 110(1) of the Transport Act 2000;

“excepted authority” and “local transport authority” have the meanings given by section 108(4) of that Act.”.

2. In section 74 (disabilities of directors of public transport companies), after subsection (3B)(3) insert—

(2) [1986 c. 67](#). Relevant amendments to section 63 are made by the Transport Act 2000, sections 161 and 274, Schedule. 11 paragraphs 9, 11(1) and (6).

(3) Subsection (3B) is substituted, in relation to England, by [SI 2001/2237](#).

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument.

“(3C) In subsection (3B) above reference to a local transport plan includes, in the case of a council who are an excepted authority with no local transport plan, reference to the authority’s policies developed under section 108(1)(a) of the Transport Act 2000; and the expression “excepted authority with no local transport plan” in this subsection has the meaning given by section 110(7) of that Act.”.

3. In section 89(4) (obligation to invite tenders for subsidised services), for subsection (8) substitute—

“(8) In subsection (7)(b) “appropriate bus strategy” has the same meaning as in section 63(8A) of this Act, except that, in the case of a Passenger Transport Executive for a passenger transport area, it means the bus strategy made jointly by the Passenger Transport Authority for the area and the councils for the metropolitan districts comprised in the area.”.

(4) Section 89 is substituted, in relation to England and Wales, by the Transport Act 2000, section 152.