



# Transport Act 2000

## 2000 CHAPTER 38

### PART II

#### LOCAL TRANSPORT

##### Modifications etc. (not altering text)

- C1** Pt. 2: power to amend conferred (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), ss. 8(1), 9(1)(2), 10(1)(2), 15(1); [S.I. 2007/2799](#), arts. 2, 3 (with art. 4)
- C2** Pt. 2: transfer of functions (1.4.2014) by [The Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral Combined Authority Order 2014 \(S.I. 2014/865\)](#), arts. 1, **8(1)(b)** (with arts. 8(4), 12)
- C3** Pt. 2: transfer of functions (15.4.2014) by [The Durham, Gateshead, Newcastle Upon Tyne, North Tyneside, Northumberland, South Tyneside and Sunderland Combined Authority Order 2014 \(S.I. 2014/1012\)](#), arts. 1, **8, 9** (with art. 11)
- C4** Pt. 2: delegation of functions (1.4.2016) by [The Tees Valley Combined Authority Order 2016 \(S.I. 2016/449\)](#), arts. **1(a)**, 6(b)
- C5** Pt. 2 functions made exercisable (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), **8**

#### *Local transport plans and bus strategies*

### **108 Local transport plans.**

- (1) Each local transport authority must—
  - (a) develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport <sup>F1</sup>... to, from and within their area, and
  - (b) carry out their functions so as to implement those policies.
- (2) [<sup>F2</sup>In subsection (1), “transport” means] —
  - (a) [<sup>F3</sup>the transport] required to meet the needs of persons living or working in the authority’s area, or visiting or travelling through that area, and

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- (b) [<sup>F3</sup>the transport] required for the transportation of freight; and [<sup>F4</sup>includes] facilities and services for pedestrians.
- [<sup>F5</sup>(2ZA) Each local transport authority whose area is in England must—
- (a) in developing policies in accordance with subsection (1)(a), and
  - (b) in carrying out their functions in accordance with subsection (1)(b),
- comply with the duties set out in subsection (2ZB).
- (2ZB) The duties are—
- (a) to take into account any policies announced by Her Majesty's government, and
  - (b) to have regard to any guidance issued for the purposes of this paragraph by the Secretary of State,
- with respect to mitigation of, or adaptation to, climate change or otherwise with respect to the protection or improvement of the environment.
- (2ZC) The power to issue guidance under subsection (2ZB)(b) does not affect the generality of the power to issue guidance under section 112(1).]
- [<sup>F6</sup>(2A) Each local transport authority whose area is in Wales must also—
- (a) develop policies for the implementation in their area of the Wales Transport Strategy, and
  - (b) carry out their functions so as to implement those policies.]

[<sup>F7</sup>(3) Each local transport authority whose area is in England must prepare a document to be known as (or two or more documents to be known together as) the local transport plan containing—

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

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

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

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

(4) In this Part “local transport authority” means—

    - (a) a county council in England,
    - (b) a council of a non-metropolitan district in England comprised in an area for which there is no county council,
    - [<sup>F8</sup>(c) an Integrated Transport Authority for an integrated transport area in England,]
    - [<sup>F9</sup>(ca) a combined authority,] or
    - (d) a county council or county borough council in Wales.

[<sup>F10</sup>(5) In this Part “local transport policies” means policies developed under subsection (1)(a).]

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### Textual Amendments

- F1** Words in s. 108(1)(a) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008](#) (c. 26), [ss. 8\(2\), 134\(4\)](#), [Sch. 7 Pt. 1](#); S.I. 2009/107, [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 paras. 13](#)); S.I. 2009/579, [art. 2\(b\)](#)
- F2** Words in s. 108(2) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008](#) (c. 26), [ss. 8\(3\)\(a\), 134\(4\)](#); S.I. 2009/107, [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 paras. 13](#)); S.I. 2009/579, [art. 2\(b\)](#)
- F3** Words in s. 108(2) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008](#) (c. 26), [ss. 8\(3\)\(b\), 134\(4\)](#); S.I. 2009/107, [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 paras. 13](#)); S.I. 2009/579, [art. 2\(b\)](#)
- F4** Words in s. 108(2) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008](#) (c. 26), [ss. 8\(3\)\(c\), 134\(4\)](#); S.I. 2009/107, [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 paras. 13](#)); S.I. 2009/579, [art. 2\(b\)](#)
- F5** S. 108(2ZA)-(2ZC) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008](#) (c. 26), [ss. 8\(4\), 134\(4\)](#); S.I. 2009/107, [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 paras. 13](#)); S.I. 2009/579, [art. 2\(b\)](#)
- F6** S. 108(2A) inserted (26.5.2006) by [Transport \(Wales\) Act 2006](#) (c. 5), [s. 12](#), [Sch. para. 2\(2\)](#); S.I. 2006/1403, [art. 2\(2\)\(c\)](#)
- F7** S. 108(3)-(3B) substituted for s. 108(3) (1.4.2009 for W., 1.4.2011 for E.) by [Local Transport Act 2008](#) (c. 26), [ss. 9\(1\), 134\(4\)](#); S.I. 2009/107, [art. 5\(1\)](#) (with [art. 5\(2\)](#)); S.I. 2009/579, [art. 2\(b\)](#)
- F8** S. 108(4)(c) substituted (9.2.2009) by [Local Transport Act 2008](#) (c. 26), [s. 134\(4\)](#), [Sch. 4 para. 42](#); S.I. 2009/107, [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)
- F9** S. 108(4)(ca) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), [s. 148\(6\)](#), [Sch. 6 para. 96](#); S.I. 2009/3318, [art. 2\(c\)](#)
- F10** S. 108(5) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008](#) (c. 26), [ss. 7\(2\), 134\(4\)](#); S.I. 2009/107, [art. 2\(2\)](#), [Sch. 2 Pt. 1](#); S.I. 2009/579, [art. 2\(a\)](#)

### Modifications etc. (not altering text)

- C6** S. 108 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005](#) (S.I. 2005/157), [art. 1](#), [Sch. 2 para. 1](#) (with [art. 7\(4\)](#))
- C7** S. 108 modified (W.) (23.11.2006) by [The Regional Transport Planning \(Wales\) Order 2006](#) (S.I. 2006/2993), [arts. 1\(2\), 3](#) (with [art. 4](#))
- C8** S. 108 modified (W.) (4.9.2014) by [The Regional Transport Planning \(Wales\) Order 2014](#) (S.I. 2014/2178), [arts. 1\(1\), 3](#)

### Commencement Information

- I1** S. 108 wholly in force at 1.8.2001; s. 108 not in force at Royal Assent see [s. 275\(1\)\(2\)](#); s. 108 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 108 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 1](#)

## 109 [F11]Further provision about plans: England]

(1) A local transport authority [F12]whose area is in England] must keep their local transport plan under review and alter it if they consider it appropriate to do so.

[F13](2) The authority may replace their plan as they think fit.]

[F14](2A) In preparing their local transport plan, and in keeping it under review, an authority other than an Integrated Transport Authority [F15]or a combined authority] must consult—

(a) the Secretary of State in relation to functions which the Secretary of State has—

(i) as highway authority by virtue of section 1 of the Highways Act 1980,  
or

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- (ii) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984,
  - (b) if the local transport authority is a county council, the councils of the districts in the county (if any).
- (2B) In preparing their local transport plan, and in keeping it under review, an Integrated Transport Authority [<sup>F16</sup> or a combined authority] must consult—
- (a) each local traffic authority (within the meaning of the Road Traffic Regulation Act 1984) for any area within the integrated transport area of the Integrated Transport Authority [<sup>F17</sup> or (as the case may be) the area of the combined authority],
  - (b) the Secretary of State in relation to functions which the Secretary of State has—
    - (i) as highway authority by virtue of section 1 of the Highways Act 1980, or
    - (ii) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984,
  - (c) each county council and each district council for any area within the integrated transport area of the Integrated Transport Authority [<sup>F18</sup> or (as the case may be) the area of the combined authority].
- (2C) In preparing their local transport plan, and in keeping it under review, the authority must consult such of the following persons as they consider appropriate—
- (a) operators of any network or station, or of any railway services, in their area;
  - (b) operators or providers of other transport services in their area, or organisations appearing to the authority to be representative of the interests of such persons;
  - (c) organisations appearing to the authority to be representative of the interests of users of transport services and facilities in their area;
- and must also consult any other persons whom they consider appropriate.
- (2D) Any expression which is used in subsection (2C)(a) or (b) and in Part 1 of the Railways Act 1993 has the meaning given in that Part, taking “railway” to have its wider meaning (see section 81 of that Act).]
- (3) As soon as practicable after any occasion when they prepare a new plan or alter their plan, the authority must—
- (a) publish the plan or the plan as altered in such manner as they think fit, and
  - (b) send a copy of it to the Secretary of State <sup>F19</sup> ... and to such other persons (if any) as may be specified in guidance under section 112(1).
- (4) The authority must also—
- (a) cause a copy of their local transport plan to be made available for inspection (at all reasonable hours) at such places as they think fit,
  - (b) give notice, by such means as they think expedient for bringing it to the attention of the public, as to the places at which a copy of it may be inspected, and
  - (c) supply a copy of it (or any part of it) to any person on request, either free of charge or at a charge representing no more than the cost of providing the copy.

<sup>F20</sup>(5) .....

<sup>F20</sup>(6) .....

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### Textual Amendments

- F11** S. 109 heading substituted (26.5.2006) by Transport (Wales) Act 2006 (c. 5), s. 12, **Sch. para. 3(2)**; S.I. 2006/1403, art. 2(2)(c)
- F12** Words in s. 109(1) inserted (26.5.2006) by Transport (Wales) Act 2006 (c. 5), s. 12, **Sch. para. 3(3)**; S.I. 2006/1403, art. 2(2)(c)
- F13** S. 109(2) substituted (1.4.2009 for W., 1.4.2011 for E.) by Local Transport Act 2008 (c. 26), **ss. 9(3)**, 134(4); S.I. 2009/107, art. 5(1) (with art. 5(2)); S.I. 2009/579, art. 2(b)
- F14** S. 109(2A)-(2D) inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), **ss. 9(4)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(b)
- F15** Words in s. 109(2A) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 97(2)**; S.I. 2009/3318, art. 2(c)
- F16** Words in s. 109(2B) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 97(3)(a)**; S.I. 2009/3318, art. 2(c)
- F17** Words in s. 109(2B)(a) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 97(3)(b)**; S.I. 2009/3318, art. 2(c)
- F18** Words in s. 109(2B)(c) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 97(3)(c)**; S.I. 2009/3318, art. 2(c)
- F19** Words in s. 109(3)(b) omitted (26.5.2006) by virtue of Transport (Wales) Act 2006 (c. 5), s. 12, **Sch. para. 3(4)**; S.I. 2006/1403, art. 2(2)(c)
- F20** S. 109(5)(6) repealed (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), **ss. 9(5)**, 134(4), **Sch. 7 Pt. 1**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(b)

### Modifications etc. (not altering text)

- C9** S. 109 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), art. 1, **Sch. 2 para. 2** (with art. 7(4))

### Commencement Information

- I2** S. 109 wholly in force at 1.8.2001; s. 109 not in force at Royal Assent see s. 275(1)(2); s. 109 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in Sch. 3 Pt. II); s. 109 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 1**

## [<sup>F21</sup>109A Approval of plans: Wales

- (1) A local transport authority whose area is in Wales must submit their local transport plan to the National Assembly for Wales for its approval.
- (2) If the Assembly refuses to approve a plan submitted to it by a local transport authority under this section—
  - (a) the Assembly must give the local transport authority a statement of the reasons for its refusal, and
  - (b) the authority must prepare another local transport plan and submit the plan to the Assembly for its approval.
- (3) If the Assembly approves a local transport plan under this section, the plan has effect when the approval is given.
- (4) The Assembly may approve a local transport plan under this section if (but only if) it considers—
  - (a) that the plan is consistent with the Wales Transport Strategy, and
  - (b) that the policies contained in the plan are adequate for the implementation in the authority's area of the Strategy.

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F22(5) .....

#### Textual Amendments

- F21** Ss. 109A-109C inserted (26.5.2006) by [Transport \(Wales\) Act 2006 \(c. 5\), s. 12, Sch. para. 4](#); S.I. [2006/1403, art. 2\(2\)\(c\)](#)
- F22** S. 109A(5) repealed (25.5.2007) by [The Government of Wales Act 2006 \(Consequential Modifications and Transitional Provisions\) Order 2007 \(S.I. 2007/1388\), art. 1\(2\), Sch. 1 para. 88](#)

### 109B Further provision about plans: Wales

- (1) A local transport authority whose area is in Wales must keep their local transport plan under review and alter it if they consider it appropriate to do so.
- (2) The authority must in particular review the plan as soon as practicable after the publication of the Wales Transport Strategy or any revision of it.
- (3) The authority must replace their local transport plan not later than five years after the date on which the plan was approved under section 109A.
- (4) Section 109A applies to a replacement plan and a plan as altered as it applies to a plan as originally prepared.
- (5) A local transport authority whose area is in Wales shall be taken to have complied with subsection (3) if (but only if)—
  - (a) the authority submit their replacement plan to the National Assembly for Wales for approval under section 109A before the end of the five year period mentioned in subsection (3), and
  - (b) the Assembly approves the plan under section 109A (whether the approval is given before or after the end of that five year period).
- (6) If an authority fail to comply with subsection (3) because they fail to submit their replacement plan to the Assembly for approval under section 109A before the end of the five year period mentioned in that subsection, the authority must replace their local transport plan as soon as practicable after the expiry of the five year period.
- (7) If an authority fail to comply with subsection (3) because the Assembly refuses to approve a plan submitted to it under section 109A, the authority must replace their local transport plan as soon as practicable after the refusal.
- (8) As soon as practicable after their plan, or their plan as altered, has been approved under section 109A, a local transport authority whose area is in Wales must—
  - (a) publish the plan or the plan as altered in such manner as they think fit, and
  - (b) send a copy of it to such persons (if any) as may be specified in guidance under section 112(1).
- (9) The authority must also—
  - (a) cause a copy of their local transport plan to be made available for inspection (at all reasonable hours) at such places as they think fit,
  - (b) give notice, by such means as they think expedient for bringing it to the attention of the public, as to the places at which a copy of it may be inspected, and

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- (c) supply a copy of it (or any part of it) to any person on request, either free of charge or at a charge representing no more than the cost of providing the copy.

**Textual Amendments**

**F21** Ss. 109A-109C inserted (26.5.2006) by [Transport \(Wales\) Act 2006 \(c. 5\), s. 12, Sch. para. 4](#); S.I. 2006/1403, art. 2(2)(c)

**109C Transitional provisions: Wales**

- (1) Where a local transport authority whose area is in Wales have, before 1st August 2001, prepared and published a document which—
  - (a) contains policies developed by them for the purposes described in section 108(1)(a), and
  - (b) was prepared and published in accordance with guidance issued by the National Assembly for Wales,that document shall be taken to be the authority's local transport plan.
- (2) But, in the case of a document which is a local transport plan by virtue of subsection (1), section 109B(3) requires its replacement not later than such date as is specified in an order made by the National Assembly for Wales (rather than not later than five years after the date on which it was approved under section 109A).
- (3) For the purposes of section 109B(3), a local transport plan made before the coming into force of section 109A by a local transport authority whose area is in Wales shall be taken to have been approved under section 109A on the date on which it was made.]

**Textual Amendments**

**F21** Ss. 109A-109C inserted (26.5.2006) by [Transport \(Wales\) Act 2006 \(c. 5\), s. 12, Sch. para. 4](#); S.I. 2006/1403, art. 2(2)(c)

**<sup>F23</sup> 110 Bus strategies.**

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**Textual Amendments**

**F23** S. 110 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 10\(2\), 134\(4\), Sch. 7 Pt. 1](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 2); S.I. 2009/579, art. 2(b) (with Sch. para. 1)

**<sup>F24</sup> 111 Consultation and publicity about bus strategies.**

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### Textual Amendments

- F24** S. 111 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 10(2), 134(4), [Sch. 7 Pt. 1](#); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))

## 112 Plans and strategies: supplementary.

- (1) In carrying out their functions under [<sup>F25</sup>sections 108 to 109B] , a local transport authority must have regard to any guidance concerning—
- the content of local transport plans <sup>F26</sup> ...,
  - the preparation of such plans <sup>F26</sup> ...,
  - the alteration and replacement of such plans <sup>F26</sup> ..., and
  - the publication and making available of such plans <sup>F26</sup> ... as originally made and as altered or replaced,
- which is issued from time to time by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).
- (2) In developing [<sup>F27</sup>and implementing] their policies under section 108(1) <sup>F28</sup> ..., a local transport authority must have regard to the transport needs of [<sup>F29</sup>disabled persons (within the meaning of the [<sup>F30</sup>Equality Act 2010]) and of] persons who are elderly or have mobility problems.

### Textual Amendments

- F25** Words in s. 112(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 10\(4\)\(a\)](#), 134(4); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))
- F26** Words in s. 112(1) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 10(4)(b), 134(4), [Sch. 7 Pt. 1](#); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))
- F27** Words in s. 112(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 11\(2\)\(a\)](#), 134(4); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#); S.I. 2009/579, art. 2(b)
- F28** Words in s. 112(2) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 10(5), 134(4), [Sch. 7 Pt. 1](#); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))
- F29** Words in s. 112(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 11\(2\)\(b\)](#), 134(4); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#); S.I. 2009/579, art. 2(b)
- F30** Words in s. 112(2) substituted by 2010 c. 15 [Sch. 26 Pt. 1 para. 48](#) (as inserted) (1.10.2010) by [The Equality Act 2010 \(Consequential Amendments, Saving and Supplementary Provisions\) Order 2010](#) (S.I. 2010/2279), art. 1(2), [Sch. 1 para. 5](#) (see S.I. 2010/2317, art. 2)

### Modifications etc. (not altering text)

- C10** S. 112 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005](#) (S.I. 2005/157), art. 1, [Sch. 2 para. 4](#) (with art. 7(4))

### Commencement Information

- I3** S. 112 wholly in force at 1.8.2001; s. 112 not in force at Royal Assent see s. 275(1)(2); s. 112 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 112 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, [Sch. 1 para. 1](#)



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### 113 Role of metropolitan district councils.

<sup>F31</sup>(1) .....

(2) [<sup>F32</sup>The duties imposed on an Integrated Transport Authority for an integrated transport area [<sup>F33</sup>or a combined authority for an area] by—

- (a) section 108(1)(b), (2ZA) and (3B), and
- (b) section 109(4),

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

(2A) The modifications are—

- (a) in section 108(1)(b), the reference to “those policies” is a reference to the policies developed by the Integrated Transport Authority [<sup>F34</sup>or (as the case may be) the combined authority] for that area;
- (b) in section 108(3B), the reference to “their plan” is a reference to the local transport plan of the Integrated Transport Authority [<sup>F34</sup>or (as the case may be) the combined authority] for that area;
- (c) in section 109(4), the reference to “their local transport plan” is a reference to the local transport plan of the Integrated Transport Authority [<sup>F34</sup>or (as the case may be) the combined authority] for that area.]

<sup>F35</sup>(3) .....

#### Textual Amendments

- F31** S. 113(1) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 12\(2\), 134\(4\)](#); [S.I. 2009/107, art. 2\(2\), Sch. 2 Pt. 1 \(with Sch. 2 para. 3\)](#); [S.I. 2009/579, art. 2\(b\)](#)
- F32** S. 113(2)(2A) substituted for s. 113(2) (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 12\(3\), 134\(4\)](#); [S.I. 2009/107, art. 2\(2\), Sch. 2 Pt. 1 \(with Sch. 2 para. 3\)](#); [S.I. 2009/579, art. 2\(b\)](#)
- F33** Words in s. 113(2) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 98\(2\)](#); [S.I. 2009/3318, art. 2\(c\)](#)
- F34** Words in s. 113(2A) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 98\(3\)](#); [S.I. 2009/3318, art. 2\(c\)](#)
- F35** S. 113(3) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 12\(4\), 134\(4\), Sch. 7 Pt. 1](#); [S.I. 2009/107, art. 2\(2\), Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(b\)](#)

#### Commencement Information

- I4** S. 113 wholly in force at 1.8.2001; s. 113 not in force at Royal Assent see s. 275(1)(2); s. 113 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. 1](#) (subject to the savings in [Sch. 3 Pt. 2](#)); s. 113 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 1](#)

### [<sup>F36</sup>113A Modification of provisions about plans and strategies: Wales

(1) The National Assembly for Wales may by order modify the application of [<sup>F37</sup>sections 108 to 109B] in relation to local transport authorities whose areas are in Wales for the purpose of—

- (a) permitting a local transport plan to be prepared in respect of part only of an authority's area;
- (b) permitting a local transport plan to be prepared by two or more authorities jointly in respect of an area comprising all or any part or parts of their areas.

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- (2) An order under subsection (1) made for the purpose mentioned in subsection (1)(b) may in particular include provision for—
- (a) the plan to be prepared by one of the authorities concerned on behalf of both or all of them;
  - (b) administrative arrangements, including the apportionment of the cost of preparing the plan between the authorities concerned.
- (3) Before making an order under subsection (1) the Assembly must consult the local transport authorities concerned and any other persons it considers appropriate.

#### Textual Amendments

- F36** Ss. 113A, 113B inserted (26.5.2006) by [Transport \(Wales\) Act 2006 \(c. 5\)](#), s. 12, [Sch. para. 6](#); S.I. 2006/1403, art. 2(2)(c)
- F37** Words in s. 113A(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 10\(6\)](#), 134(4); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))

### 113B Directions concerning plans and strategies: Wales

- (1) The National Assembly for Wales may issue to a local transport authority whose area is in Wales general or specific directions as to the manner in which they are to carry out their functions under <sup>F38</sup>sections 108 to 109B] .
- (2) Directions issued by the Assembly under subsection (1) may include in particular directions—
- (a) as to the timetable in accordance with which a local transport plan or alterations to a local transport plan must be prepared;
  - (b) as to the action required to be taken to implement the policies contained in a local transport plan;
  - (c) as to the steps required to be taken to remove the effects of action which is incompatible with those policies.
- (3) Directions under this section—
- (a) must be in writing;
  - (b) may be varied or revoked by further directions under this section.
- (4) Before issuing, varying or revoking directions under this section the Assembly must consult the local transport authority concerned and any other persons it considers appropriate.]

#### Textual Amendments

- F36** Ss. 113A, 113B inserted (26.5.2006) by [Transport \(Wales\) Act 2006 \(c. 5\)](#), s. 12, [Sch. para. 6](#); S.I. 2006/1403, art. 2(2)(c)
- F38** Words in s. 113B(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 10\(6\)](#), 134(4); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))

*Status: Point in time view as at 09/02/2017.*

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### *Bus services: quality partnership schemes*

#### **114 Quality partnership schemes.**

- (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 [<sup>F39</sup>will contribute to the implementation of their local transport policies].
- (2) A quality partnership scheme is a scheme under which—
  - (a) the authority or authorities provide particular facilities in the whole or part of their area, or combined area, and
  - (b) operators of local services who wish to use the facilities must undertake to provide local services of a particular standard when using them.
- (3) The authority or authorities must be satisfied that both the provision of those facilities and the provision of local services of that standard will—
  - [<sup>F40</sup>(a) bring benefits to persons using local services in the whole or any part of their area, or combined area, by improving the quality of those services, or]
  - (b) reduce or limit traffic congestion, noise or air pollution.
- [<sup>F41</sup>(3A) If the authority or authorities consider that it is necessary or expedient for any restrictions to be imposed on the registration of—
  - (a) any local services, or
  - (b) any local services of a particular description,they may impose those restrictions (“registration restrictions”) by specifying or describing them in the scheme.
- (3B) Any restrictions so imposed must be for the purpose of preventing or restricting—
  - (a) the provision of local services, or
  - (b) the variation or withdrawal of local services,in cases where the authority or authorities consider that any such provision, or (as the case may be) variation or withdrawal, of services might be detrimental to the provision of services under the scheme.
- (3C) Where a scheme includes any registration restrictions by virtue of subsection (3A), it must also specify the criteria (“registration criteria”) by reference to which [<sup>F42</sup>a traffic commissioner is] to decide whether or not to accept an application for registration.
- (3D) In subsections (3A) to (3C) “registration”, in relation to any service,—
  - (a) means registration of prescribed particulars of the service under section 6 of the Transport Act 1985 (registration of local services), and
  - (b) includes a reference to the variation or cancellation of any such registration.]
- (4) A quality partnership scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 115.
- (5) The facilities which may be specified in a scheme—
  - (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but
  - (b) may not be facilities which are required to be provided as a result of section 139 or 140.

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- [<sup>F43</sup>(6) The standard of services which may be specified in a scheme includes—
- (a) requirements which the vehicles being used to provide the services must meet, and
  - (b) requirements as to frequency or timing of the services,
- but the specification of any such requirements is not to prevent operators from providing services in excess of those requirements.]
- [<sup>F44</sup>(6A) The standard of services which may be specified in a scheme may also include requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the scheme applies.
- (6B) A scheme may include a requirement falling within subsection (6)(b) or (6A) only if there are no admissible objections to the requirement from relevant operators.
- Section 122(3) to (5) makes further provision with respect to such schemes.]
- [<sup>F45</sup>(6C) The power to make a quality partnership scheme includes power to provide for different facilities, or different standards of services, to be provided under the scheme as from different dates after the scheme comes into operation.]
- (7) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road or other place in a metropolitan district (other than a road for which the Secretary of State or the National Assembly for Wales is the traffic authority), the scheme may not be made unless it is made by—
    - (a) the local transport authority or authorities, and
    - (b) the metropolitan district council for the district, acting jointly.
  - (8) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road for which the Secretary of State or the National Assembly for Wales is the traffic authority, the scheme may not be made unless it is made by—
    - (a) the local transport authority or authorities, and
    - (b) the Secretary of State or the National Assembly for Wales, acting jointly.
  - (9) Where subsection (7) or (8) applies so that a metropolitan district council, the Secretary of State or the National Assembly for Wales is a maker of the scheme, then (subject to section 121) the relevant references to the authority or authorities include (as well as the local transport authority or authorities) the metropolitan district council, the Secretary of State or the National Assembly for Wales.
  - (10) For the purpose of subsection (9) the relevant references are those in—
    - (a) subsections (2) and (4),
    - (b) sections 115 to 120, and
    - (c) section 127(7),
 and paragraph 27(3) of Schedule 9 to the <sup>M1</sup>Road Traffic Regulation Act 1984.
  - (11) In carrying out their functions under this Part in relation to quality partnership schemes, local transport authorities must co-operate with one another.
  - (12) In considering whether to make a quality partnership scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another such authority.

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### Textual Amendments

- F39** Words in s. 114(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 13\(2\), 134\(4\)](#); [S.I. 2009/107, art. 2\(2\), Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(c\)](#)
- F40** S. 114(3)(a) substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 13\(3\), 134\(4\)](#); [S.I. 2009/107, art. 4\(2\), Sch. 5](#); [S.I. 2009/3294, art. 2\(a\)](#)
- F41** S. 114(3A)-(3D) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 13\(4\), 134\(4\)](#); [S.I. 2009/107, art. 4\(2\), Sch. 5](#); [S.I. 2009/3294, art. 2\(a\)](#)
- F42** Words in s. 114(3C) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 3 \(with art. 7\)](#)
- F43** S. 114(6) substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 13\(5\), 134\(4\)](#); [S.I. 2009/107, art. 4\(2\), Sch. 5](#); [S.I. 2009/3294, art. 2\(a\)](#)
- F44** S. 114(6A)(6B) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 13\(6\), 134\(4\)](#); [S.I. 2009/107, art. 4\(2\), Sch. 5](#); [S.I. 2009/3294, art. 2\(a\)](#)
- F45** S. 114(6C) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 13\(7\), 134\(4\)](#); [S.I. 2009/107, art. 4\(2\), Sch. 5](#); [S.I. 2009/3294, art. 2\(a\)](#)

### Modifications etc. (not altering text)

- C11** S. 114(6B) excluded (E.) (6.4.2009) by [The Quality Partnership Schemes \(England\) Regulations 2009 \(S.I. 2009/445\), regs. 1\(1\), 4](#)
- C12** S. 114 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\), art. 1, Sch. 2 para. 5 \(with art. 7\(4\)\)](#)
- C13** S. 114(6B) excluded (1.2.2010) by [The Quality Partnership Schemes \(Wales\) Regulations 2009 \(S.I. 2009/3293\), regs. 1\(1\), 4\(3\)](#)
- C14** S. 114(6B) modified (1.2.2010) by [The Quality Partnership Schemes \(Wales\) Regulations 2009 \(S.I. 2009/3293\), regs. 1\(1\), 5-7](#)

### Commencement Information

- I5** S. 114 wholly in force at 26.10.2001; s. 114 not in force at Royal Assent see s. 275(1)(2); s. 114 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 1](#); s. 114 in force (E.) at 26.10.2001 by [S.I. 2001/3342, art. 2, Sch.](#)

### Marginal Citations

- M1** 1984 c. 27.

## 115 Notice and consultation requirements.

- (1) If an authority or authorities propose to make a quality partnership scheme, they must give notice of the proposed scheme in at least one newspaper circulating in the area to which it relates.
- (2) The notice must either contain full details of the facilities and standards of services <sup>[<sup>F46</sup></sup>, and of any registration restrictions and registration criteria,] or state where such details may be inspected.
- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
  - (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
  - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,

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- (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
  - [<sup>F47</sup>(d) a traffic commissioner,]
  - (e) the chief officer of police for each police area covering the whole or part of that area, and
  - (f) such other persons as the authority or authorities think fit.
- (4) For the purpose of subsection (3)(c) the following are relevant local authorities—
- (a) local transport authorities,
  - [<sup>F48</sup>(b) district councils in England,]
  - (c) London transport authorities, and
  - (d) councils in Scotland.

#### Textual Amendments

- F46** Words in s. 115(2) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 14\(2\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 4\(2\)](#), [Sch. 5](#); [S.I. 2009/3294](#), [art. 2\(b\)](#)
- F47** S. 115(3)(d) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))
- F48** S. 115(4)(b) substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 14\(3\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 4\(2\)](#), [Sch. 5](#); [S.I. 2009/3294](#), [art. 2\(b\)](#)

#### Modifications etc. (not altering text)

- C15** S. 115 applied (with modifications) (E.) (26.10.2001) by [S.I. 2001/3317](#), [reg. 5](#)  
 S. 115 applied (with modifications) (W.) (20.12.2002) by [S.I. 2002/3017](#), [reg. 5](#)

#### Commencement Information

- I6** S. 115 wholly in force at 26.10.2001; s. 115 not in force at Royal Assent see s. 275(1)(2); s. 115 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 1](#); s. 115 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

## 116 Making of scheme.

- (1) If the authority or authorities decide that it is appropriate to make the scheme, they may make it as proposed or with modifications.
- (2) The scheme must specify [<sup>F49</sup>each of the following]—
- (a) the facilities to be provided under it by the authority or authorities,
  - (b) the standard of services to be provided under it by operators of local services,
  - [<sup>F50</sup>(bb) any registration restrictions imposed by it and any registration criteria specified in it,]
  - (c) the date on which it is to come into operation, <sup>F51</sup>...
  - (d) the period for which it is to remain in operation, which must not be less than five years.
  - [<sup>F52</sup>(e) if any facilities or standards of services are to be provided under the scheme as from a date after the scheme comes into operation, the date as from which they are to be so provided.]
- (3) The scheme may provide that—
- (a) local services specified in it, or

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- (b) local services of a class specified in it,  
are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.
- [<sup>F53</sup>(4) The date as from which any particular facilities, or any services of a particular standard, are to be provided must not be earlier than—
- (a) in the case of facilities, the latest of dates A to C (see subsections (4B) to (4D)),
  - (b) in the case of services, the later of dates A and D (see subsections (4B) and (4E)),
- unless the case falls within subsection (4A).
- (4A) If under the scheme—
- (a) particular facilities are to be provided by the authority or authorities, and
  - (b) as from the date by which the facilities are to be provided, services of a particular standard are to be provided by operators of local services when using the facilities,
- the date as from which the facilities and the services are to be provided must not be earlier than the latest of dates A to D.
- (4B) Date A is the date 3 months after the date on which the scheme is made.
- (4C) Date B is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for the authority or authorities to provide the facilities.
- (4D) Date C is the date 3 months after—
- (a) the date on which any traffic regulation order required for the provision of any of the facilities is made, or
  - (b) if more than one such order is required for their provision, the date on which the last of them is made.
- (4E) Date D is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for operators of local services to provide services of the particular standard.]
- (6) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice—
- (a) in at least one newspaper circulating in the area to which the scheme relates,  
<sup>F54</sup> ...
  - (b) to all operators of local services who would, in the opinion of the authority or authorities, be affected by the scheme [<sup>F55</sup>, and]
  - [<sup>F55</sup>(c) to a traffic commissioner]
- (7) The notice must—
- (a) either contain full details of the scheme or state where such details may be inspected, and
  - (b) if the scheme made is a modified version of that proposed, state that fact.

#### Textual Amendments

**F49** Words in s. 116(2) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 15(2)**, 134(4); S.I. 2009/107, art. 4(2), Sch. 5; S.I. 2009/3294, art. 2(b)

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- F50** S. 116(2)(bb) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 15(3)**, 134(4); S.I. 2009/107, art. 4(2), Sch. 5; S.I. 2009/3294, art. 2(b)
- F51** Word in s. 116(2) repealed (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 7 Pt. 2**; S.I. 2009/107, art. 4(2), Sch. 5; S.I. 2009/3294, art. 2(d)
- F52** S. 116(2)(e) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 15(4)**, 134(4); S.I. 2009/107, art. 4(2), Sch. 5; S.I. 2009/3294, art. 2(b)
- F53** S. 116(4)-(4E) substituted for s. 116(4) (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 15(5)**, 134(4); S.I. 2009/107, art. 4(2), Sch. 5; S.I. 2009/3294, art. 2(b)
- F54** Word in s. 116(6) omitted (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F55** S. 116(6)(c) and word substituted for words in s. 116(6)(b) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)

#### Commencement Information

- I7** S. 116 wholly in force at 26.10.2001; s. 116 not in force at Royal Assent see s. 275(1)(2); s. 116 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 1**; s. 116 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), art. 2, **Sch.**

## 117 [F56 Postponement of scheme or of provision of particular facilities or standards of service]

[F57(1) If it appears to the authority or authorities appropriate to do so, they may decide that any of the dates specified in subsection (1A) shall be postponed by such period as they think fit.

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

(1A) The dates are—

- (a) the date on which the scheme is to come into operation,
  - (b) the date as from which any particular facilities are to be provided under the scheme,
  - (c) the date as from which any particular services are to be provided to a particular standard under the scheme.]
- (2) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the scheme.
- (3) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—
- (a) in at least one newspaper circulating in the area to which the scheme relates,  
F58 ...
  - (b) to all operators of local services who would, in their opinion, be affected by the scheme [F59, and]
  - [F59(c) to a traffic commissioner]

#### Textual Amendments

- F56** S. 117 heading substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 16(2)**, 134(4); S.I. 2009/107, art. 4(2), Sch. 5; S.I. 2009/3294, art. 2(b)



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- F57** S. 117(1)(1A) substituted for s. 117(1) (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 16\(1\), 134\(4\); S.I. 2009/107, art. 4\(2\), Sch. 5; S.I. 2009/3294, art. 2\(b\)](#)
- F58** Word in s. 117(3) omitted (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 3 \(with art. 7\)](#)
- F59** S. 117(3)(c) and word substituted for words in s. 117(3)(b) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 3 \(with art. 7\)](#)

## 118 Effect of scheme.

- [<sup>F60</sup>(1) The authority or authorities must—
- (a) provide each of the specified facilities not later than the date specified for its provision under the scheme, and
  - (b) continue to provide it throughout the remainder of the period for which the scheme is in operation.]
- (2) But subsection (1) does not apply in relation to any period during which the authority or authorities are temporarily unable to provide the facilities owing to circumstances beyond their control.
- (3) Nor does it apply in the case of the Secretary of State or the National Assembly for Wales if he or it is unable to provide the facilities owing to the variation or revocation of a traffic regulation order.
- (4) The operator of a local service may not use facilities provided under a quality partnership scheme unless—
- (a) he has given a written undertaking to [<sup>F61</sup>a traffic commissioner][<sup>F62</sup>that, when using the facilities on any date, he will provide the service to the standard specified in the scheme as it has effect in relation to that date], and
  - (b) he provides the service to that standard when using the facilities, except in relation to any period during which he is temporarily unable to do so owing to circumstances beyond his control.
- (5) But subsection (4) does not apply in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 116(3).
- (6) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the <sup>M2</sup>Transport Act 1985 (registration of local services) of the service concerned.

### Textual Amendments

- F60** S. 118(1) substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 17\(2\), 134\(4\); S.I. 2009/107, art. 4\(2\), Sch. 5; S.I. 2009/3294, art. 2\(b\)](#)
- F61** Words in s. 118(4)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 3 \(with art. 7\)](#)
- F62** Words in s. 118(4)(a) substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 17\(3\), 134\(4\); S.I. 2009/107, art. 4\(2\), Sch. 5; S.I. 2009/3294, art. 2\(b\)](#)

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#### Commencement Information

**I8** S. 118 wholly in force at 26.10.2001; s. 118 not in force at Royal Assent see s. 275(1)(2); s. 118 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 1](#); s. 118 in force (E.) at 26.10.2001 by [S.I. 2001/3342, art. 2, Sch.](#)

#### Marginal Citations

**M2** 1985 c. 67.

### 119 <sup>F56</sup> Regulations about schemes involving existing facilities.

- (1) The appropriate national authority may by regulations make provision about the specifying in quality partnership schemes of facilities which are already being provided before the schemes are proposed (“existing facilities”).
- (2) The regulations may in particular—
  - (a) provide that existing facilities may not be specified if they were being provided before a date prescribed by, or determined in accordance with, the regulations,
  - (b) provide that particular existing facilities or classes of existing facilities may not be specified (whenever they were first provided),
  - (c) provide that particular existing facilities or classes of existing facilities may be specified only in circumstances prescribed by the regulations,
  - (d) provide that, in circumstances prescribed by the regulations, particular existing facilities or classes of existing facilities may be specified only with the consent of a person prescribed by, or determined in accordance with, the regulations, and
  - (e) make provision modifying any provision of sections 115 to 117 in relation to schemes which specify existing facilities.

#### Textual Amendments

**F56** S. 117 heading substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 16\(2\), 134\(4\); S.I. 2009/107, art. 4\(2\), Sch. 5; S.I. 2009/3294, art. 2\(b\)](#)

#### Commencement Information

**I9** S. 119 wholly in force at 1.8.2001; s. 119 not in force at Royal Assent see s. 275(1)(2); s. 119 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 119 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 1](#)

### 120 <sup>F56</sup> Variation or revocation of schemes.

- (1) The authority or authorities who made a quality partnership scheme may vary the scheme if they decide that it is appropriate to do so.
- (2) The authority or authorities who made a scheme may revoke it before the end of the period for which it would otherwise remain in operation if all persons who have given an undertaking to provide a service to the standard specified in the scheme consent to the revocation of the scheme; and such consent must not be unreasonably withheld.

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- (3) If the variation of a scheme under subsection (1) would require the making of a traffic regulation order, the variation is subject to the same procedure as the making of a scheme.
- (4) Any other variation of a scheme under subsection (1), or the revocation of a scheme under subsection (2), is subject to that procedure, except to the extent that the procedure is modified by regulations made under section 122.

#### Textual Amendments

**F56** S. 117 heading substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), ss. 16\(2\), 134\(4\)](#); [S.I. 2009/107, art. 4\(2\), Sch. 5](#); [S.I. 2009/3294, art. 2\(b\)](#)

#### Commencement Information

**I10** S. 120 wholly in force at 26.10.2001; s. 120 not in force at Royal Assent see s. 275(1)(2); s. 120 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 1](#); s. 120 in force (E.) at 26.10.2001 by [S.I. 2001/3342, art. 2, Sch.](#)

## 121 <sup>F56</sup> Variation: supplementary.

- (1) The relevant references to the authority or authorities in relation to a quality partnership scheme—
  - (a) include a local transport authority if it has been varied so that it relates to that authority's area, but
  - (b) do not include a local transport authority if it has been varied so that it no longer relates to that authority's area.
- (2) But if (although the scheme does not relate to a local transport authority's area) it would do by reason of a proposed variation, those references (apart from those in section 118) include that authority.
- (3) The relevant references (apart from those in section 114(1) and (3)) to the authority or authorities in relation to a quality partnership scheme—
  - (a) include a traffic regulation authority if it has been varied so that it specifies traffic regulation facilities, but
  - (b) do not include a traffic regulation authority if it has been varied so that it no longer specifies such facilities.
- (4) But if (although the scheme does not specify facilities which are traffic regulation facilities in relation to a traffic regulation authority) it would do by reason of a proposed variation, those references (apart from those in section 118) include that authority.
- (5) And if (although the scheme specifies facilities which are traffic regulation facilities in relation to a traffic regulation authority)—
  - (a) the traffic regulation order, or (where more than one) each of the traffic regulation orders, required to be made by that authority for the provision of those facilities has been revoked, and
  - (b) the scheme is proposed to be varied (but not so that it specifies other facilities which are traffic regulation facilities in relation to that authority),the relevant references (apart from those in section 118) do not include that authority.

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- (6) For the purposes of this section the relevant references are those in—
- (a) section 114(1) to (4),
  - (b) sections 115 to 120, and
  - (c) section 127(7),
- and paragraph 27(3) of Schedule 9 to the <sup>M3</sup>Road Traffic Regulation Act 1984.
- (7) In this section “traffic regulation authority” means—
- (a) a metropolitan district council,
  - (b) the Secretary of State, or
  - (c) the National Assembly for Wales.
- (8) For the purposes of this section facilities are traffic regulation facilities, in relation to a traffic regulation authority and a quality partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those facilities or would have been required to be a maker of it had it done so.

#### Textual Amendments

**F56** S. 117 heading substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 16\(2\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 4\(2\)](#), [Sch. 5](#); [S.I. 2009/3294](#), [art. 2\(b\)](#)

#### Commencement Information

**I11** S. 121 wholly in force at 26.10.2001; s. 121 not in force at Royal Assent see s. 275(1)(2); s. 121 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 1](#); s. 121 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

#### Marginal Citations

**M3** [1984 c. 27](#).

## 122 Regulations about schemes.

- (1) The appropriate national authority may by regulations make further provision with respect to—
- (a) the procedure to be followed when making, varying or revoking quality partnership schemes,
  - <sup>F63</sup>(aa) the content or operation of schemes which include a requirement falling within section 114(6)(b) or (6A),]
  - (b) the local services or classes of local services which must be, or may be, excluded from schemes,
  - (c) the conditions which must be, or may be, attached to such exclusions,
  - (d) the form and manner in which undertakings are to be given to <sup>F64</sup>[a traffic commissioner] in connection with schemes,
  - (e) the making of traffic regulation orders in connection with schemes, and
  - (f) such other incidental matters in connection with quality partnership schemes as the appropriate national authority thinks fit.
- (2) The regulations may in particular make provision with respect to—
- (a) giving notice of proposed schemes or proposed variations or revocation of schemes,

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- (b) objections to such proposals,
  - (c) the holding of inquiries or hearings into objections,
  - (d) modifications of such proposals,
  - (e) the form of schemes or variations, and
  - (f) giving notice of schemes which have been made or of the variation or revocation of schemes.
- [<sup>F65</sup>(3) As regards schemes which include any requirement mentioned in section 114(6)(b) or (6A), regulations under subsection (1)(a) or (aa) may in particular make provision—
- (a) for section 114(6B) not to apply in such circumstances as may be prescribed,
  - (b) requiring such schemes to include provision falling within subsection (4),
  - (c) for any requirement as to frequencies, timings or maximum fares to be revised only if there are no admissible objections to the revision from relevant operators,
  - (d) in prescribed circumstances where such schemes, or any provisions of such schemes, are subject to postponement under section 117, for any such requirement not to take effect unless prescribed conditions are satisfied,
  - (e) as to the meaning of “admissible objection” for the purposes of section 114(6B) and paragraph (c) of this subsection,
  - (f) as to the meaning of “relevant operator” for those purposes,
  - (g) as to the determination of any question whether an objection is an admissible objection or an operator is a relevant operator.
- (4) The provision referred to in subsection (3)(b) is provision—
- (a) as respects the setting of frequencies, timings or maximum fares to which the requirements relate,
  - (b) for a minimum interval before any requirements as to frequencies, timings or maximum fares may next be reviewed,
  - (c) for a maximum interval before any such requirements must next be reviewed,
  - (d) as respects other circumstances in which any such requirements must or may be reviewed,
  - (e) as respects revision of any such requirements after a review.
- (5) Subsections (3)(b) and (4) have effect subject to, and in accordance with, the following provisions—
- (a) the revision of requirements as to frequencies, timings or maximum fares under any provision made in accordance with those subsections is not to be regarded as a variation of the scheme for the purposes of section 120 (variation or revocation of scheme), but
  - (b) nothing in those subsections or in paragraph (a) of this subsection shall be taken to derogate from what may be done under or by virtue of that section.
- (6) The provision that may be made by virtue of subsection (3)(g) includes provision for and in connection with—
- (a) the appointment of a person (“an adjudicator”) to make such a determination as is mentioned in that paragraph;
  - (b) the appointment of a person (“an assessor”) to assist an adjudicator in considering any question which appears to arise in relation to such a determination;
  - (c) the payment—

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(i) by the appropriate national authority to an adjudicator, or  
(ii) by the appropriate national authority or an adjudicator to an assessor,  
of such remuneration as may be determined by or in accordance with the regulations.]

#### Textual Amendments

- F63** S. 122(1)(aa) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 18\(2\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 4\(2\)](#), [Sch. 5](#); [S.I. 2009/3294](#), [art. 2\(b\)](#)
- F64** Words in s. 122(1)(d) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))
- F65** S. 122(3)-(6) inserted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 18\(3\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 4\(2\)](#), [Sch. 5](#); [S.I. 2009/3294](#), [art. 2\(b\)](#)

#### Modifications etc. (not altering text)

- C16** S. 122(3)(c) modified (W.) (1.2.2010) by [The Quality Partnership Schemes \(Wales\) Regulations 2009 \(S.I. 2009/3293\)](#), [regs. 1\(1\)](#), [5-7](#)

#### Commencement Information

- I12** S. 122 wholly in force at 26.10.2001; s. 122 not in force at Royal Assent see s. 275(1)(2); s. 122 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 1](#); s. 122 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

### 123 <sup>F56</sup> Guidance about schemes.

- (1) The appropriate national authority may issue guidance concerning the carrying out by local transport authorities and metropolitan district councils of their functions under this Part in relation to quality partnership schemes.
- (2) Those authorities and councils must have regard to any such guidance.

#### Textual Amendments

- F56** S. 117 heading substituted (6.4.2009 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 16\(2\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 4\(2\)](#), [Sch. 5](#); [S.I. 2009/3294](#), [art. 2\(b\)](#)

#### Commencement Information

- I13** S. 123 wholly in force at 26.10.2001; s. 123 not in force at Royal Assent see s. 275(1)(2); s. 123 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 1](#); s. 123 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

*Bus services: quality contracts schemes*

### 124 Quality contracts schemes.

- (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, or combined area, if they are satisfied that—
  - [<sup>F66</sup>(a) the proposed scheme will result in an increase in the use of bus services (see subsection (9B)) in the area to which the proposed scheme relates.]

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- [<sup>F66</sup>(b) the proposed scheme will bring benefits to persons using local services in the area to which the proposed scheme relates, by improving the quality of those services,]
  - [<sup>F66</sup>(c) the proposed scheme will contribute to the implementation of the local transport policies of the authority or authorities,]
  - [<sup>F66</sup>(d) the proposed scheme will contribute to the implementation of those policies in a way which is economic, efficient and effective, and]
  - [<sup>F66</sup>(e) any adverse effects of the proposed scheme on operators will be proportionate to the improvement in the well-being of persons living or working in the area to which the proposed scheme relates and, in particular, to the achievement of the objectives mentioned in paragraphs (a) to (d).]
- [<sup>F67</sup>(1A) [<sup>F68</sup>An Integrated Transport Authority][<sup>F69</sup>or combined authority], or [<sup>F70</sup>an Integrated Transport Authority][<sup>F69</sup>or combined authority] jointly with one or more other local transport authorities, may also make a quality contracts scheme covering the whole or part of their area or combined area if they are satisfied—
- (a) that making a quality contracts scheme is an appropriate way of securing that the transport needs of the potential users of a relevant railway service that has been or is to be reduced or discontinued are met;
  - (b) that the making of the scheme will contribute, in an appropriate way, to meeting the transport needs of other persons living, working or studying in the localities served by that service;
  - (c) that the scheme is compatible with the [<sup>F71</sup>local transport policies] of [<sup>F72</sup>the Integrated Transport Authority][<sup>F73</sup>or the combined authority ] who make the scheme or (as the case may be) of each of the authorities who join in making the scheme; and
  - (d) that the scheme will meet the needs of the persons mentioned in paragraphs (a) and (b) in a way which is economic, efficient and effective.
- (1B) A local transport authority may join in making a scheme under subsection (1A) by reference to the reduction or discontinuance of a railway passenger service only if—
- (a) they are the [<sup>F74</sup>Integrated Transport Authority][<sup>F75</sup>or combined authority], or one of the [<sup>F76</sup>Integrated Transport Authorities][<sup>F77</sup>or combined authorities], by reference to which that service is a relevant railway service in relation to the scheme;
  - (b) the relevant railway service by reference to which the scheme is made is or was operating in the authority's area; or
  - (c) the persons who live, work or study in localities served by that service include persons living, working or studying in that area.]
- [<sup>F78</sup>(2) A quality contracts scheme may not be made unless the authority or authorities—
- (a) have complied with the requirements of section 125,
  - (b) in the case of a scheme for an area in Wales, have obtained the approval of the Welsh Ministers in accordance with section 126, and
  - (c) in the case of a scheme for an area in England, meet the requirements of subsection (2A).]
- [<sup>F78</sup>(2A) The requirements are that the authority or authorities—
- (a) have published under section 126C(5) the request which they sent to the QCS board under section 126C(4), and

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- (b) publish, in accordance with section 127(1A), a response prepared by them to the report published by the QCS board under section 126D(5) in relation to the scheme.]
- (3) A quality contracts scheme is a scheme under which—
- (a) the authority or authorities determine what local services should be provided in the area to which the scheme relates and any additional facilities or services which should be provided in that area, and
  - (b) local services may only be provided in that area in accordance with quality contracts (subject to section 127(4) [<sup>F79</sup> and section 132C]).
- (4) In this Part “quality contract”, in relation to a quality contracts scheme, means an agreement entered into under section 130 or 131 under which—
- (a) the authority or authorities grant to another person the exclusive right to operate the local services to which the contract relates, and
  - (b) that person undertakes to provide the services on such terms (including in particular as to frequency, fares and standard of service) as may be specified in the agreement.
- (5) A quality contract may be made on terms—
- (a) which include provision for the making of payments by the authority or authorities to the person undertaking to provide the local service, and
  - (b) requiring one or more of the parties to provide additional facilities or services.
- (6) Section 88(1) of the <sup>M4</sup>Transport Act 1985 (application to subsidy agreements of sections 89 to 92 of that Act) does not apply in relation to quality contracts.
- (7) The authority or authorities must keep under review the extent to which quality contracts entered into by them are complied with.
- (8) In carrying out their functions under this Part in relation to quality contracts schemes, local transport authorities must co-operate with one another.
- (9) In considering whether to make a quality contracts scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority.
- [<sup>F80</sup>(9A) The power to make a scheme jointly may be exercised only if—
- (a) all the authorities are local transport authorities for areas in England, or
  - (b) all the authorities are local transport authorities for areas in Wales.]

[<sup>F81</sup>(9B) The reference in subsection (1)(a) to increasing the use of bus services includes a reference to reducing, arresting or reversing decline in the use of bus services.]

<sup>F82</sup>[<sup>F83</sup>(10) . . . . .

(11) In this section “relevant railway service”—

    - (a) in relation to a scheme made by a single [<sup>F84</sup>Integrated Transport Authority][<sup>F85</sup> or combined authority ] acting alone, means—
      - (i) a railway passenger service operating entirely within the area of that Authority; or
      - (ii) the part of a railway passenger service so operating;
    - (b) in relation to a scheme made jointly by more than one local transport authority, means—



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- (i) a railway passenger service operating wholly or primarily within the area of [<sup>F86</sup>an Integrated Transport Authority]<sup>F85</sup> or combined authority ] who join in making the scheme;
- (ii) a railway passenger service operating wholly or primarily within the combined area of two or more [<sup>F87</sup>Integrated Transport Authorities]<sup>F88</sup> or combined authorities] who join in making the scheme; or
- (iii) the part of a railway passenger service operating as mentioned in subparagraph (i) or (ii).

(12) In this section—

“potential users”, in relation to a relevant railway service, means persons who (but for the reduction or discontinuance of the service) would have made use of it; and

“railway passenger service” has the same meaning as in the Railways Act 1993 (c. 43) (see section 83(1) of that Act).

(13) For the purposes of references in this section to where a railway passenger service or part of such a service operates—

- (a) a service shall be treated as operating at each of the places where stops are made at stations for the purpose of allowing passengers to join or leave the service; and
- (b) a part of a service is any part of that service so far as it operates at any one or more of those places.]

#### Textual Amendments

- F66** S. 124(1)(a)-(e) substituted for s. 124(1)(a)(b) (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\), ss. 19\(2\), 134\(4\)](#); S.I. 2009/3242, art. 2(1)(a)
- F67** S. 124(1A)(1B) inserted (1.12.2006) by [Railways Act 2005 \(c. 14\), ss. 39\(1\), 60\(2\)](#); S.I. 2006/2911, art. 2, Sch.
- F68** Words in s. 124(1A) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 4 para. 43\(2\)\(a\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F69** Words in s. 124(1A) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 99\(2\)\(a\)](#); S.I. 2009/3318, art. 2(c)
- F70** Words in s. 124(1A) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 4 para. 43\(2\)\(b\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F71** Words in s. 124(1A)(c) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 1 para. 2\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(a)
- F72** Words in s. 124(1A) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 4 para. 43\(2\)\(c\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F73** Words in s. 124(1A)(c) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 99\(2\)\(b\)](#); S.I. 2009/3318, art. 2(c)
- F74** Words in s. 124(1B) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 4 para. 43\(3\)\(a\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F75** Words in s. 124(1B)(a) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 99\(3\)\(a\)](#); S.I. 2009/3318, art. 2(c)
- F76** Words in s. 124(1B) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 4 para. 43\(3\)\(b\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F77** Words in s. 124(1B)(a) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 99\(3\)\(b\)](#); S.I. 2009/3318, art. 2(c)

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- F78** S. 124(2)(2A) substituted for s. 124(2) (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 19(3)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F79** Words in s. 124(3)(b) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 19(4)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F80** S. 124(9A) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 19(5)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F81** S. 124(9B) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 19(6)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F82** S. 124(10) repealed (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 1 para. 2(3), **Sch. 7 Pt. 1**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(a)
- F83** S. 124(10)–(13) inserted (1.12.2006) by Railways Act 2005 (c. 14), **ss. 39(2)**, 60(2); S.I. 2006/2911, art. 2, Sch.
- F84** Words in s. 124(11) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 43(4)(a)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F85** Words in s. 124(11) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 99(4)(a)**; S.I. 2009/3318, art. 2(c)
- F86** Words in s. 124(11) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 43(4)(b)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F87** Words in s. 124(11) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 43(4)(c)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F88** Words in s. 124(11)(b)(ii) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 99(4)(b)**; S.I. 2009/3318, art. 2(c)

#### Modifications etc. (not altering text)

- C17** S. 124 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), art. 1, **Sch. 2 para. 6** (with art. 7(4))

#### Commencement Information

- I14** S. 124 partly in force; s. 124 not in force at Royal Assent see s. 275(1)(2); s. 124 in force for specified purposes (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 3**; s. 124 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, **Sch.**

#### Marginal Citations

- M4** 1985 c. 67.

## 125 Notice and consultation requirements.

- (1) If an authority or authorities propose to make a quality contracts scheme, [<sup>F89</sup>they must—]
- [<sup>F89</sup>(a) publish, in such manner as they think fit, a consultation document complying with subsection (1A),]
- [<sup>F89</sup>(b) supply a copy of that document to each of the persons mentioned in subsection (3),]
- [<sup>F89</sup>(c) give notice in accordance with subsection (2) of the proposed scheme in at least one newspaper circulating in the area to which it relates, and]
- [<sup>F89</sup>(d) if the proposed scheme relates to an area in England, send a copy of that notice to the senior traffic commissioner as soon as reasonably practicable after its publication.]

[<sup>F90</sup>(1A) The consultation document mentioned in subsection (1)(a) must include—

- (a) a description of the proposed scheme;

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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) a statement of the reasons why the authority or authorities are satisfied that the conditions in subsection (1) or, as the case may be, (1A) of section 124 are met;
- (c) a description of any arrangements which the authority or authorities intend to make (including arrangements with other authorities or other persons) for or in connection with the implementation of the scheme;
- (d) a statement of how any costs which the authority or authorities expect to incur under the scheme are to be defrayed;
- (e) a declaration by the chief finance officer or officers of the authority or authorities that, after taking into account—
  - (i) any estimated income from fares, and
  - (ii) any grants from Ministers of the Crown or government departments, any remaining funding required to implement the scheme can be provided from other resources available to the authority or authorities;
- (f) the date by which any written responses to the consultation must be submitted to the authority or authorities.]

[<sup>F90</sup>(1B) The description of the proposed scheme contained in the consultation document in accordance with subsection (1A)(a) must include—

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

[<sup>F90</sup>(1C) In subsection (1A)(e) “chief finance officer”, in relation to a local transport authority, means that officer of the authority who is responsible under—

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

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

(2) The notice must—

- (a) describe the proposed scheme, [<sup>F91</sup>and]
- (b) state where a copy of the scheme [<sup>F92</sup>and the consultation document ] may be inspected, <sup>F93</sup> ...

<sup>F93</sup>(c) .....

(3) After giving notice of the proposed scheme, the authority or authorities must consult—

- (a) all persons operating local services in the area to which it relates,
- (b) all other persons holding a PSV operator’s licence or a community bus permit who would, in the opinion of the authority or authorities, be affected by it,
- (c) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
- (d) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
- (e) [<sup>F94</sup>if the proposed scheme relates to an area in Wales, ][<sup>F95</sup>a traffic commissioner],
- (f) the chief officer of police for each police area covering the whole or part of [<sup>F96</sup>the area to which the proposed scheme relates], and
- (g) such other persons as the authority or authorities think fit.

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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) For the purpose of subsection (3)(d) the following are relevant local authorities—
- (a) local transport authorities,
  - (b) district councils in England,
  - (c) London transport authorities, and
  - (d) councils in Scotland.
- (5) The authority or authorities may modify the proposed scheme following those consultations.

#### Textual Amendments

- F89** Words in s. 125(1) substituted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 20\(2\)](#), [134\(4\)](#); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#) (with [art. 3](#))
- F90** S. 125(1A)-(1C) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 20\(3\)](#), [134\(4\)](#); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#) (with [art. 3](#))
- F91** Word in s. 125(2)(a) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 20\(4\)\(a\)](#), [134\(4\)](#); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#) (with [art. 3](#))
- F92** Words in s. 125(2)(b) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 20\(4\)\(b\)](#), [134\(4\)](#); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#) (with [art. 3](#))
- F93** S. 125(2)(c) repealed (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 20\(4\)\(c\)](#), [134\(4\)](#), [Sch. 7 Pt. 2](#); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#) (with [art. 3](#))
- F94** Words in s. 125(3)(e) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 20\(5\)](#), [134\(4\)](#); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#) (with [art. 3](#))
- F95** Words in s. 125(3)(e) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))
- F96** Words in s. 125(3)(f) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))

#### Commencement Information

- I15** S. 125 partly in force; s. 125 not in force at Royal Assent see s. 275(1)(2); s. 125 in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 3](#); s. 125 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

## 126 [F97 Approval of proposed schemes for areas in Wales]

[F98(A1) This section has effect in any case where the scheme or proposed scheme relates to an area in Wales.]

- (1) If, having complied with [F99 the requirements of] section 125, the authority or authorities wish to proceed with the proposed scheme, they must apply to the appropriate national authority for its approval.
- (2) The application must include—
  - (a) their reasons for wishing to make the scheme, and
  - (b) such other information as the appropriate national authority may reasonably require.
- (3) Any person [F100 who was consulted, or who is aggrieved at not being consulted,] under section 125(3) may make written representations to the appropriate national authority about the scheme.

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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) The appropriate national authority may approve the proposed scheme, with or without modifications, if it is satisfied that—
  - (a) the conditions set out in [<sup>F101</sup>paragraphs (a) to (e)] of section 124(1) <sup>F102</sup>... are met, and
  - (b) it is in the interests of the public that the scheme is made.
- (5) If the appropriate national authority proposes to approve the scheme with modifications, it must first inform the authority or authorities and they must—
  - (a) consult such of the persons they consulted under section 125(3) as would, in their opinion, be affected by those modifications, and
  - (b) inform the appropriate national authority as to the outcome of that consultation.
- (6) After being informed of that outcome the appropriate national authority may approve the scheme either with those modifications or without modifications.

#### Textual Amendments

- F97** S. 126 heading substituted (11.1.2010 for E.) by virtue of [Local Transport Act 2008 \(c. 26\)](#), **ss. 21(6)**, 134(4); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)
- F98** S. 126(A1) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 21(2)**, 134(4); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)
- F99** Words in s. 126(1) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 21(3)**, 134(4); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)
- F100** Words in s. 126(3) substituted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 21(4)**, 134(4); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)
- F101** Words in s. 126(4)(a) substituted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 21(5)(a)**, 134(4); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)
- F102** Words in s. 126(4)(a) repealed (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 21(5)(b)**, 134(4), **Sch. 7 Pt. 2**; [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)

#### Commencement Information

- I16** S. 126 partly in force; s. 126 not in force at Royal Assent see s. 275(1)(2); s. 126 in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), **Sch. 1 para. 3**; s. 126 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), **Sch.**

#### [<sup>F103</sup>126A] Boards for proposed schemes for areas in England

- (1) Where the senior traffic commissioner receives a copy of a notice sent by the authority or authorities pursuant to section 125(1)(d), a board (a “QCS board”) is to be constituted in accordance with the provisions of this Part to discharge the functions of such a board in relation to the proposed scheme.
- (2) The board is to consist of 3 members.
- (3) The members shall be—
  - (a) one traffic commissioner (“the Commissioner”),
  - (b) two persons drawn from a panel of persons appointed by the Secretary of State for the purposes of this section.
- (4) The Commissioner is to chair the board.

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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)*

- (5) Within a prescribed period of receiving the copy of the notice mentioned in subsection (1), the senior traffic commissioner is to—
- (a) designate the traffic commissioner who is to be the Commissioner in the case of the particular board,
  - (b) give notice of that designation to the authority or authorities, in accordance with the prescribed procedure, identifying the person designated,
  - (c) publish, in such manner as may be prescribed, notice of the designation, identifying the person designated.
- (6) The traffic commissioner who is to be so designated is that one of the traffic commissioners whom the senior traffic commissioner considers most appropriate in all the circumstances of the particular case by reason of any particular knowledge or experience that the traffic commissioner may have.
- This is subject to subsections (7) and (8).
- (7) If the senior traffic commissioner considers that the traffic commissioner who would otherwise fall to be designated to be the Commissioner ought not to be so designated—
- (a) because of the traffic commissioner’s illness, incapacity, absence or impending vacation of office, or
  - (b) because the traffic commissioner is prevented from being the Commissioner by subsection (8),
- the senior traffic commissioner is to designate a different traffic commissioner to be the Commissioner.
- (8) A traffic commissioner whose ability to act impartially in the case of any particular scheme is, in the opinion of that traffic commissioner, in any way impaired must not act as the Commissioner in relation to that scheme.
- (9) If the senior traffic commissioner is unable to discharge the duty to make a designation under subsection (5), the duties of the senior traffic commissioner under that subsection are to be discharged by the Secretary of State instead.
- (10) The persons who are to be members of the board by virtue of subsection (3)(b) are to be designated in such manner and at such time as may be prescribed.
- (11) The Secretary of State shall pay to each person appointed under subsection (3)(b) such remuneration in respect of the person’s services as may be determined by the Secretary of State with the consent of the Treasury.
- (12) In this section “prescribed” means prescribed in regulations under section 126E or 133.]

#### Textual Amendments

**F103** S. 126A inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 22(1)**, 134(4); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)

#### [<sup>F104</sup>126BA] **Advice by boards or their Commissioners**

- (1) This section applies at any time after the traffic commissioner who is to chair the QCS board for the proposed scheme has been designated under section 126A.

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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 QCS board may give advice about matters of a procedural nature to any person who requests it before the end of the appropriate period.
- (3) For the purposes of subsection (2), the end of the appropriate period is—
  - (a) the date on which a scheme is made, or
  - (b) if no scheme is made, the date on which the authority or authorities give notice to the board under section 126C(7) that they have decided not to proceed with the proposed scheme.
- (4) The board may not, under subsection (2), give advice about the merits of the proposed scheme.
- (5) If the Secretary of State thinks it appropriate to do so in connection with securing propriety in the giving of advice under subsection (2), the Secretary of State may by regulations make provision about the giving of advice under that subsection (but not about what the advice is to be).
- (6) In particular, regulations under subsection (5) may make provision that has the effect that—
  - (a) a person's request for advice under subsection (2), or
  - (b) advice given under subsection (2) to a person,must be, or may be, disclosed by the board to persons other than that person or to the public generally.
- (7) In relation to requests received at any time before the members of the board have been designated, the functions of the board under this section are exercisable on behalf of the board by the traffic commissioner who has been designated to chair the board.]

#### **Textual Amendments**

**F104** S. 126B inserted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 23**, [134\(1\)\(c\)\(4\)](#); [S.I. 2009/3242](#), art. [2\(1\)\(a\)](#)

#### **[<sup>F105</sup>126C] Requests for boards to begin consideration etc of proposed schemes**

- (1) This section applies in any case where—
  - (a) the proposed scheme is for an area in England, and
  - (b) the authority or authorities have complied with the requirements of section 125(1) to (3).
- (2) If the authority or authorities wish to proceed with the proposed scheme, they must send each of the following to the QCS board as soon as reasonably practicable after the end of the consultation period—
  - (a) copies of all written responses received from the persons consulted,
  - (b) information about representations made orally at meetings or other events held by the authority or authorities during the consultation period,
  - (c) a summary of the action which the authority or authorities have taken to comply with the requirements of section 125(1) to (3).
- (3) The authority or authorities must have complied with subsection (2) before they send the board a request under subsection (4).

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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) When the authority or authorities consider it appropriate to do so, they are to send to the board a written request for it to begin the performance of its functions under section 126D in relation to the proposed scheme.
- (5) If the authority or authorities send the board a request under subsection (4), they must also—
  - (a) publish the request,
  - (b) send to the board a copy of the proposed scheme that it is to consider under section 126D,
  - (c) if the proposed scheme mentioned in section 125(2) differs from the proposed scheme mentioned in paragraph (b), publish a notice stating where a copy of the proposed scheme mentioned in paragraph (b) may be inspected.
- (6) If, following the sending of a request under subsection (4), the authority or authorities—
  - (a) modify the proposed scheme under section 125(5) or section 126D(7), and
  - (b) desire the QCS board to exercise its functions under section 126D in relation to the proposed scheme, as modified,
 they may send the board a further request under subsection (4).
- (7) If at any time the authority or authorities decide not to proceed with the proposed scheme, they must—
  - (a) give written notice of that decision to the QCS board, and
  - (b) publish notice that they have done so.]

#### Textual Amendments

**F105** Ss. 126C, 126D inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 24**, 134(4); S.I. 2009/3242, art. 2(1)(a)

#### [<sup>F105</sup>126D] **Consideration of proposed schemes by boards**

- (1) Following receipt of a request from the authority or authorities under section 126C(4), the QCS board is to consider the proposed scheme and—
  - (a) form an opinion whether the conditions set out in the paragraphs of section 124(1) or, as the case may be, of section 124(1A) are met in the case of the proposed scheme;
  - (b) form an opinion whether the authority or authorities have complied with the requirements of section 125(1) to (3).
- (2) If the board is of the opinion that the conditions mentioned in subsection (1)(a) are not met, it may make recommendations as to actions that the authority or authorities might take in response to that opinion.
- (3) If the board is of the opinion that the authority or authorities have not complied with the requirements of section 125(1) to (3), it may make recommendations as to actions that the authority or authorities might take in response to that opinion.
- (4) If, in performing its functions under subsection (1)(b), the board is of the opinion that any person who was not consulted under section 125(3) ought to have been so consulted, that person has—



*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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) the rights of appeal under section 127A that are conferred by virtue of subsection (3)(b) of that section, or
  - (b) in a case where this section applies by virtue of section 131C(3) (non-exempt proposal to continue scheme), the rights of appeal under section 131F that are conferred by virtue of subsection (3)(b) of that section.
- (5) The board is to give notice to the authority or authorities of—
- (a) the opinions that it has formed on the questions in paragraphs (a) and (b) of subsection (1),
  - (b) any recommendations that it makes under subsection (2) or (3),
  - (c) its reasons for forming those opinions and making any such recommendations,
- and is to publish a report stating those opinions, recommendations and reasons.
- (6) If, in a case where the board makes recommendations under subsection (3), the authority or authorities take the action recommended by the board and publish notice that they have done so, this Part has effect as if—
- (a) the authority or authorities had complied with the requirements of section 125(1) to (3) to which the recommendations relate, and
  - (b) the opinion formed by the board on the question in subsection (1)(b) had included (and had been stated in the report as including) the opinion that the authority or authorities had complied with those requirements.
- (7) Following receipt of the notice under subsection (5), the authority or authorities may modify the proposed scheme.
- (8) If the authority or authorities—
- (a) modify the proposed scheme by virtue of subsection (7) or section 125(5), and
  - (b) send the board a request under section 126C(4) by virtue of section 126C(6),
- this section has effect with such modifications or exclusions as may be prescribed by regulations under section 126E or 133.]

#### Textual Amendments

**F105** Ss. 126C, 126D inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 24**, 134(4); S.I. 2009/3242, art. 2(1)(a)

#### [<sup>F106</sup>126E] Practice and procedure of boards

- (1) The Secretary of State may make regulations—
- (a) with respect to the constitution of a QCS board,
  - (b) with respect to the powers and duties of any such board,
  - (c) governing the practice and procedure to be followed by any such board, and
  - (d) generally for the carrying into effect of the powers and duties of any such board.
- (2) The provision that may be made by regulations under subsection (1) includes—
- (a) provision about requests under section 126C(4);
  - (b) provision for an acknowledgement of the receipt of any such request to be issued by such person, and within such time, as may be prescribed in the regulations;

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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) the procedure to be followed in cases where a further request under section 126C(4) is sent to the QCS board by virtue of section 126C(6) in relation to a proposed scheme which has been modified (the “modified scheme”);
  - (d) provision for or in connection with the making of representations about the modified scheme;
  - (e) the publication by the board of provisional findings before it publishes its report.
- (3) Regulations may prescribe the time within which the Secretary of State considers that any QCS board should normally have published its report.
- (4) It is the duty of a QCS board to take all reasonable steps to publish its report within that time.
- (5) If a QCS board does not publish its report within that time, the Commissioner must immediately prepare a statement of—
- (a) the reasons why the board has not published its report within that time;
  - (b) the action the board is taking to publish its report as soon as reasonably practicable;
  - (c) the time within which it is expected that the board will publish its report.
- (6) As soon as reasonably practicable after the statement required by subsection (5) has been prepared, the Commissioner must send a copy of it to each of the following—
- (a) the Secretary of State;
  - (b) the authority or authorities proposing to make the scheme.
- (7) The Secretary of State may issue guidance concerning the carrying out by a QCS board of its functions under this Part in relation to quality contracts schemes.
- (8) A QCS board must have regard to any such guidance.
- (9) In this section—
- “the Commissioner” has the same meaning as in section 126A;
  - “regulations” means regulations made by the Secretary of State;
  - “report” means the report which the board is required to publish by virtue of section 126D(5).]

#### Textual Amendments

**F106** S. 126E inserted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 25**, 134(1)(c)(4); S.I. 2009/3242, art. 2(1)(a)

## 127 Making of scheme.

- [<sup>F107</sup>(1) The authority or authorities who proposed the scheme may make it—
- (a) in the case of a scheme for an area in England, in accordance with the requirements of subsection (1A);
  - (b) in the case of a scheme for an area in Wales, in accordance with the requirements of subsection (1B).]

[<sup>F107</sup>(1A) If the scheme is for an area in England, the authority or authorities who proposed it—

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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) must not make the scheme until they publish a response prepared by them to the report published by the QCS board under section 126D(5) in relation to the scheme, but
- (b) subject to that, may make the scheme at any time not later than 6 months after the publication of that report.

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

[<sup>F107</sup>(1B) If—

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

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

(2) The scheme must specify—

- (a) the area to which it relates,
- [<sup>F108</sup>(b) the date on which it is to come into operation or, if the scheme provides for different provisions to come into operation on different dates, or on different dates for different purposes, those dates in the case of each provision, and]
- (c) the period for which it is to remain in operation, which must not be more than ten years [<sup>F109</sup>from the earliest date on which the scheme or any of its provisions comes into operation.]

[<sup>F110</sup>(2A) No date that is to be specified under subsection (2)(b) may be earlier than 6 months after the scheme is made.]

(3) The scheme must outline—

- (a) the local services which are to be provided under quality contracts, and
- (b) the features of the proposed invitations to tender for quality contracts.

[<sup>F111</sup>(3A) The scheme must specify the date or dates on which it is proposed that the authority or authorities will issue invitations to tender for the provision of any services to which the scheme relates (see section 130).]

(4) The scheme may provide that—

- (a) local services specified in it, or
- (b) local services of a class specified in it,

are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.

(5) The scheme may contain such ancillary provisions as the authority or authorities think fit.

(6) The scheme may include provision—

- (a) varying or revoking any quality partnership scheme which only relates to the area of the authority, or combined area of the authorities, by which the scheme is made, or
- (b) varying any other quality partnership scheme to the extent that it so relates.

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- (7) If provision is made under subsection (6)(b) to vary the quality partnership scheme so that it no longer so relates, such of the authorities by which it was made as did not make the quality contracts scheme—
- (a) may (subject to the provision so made) vary it if they decide that it is appropriate to do so, or
  - (b) may revoke it if all persons who have given an undertaking to provide a service to a standard specified in the scheme consent to the revocation of the scheme (which consent must not be unreasonably withheld);
- and subsections (3) and (4) of section 120 apply to a variation or revocation under this subsection.
- (8) Not later than 14 days after the date on which the scheme is made, the authority or authorities must—
- (a) give notice in at least one newspaper circulating in the area to which the scheme relates, and
  - (b) send a copy of the scheme to [<sup>F112</sup>a traffic commissioner].
- (9) The notice must state—
- (a) that the scheme has been made,
  - (b) where a copy of the scheme may be inspected, and
  - [<sup>F113</sup>(c) the date or dates on which the scheme, or the different provisions of the scheme, are to come into operation.]
- [<sup>F114</sup>(10) The appropriate national authority may by order vary any of the periods mentioned in subsection (1A), (1B) or (2A).]

#### Textual Amendments

- F107** S. 127(1)-(1B) substituted for s. 127(1) (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 26(2)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F108** S. 127(2)(b) substituted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 26(3)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F109** Words in s. 127(2)(c) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 26(4)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F110** S. 127(2A) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 26(5)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F111** S. 127(3A) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 26(6)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F112** Words in s. 127(8)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F113** S. 127(9)(c) substituted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 26(7)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F114** S. 127(10) substituted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 26(8)**, 134(1)(c)(4); S.I. 2009/3242, art. 2(1)(a)

#### Commencement Information

- I17** S. 127 partly in force; s. 127 not in force at Royal Assent see s. 275(1)(2); s. 127 in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 3**; s. 127 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), art. 2, **Sch.**

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## [<sup>F115</sup>127A Appeals against the making of schemes for areas in England

- (1) This section applies where an authority or authorities make a quality contracts scheme for an area in England.
- (2) Any person falling within subsection (3) may appeal to the [<sup>F116</sup>Upper] Tribunal against the decision of the authority or authorities to make the scheme.
- (3) The persons are—
  - (a) any person who was consulted under section 125(3),
  - (b) any person who was not consulted under section 125(3) but who, in the opinion of the QCS board under section 126D(1)(b), ought to have been so consulted.
- (4) An appeal under this section may be—
  - (a) on a point of law, or
  - (b) on a question of fact, unless subsection (5) prevents it.
- (5) No appeal lies under this section on a question of fact (and no question of fact is to be entertained by the Tribunal on an appeal under this section) in any case where subsection (6) applies.
- (6) This subsection applies if the QCS board stated in its report under section 126D(5) that it is of the opinion—
  - (a) that the conditions in the paragraphs of section 124(1) or, as the case may be, of section 124(1A) are met, and
  - (b) that the authority or authorities have complied with the requirements of section 125(1) to (3) (or are by virtue of section 126D(6) to be taken to have complied with those requirements by virtue of having taken any action recommended by the board in any previous reports),and if the scheme, as made, corresponds to the proposed scheme to which that report relates.
- (7) The authority or authorities may issue invitations to tender in accordance with section 130(1) notwithstanding the lodging of any appeal under or by virtue of this section.]

### Textual Amendments

**F115** Ss. 127A, 127B inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 27(1)**, 134(4); S.I. 2009/3242, **art. 2(1)(a)**

**F116** Word in s. 127A(2) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), **art. 1, Sch. 1 para. 5(a)**

### Modifications etc. (not altering text)

**C18** S. 127A: transfer of functions (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), **arts. 1, 2(2)(a)** (with Sch. 2)

## [<sup>F115</sup>127B Powers of the Transport Tribunal on an appeal under section 127A

- (1) On an appeal under section 127A the [<sup>F117</sup>Upper] Tribunal shall have power—
  - (a) to make such order as they think fit, or

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- (b) to remit any matter (with or without directions) to the authority or authorities for their consideration or determination or for such other purposes as the Tribunal may direct.
- (2) The powers of the Tribunal on an appeal under section 127A include power to do any one or more of the following—
- (a) dismiss the appeal in whole or in part,
  - (b) remit the matter to the authority or authorities with one or more directions under subsection (3),
  - (c) direct the authority or authorities to vary the scheme in such manner as the Tribunal may specify in the direction (but see subsection (4)),
  - (d) quash the decision of the authority or authorities (but see subsection (5)).
- (3) A direction under this subsection is a direction for the authority or authorities to do each of the following—
- (a) consider or reconsider such matters as may be specified in the direction,
  - (b) consult or further consult as respects those matters in such manner as may be specified in the direction,
  - (c) vary the scheme in such respects as may in consequence appear appropriate to the authority or authorities.
- (4) The Tribunal may give a direction under this section to vary the scheme by reducing the area to which the scheme relates only if they are of the opinion that the conditions in section 132(3) are met.
- (5) The power of the Tribunal under this section to quash the decision of the authority or authorities is exercisable only if the Tribunal are of the opinion that there are defects in the scheme which are not capable of being remedied by varying the scheme under or by virtue of subsection (2)(b) or (c).
- (6) Where, on an appeal under section 127A, the Tribunal exercises any power falling within paragraph (b) of subsection (2) above, the only further appeal allowed under that section is an appeal against a decision of the authority or authorities to vary, or not to vary, the scheme by virtue of subsection (3)(c).]

#### Textual Amendments

**F115** Ss. 127A, 127B inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 27(1)**, 134(4); S.I. 2009/3242, **art. 2(1)(a)**

**F117** Word in s. 127B(1) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), **art. 1, Sch. 1 para. 5(b)**

#### Modifications etc. (not altering text)

**C19** S. 127B: transfer of functions (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), **arts. 1, 2(2)(b)** (with Sch. 2)

## 128 Postponement of scheme.

- (1) If it appears to the authority or authorities who made the scheme appropriate to do so, they may decide that the date on which the scheme [<sup>F118</sup>, or any particular provision of the scheme,] would otherwise come into operation [<sup>F119</sup>, or come into operation for

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- any particular purpose or purposes,] shall be postponed by such period as they think fit (subject to any provision of regulations made under subsection (4)).
- (2) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the decision.
  - (3) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—
    - (a) in at least one newspaper circulating in the area to which the scheme relates,<sup>F120</sup>  
...
    - (b) to all operators of local services who would, in their opinion, be affected by the decision [<sup>F121</sup>, and]
    - <sup>F121</sup>(c) to a traffic commissioner]
  - (4) The appropriate national authority may by regulations make provision with respect to postponements under subsection (1).
  - (5) The regulations may in particular make provision—
    - (a) as to the maximum period of postponements, and
    - (b) requiring authorities to re-issue invitations to tender in accordance with section 130.

#### Textual Amendments

- F118** Words in s. 128(1) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 28(a)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F119** Words in s. 128(1) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 28(b)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F120** Word in s. 128(3) omitted (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F121** S. 128(3)(c) and word substituted for words in s. 128(3)(b) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)

#### Commencement Information

- I18** S. 128 partly in force; s. 128 not in force at Royal Assent see s. 275(1)(2); s. 128(4) wholly in force and s. 128(1)-(3)(5) in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 paras. 2, 3**; s. 128 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), art. 2, **Sch.**

## 129 Effect of scheme.

- (1) During any period in which the scheme [<sup>F122</sup>, or (in the case of a scheme which provides for different provisions to come into operation on different dates) any provision of the scheme,] is in operation—
  - (a) sections 6 to 9 of the <sup>M5</sup>Transport Act 1985 (registration of local services) do not have effect in relation to [<sup>F123</sup>the area to which the scheme, or that provision, relates], and
  - (b) no local service shall be provided in that area (if there is a stopping place for the service in that area) unless it is provided under a quality contract [<sup>F124</sup>or is an interim service (see section 132C)].

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- (2) But subsection (1) does not apply [<sup>F125</sup>— ]
- [<sup>F125</sup>(a) so as to prevent the application of sections 6 to 9 of the Transport Act 1985 in relation to any service by virtue or in consequence of section 6B of that Act (application for registration or variation where quality contracts scheme in force),]
- [<sup>F125</sup>(b) so as to prevent the provision of any service registered under section 6 of the Transport Act 1985 by virtue of section 6B of that Act, or]
- [<sup>F125</sup>(c)] in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 127(4).
- (3) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the <sup>M6</sup>Transport Act 1985 of the service concerned.
- [<sup>F126</sup>(4) The authority or authorities must invite tenders in accordance with section 130 not later than—
- (a) three months, or
- (b) such other period as the appropriate national authority may by order specify, after the scheme has been made. ]

#### Textual Amendments

- F122** Words in s. 129(1) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 29(2)(a)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F123** Words in s. 129(1)(a) substituted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 29(2)(b)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F124** Words in s. 129(1)(b) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 29(2)(c)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F125** Words in s. 129(2) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 29(3)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F126** S. 129(4) repealed (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 29(4)**, 134(4), **Sch. 7 Pt. 2**; [S.I. 2009/3242](#), art. 2(1)(a)

#### Commencement Information

- I19** S. 129 partly in force; s. 129 not in force at Royal Assent see s. 275(1)(2); s. 129 in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 3**; s. 129 in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), art. 2, **Sch.**

#### Marginal Citations

- M5** 1985 c. 67.
- M6** 1985 c. 67.

### 130 Tendering for quality contracts.

- (1) The authority, or the authorities acting jointly, must invite tenders for the provision of services to which the scheme [<sup>F127</sup>, or each provision of the scheme,] relates for such period and on such basis as may be specified in the invitation to tender.
- (2) The period specified must not exceed [<sup>F128</sup>10] years.



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- (3) Subject to subsection (4), such an invitation—
- (a) must be issued generally, in such manner as the authority or authorities consider appropriate for bringing it to the attention of persons who may be interested, and
  - (b) must also be issued individually to all persons who have given to that authority or any of those authorities a written notice indicating that they wish to receive invitations to tender for the provision of local services of a description to which the invitation relates.
- (4) Such a notice must specify the address to which such an invitation is to be directed, and it shall be sufficient for the purposes of subsection (3)(b) if the authority or authorities send the invitation to the person giving such a notice at the address so specified.
- (5) The authority or authorities may only accept a tender submitted by a person who is the holder of either—
- (a) a PSV operator's licence, or
  - (b) a community bus permit.
- (6) But subsection (5)(a) does not include a licence to which a condition is attached under section 26 of the <sup>M7</sup>Transport Act 1985 (power of traffic commissioner to attach conditions to licences) prohibiting the holder from using vehicles under the licence to provide local services of all descriptions or of any description to which the invitation relates.
- (7) After entering into a quality contract, the authority or authorities must give notice to [<sup>F129</sup>a traffic commissioner] of—
- (a) the local services to be provided in accordance with the contract, and
  - (b) the duration of the contract.
- (8) The appropriate national authority may by regulations make provision requiring authorities to publish prescribed information about tenders submitted to them in accordance with this section or about their reasons for entering into particular quality contracts.

#### Textual Amendments

**F127** Words in s. 130(1) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\), ss. 30\(2\)](#), 134(4); [S.I. 2009/3242, art. 2\(1\)\(a\)](#)

**F128** Word in s. 130(2) substituted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\), ss. 30\(3\)](#), 134(4); [S.I. 2009/3242, art. 2\(1\)\(a\)](#)

**F129** Words in s. 130(7) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\)](#), [Sch. 3](#) (with art. 7)

#### Modifications etc. (not altering text)

**C20** S. 130 excluded (E.) (11.1.2010) by [The Quality Contracts Schemes \(Tendering Requirements\) \(England\) Regulations 2009 \(S.I. 2009/3244\), regs. 1\(1\)](#), [5\(1\)](#) (with reg. 9)

#### Commencement Information

**I20** S. 130 partly in force; s. 130 not in force at Royal Assent see s. 275(1)(2); s. 130(8) wholly in force and s. 130(1)-(7) in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 paras. 2, 3](#); s. 130 in force (E.) at 26.10.2001 by [S.I. 2001/3342, art. 2, Sch.](#)

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### Marginal Citations

M7 [1985 c. 67.](#)

## 131 Exceptions from section 130.

- (1) Section 130 does not apply in any case where it appears to the authority or authorities that action is urgently required for the purpose of—
  - (a) maintaining an existing service,
  - (b) securing the provision of a service in place of a service which has ceased to operate, or
  - (c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly and ought in the opinion of the authority to be met without delay.
- (2) The appropriate national authority may by regulations make provision for further exceptions from section 130, including in particular with respect to—
  - (a) cases in which no tender, or no acceptable tender, is submitted in response to an invitation to tender issued under section 130(1) or under any provision made by virtue of subsection (5)(a), and
  - (b) agreements of a prescribed description.
- (3) The appropriate national authority may make regulations fixing the maximum duration of a quality contract entered into under subsection (1) or under any provision made by virtue of subsection (2).
- (4) The appropriate national authority may by regulations make further provision with respect to exceptions from section 130.
- (5) Regulations under subsection (4) may in particular—
  - (a) require authorities to invite tenders for the provision of a service which is the subject of a quality contract made under subsection (1) or under any provision made by virtue of subsection (2), and
  - (b) require authorities to publish prescribed information (including as to their reasons for entering into particular quality contracts) or to give notices.

### Commencement Information

**I21** S. 131 partly in force; s. 131 not in force at Royal Assent see s. 275(1)(2); s. 131(2)(3)(4) wholly in force and s. 131(1)(5) in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 paras. 2, 3](#); s. 131 in force (E.) at 26.10.2001 by [S.I. 2001/3342, art. 2, Sch.](#)

## <sup>F130</sup>131A Continuation of schemes for further periods

- (1) If it appears to them appropriate to do so, the authority or authorities who made a quality contracts scheme (other than any to whose area the scheme no longer relates) may decide that the scheme should continue in operation for a further period, with or without modification.
- (2) Before making such a decision, they must, unless the proposal that the scheme should continue is an exempt continuation proposal (see section 131B), comply with the requirements of—

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- (a) section 124(2)(b) (approval by Welsh Ministers), if the scheme is for an area in Wales, or
  - (b) section 124(2)(c) (publication of request to, and response to report of, QCS board), if the scheme is for an area in England.
- (3) Section 125 applies in relation to the continuation of a scheme under this section as it applies in relation to the making of a scheme, but with the following modifications—
- (a) any reference to a proposal to make a scheme is to be read as a reference to a proposal for the continuation of a scheme,
  - (b) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,
- and with the further modifications specified in subsections (4) and (5), but this is subject to such modifications or exclusions as may be prescribed by regulations under section 133.
- (4) If the proposal is an exempt continuation proposal—
- (a) section 125(1)(d) (duty to send copy of notice to senior traffic commissioner if scheme relates to area in England) does not apply, but
  - (b) section 125(3)(e) (duty to consult [<sup>F131</sup>a traffic commissioner]) applies with the omission of the words “if the proposed scheme relates to an area in Wales.”.
- (5) The consultation document that is to be published by virtue of section 125(1)(a), as applied by subsection (3), must (instead of complying with section 125(1A)) include—
- (a) a description of the scheme, together with any proposed modifications to it;
  - (b) a statement of the opinion of the authority or authorities as to the effectiveness of the scheme in achieving the objectives set out in paragraphs (a) to (e) of section 124(1) or, as the case may be, paragraphs (b) and (d) of section 124(1A) up to the date of the report;
  - (c) a statement of the reasons why they are satisfied that the scheme as proposed to be continued (with any proposed modifications) will meet the conditions in subsection (1) or, as the case may be, (1A) of section 124;
  - (d) a description of any arrangements which the authority or authorities intend to make (including arrangements with other authorities or other persons) for or in connection with the continuation of the scheme;
  - (e) a statement of the period for which it is proposed that the scheme should continue in operation, which must not be more than a further 10 years;
  - (f) if the authority or authorities consider that the proposal for the scheme to continue is an exempt continuation proposal, a statement of that fact;
  - (g) a statement of how any costs which the authority or authorities expect to incur under the scheme are to be defrayed;
  - (h) a declaration by the chief finance officer or officers of the authority or authorities that, after taking into account—
    - (i) any estimated income from fares, and
    - (ii) any grants from Ministers of the Crown or government departments, any remaining funding required to continue the scheme in operation can be provided from other resources available to the authority or authorities;
  - (i) the date by which any written responses to the consultation must be submitted to the authority or authorities.
- (6) For the purposes of this section—

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- (a) subsection (1B) of section 125 (matters to be included in the description of the proposed scheme) applies for the purposes of subsection (5)(a) as it applies for the purposes of subsection (1A)(a) of that section, and
  - (b) subsection (1C) of that section (meaning of “chief finance officer”) applies for the purposes of subsection (5)(h) as it applies for the purposes of subsection (1A)(e) of that section.
- (7) The consultation document mentioned in subsection (5) must be published and supplied in accordance with section 125(1)(a) and (b) (as applied by this section) not less than 12 months before the scheme’s expiry date.
- (8) For the purposes of this section, a scheme’s “expiry date” is the later of the following dates—
- (a) the end of the period specified in the scheme in accordance with section 127(2)(c),
  - (b) if the scheme has been continuing in operation by virtue of the previous application of this section, the end of the period for which it is so continuing in operation.
- (9) The period for which a scheme continues in operation by virtue of a decision under subsection (1) may begin—
- (a) on such day falling before, on, or immediately after the scheme’s expiry date as the authority or authorities decide, or
  - (b) if the circumstances are such that the continuation of the scheme cannot begin on a day falling within paragraph (a), on such later day as the authority or authorities decide in accordance with regulations made by the appropriate national authority for the purposes of such circumstances.
- (10) If the authority or authorities publish and supply a consultation document in accordance with subsection (7), the scheme remains in operation (without any modifications proposed by them under subsection (1)) until—
- (a) in a case where the scheme is to continue in operation for a further period, the day before the beginning of that period, or
  - (b) in any other case, the scheme’s expiry date.
- (11) Section 130 (tendering) applies to a scheme that continues in operation under this section (whether or not the proposal for the scheme to continue in operation was an exempt continuation proposal) but subject to regulations made by the appropriate national authority under section 133(3).]

#### Textual Amendments

**F130** S. 131A inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 31**, 134(4); S.I. 2009/3242, art. 2(1)(a)

**F131** Words in s. 131A(4)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)

#### [<sup>F132</sup>131B Meaning of “exempt continuation proposal”

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

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*Status: Point in time view as at 09/02/2017.*

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- (a) any one or more of Conditions 1 to 3 are met and Conditions A and B are met, or
  - (b) the circumstances are as prescribed in regulations made by the appropriate national authority.
- (2) Condition 1 is that it is not proposed that the area to which the continuation scheme relates is to be greater than the area to which the existing scheme relates.
- (3) Condition 2 is that it is proposed that the area to which the continuation scheme relates is to be greater than the area to which the existing scheme relates, but—
- (a) the additional area proposed to be included falls wholly within the area or combined area of the authority or authorities proposing the continuation of the scheme, and
  - (b) it is not proposed that under the continuation scheme any descriptions of local services are to be provided under quality contracts in addition to the descriptions of local services so provided under the existing scheme.
- (4) Condition 3 is that during the period while the existing scheme has been in force—
- (a) there has been a change in the area of the authority, or of any of the authorities, that last made or continued the scheme, or
  - (b) a different authority has become the local transport authority for some or all of the area to which the scheme relates,
- but it is not proposed that under the continuation scheme any descriptions of local services are to be provided under quality contracts in addition to the descriptions of local services so provided under the existing scheme.
- (5) Condition A is that it is not proposed under the continuation scheme that any local services which, immediately before the coming into force of that scheme, were unregulated services are under the continuation scheme to be provided under quality contracts.
- (6) Condition B is that it is not proposed under the continuation scheme that any services which, immediately before the coming into force of that scheme, were excluded services in the case of the existing scheme are not to be excluded services in the case of the continuation scheme.
- (7) In this section—
- “the continuation scheme” means the scheme as proposed to continue in operation;
  - “excluded services”, in the case of any quality contracts scheme, means any local services, or class of local services, which are excluded from the scheme by virtue of section 127(4);
  - “the existing scheme” means—
    - (a) the scheme as last continued or varied, or
    - (b) if the scheme has not previously been continued or varied, the scheme as originally made;
  - “unregulated services” means any local services provided otherwise than—
    - (a) under a contract with one or more local transport authorities, or
    - (b) by an authority or authorities acting under section 132C(2) (power to provide interim services in exceptional circumstances);
- and any reference to the coming into force of a scheme includes a reference to the coming into force of any particular provision of it.

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

#### Textual Amendments

**F132** S. 131B inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 32(1)**, 134(4); S.I. 2009/3242, art. 2(1)(a)

### [<sup>F133</sup>131C] Continuation of schemes for areas in England: procedure

- (1) This section has effect with respect to the continuation in operation under section 131A (or the proposed continuation in operation under that section) of a quality contracts scheme for an area in England (whether with or without modifications).
- (2) If the proposal for the continuation of the scheme—
  - (a) is an exempt continuation proposal, or
  - (b) in a case where the authority or authorities have decided that the scheme should continue, was such a proposal,
 subsections (2) and (3) to (9) of section 127 apply in relation to the continuation of the scheme as they apply in relation to the making of a scheme, but with the modifications in subsection (4).
- (3) Where subsection (2) does not apply, sections 126A to 127 apply in relation to the continuation of a scheme as they apply in relation to the making of a scheme, but with the modifications in subsection (4).
- (4) The modifications are—
  - (a) any reference to a proposal to make a scheme is to be read as a reference to a proposal for the continuation of a scheme,
  - (b) any reference to making a scheme is to be read as a reference to deciding that a scheme should continue in operation,
  - (c) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,
  - (d) any reference to any conditions set out in any paragraphs of section 124(1) or (as the case may be) of section 124(1A) being met is to be read as a reference to those conditions being met by the scheme as proposed to continue in operation (with any proposed modifications),
  - (e) any reference to section 125 or any provision of that section is to be read as a reference to that section or provision as it has effect by virtue of section 131A,
  - (f) the references in section 127(2)(b) and (9)(c) to the date or dates on which the scheme is, or provisions of the scheme are, to come into operation are to be read as references to the day decided by the authority or authorities by virtue of section 131A(9),
  - (g) section 127 has effect with the omission of subsection (2A) (scheme not to come into operation until 6 months after making),
 but further or different modifications, or exclusions, may also be made by regulations under section 133(3)(b).

*Status: Point in time view as at 09/02/2017.*

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- (5) If, acting on the basis that the proposal for the continuation of the scheme is an exempt continuation proposal, the authority or authorities decide that the scheme is to continue, they must—
- (a) publish in such manner as they think fit, and within the time allowed, a notice announcing their decision on the proposal,
  - (b) supply a copy of that notice to each of the persons mentioned in section 125(3) as it applies by virtue of section 131A in a case where the proposal is an exempt continuation proposal, and
  - (c) give notice of the decision in accordance with section 127(8) and (9).
- (6) For the purposes of subsection (5)(a), the time allowed is the period of 6 months following the date of publication of the consultation document required by section 125(1) as applied by section 131A.]

#### Textual Amendments

**F133** S. 131C inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 33, 134(4); S.I. 2009/3242, art. 2(1)(a)

#### [<sup>F134</sup>131D] Continuation of schemes for areas in Wales: procedure

- (1) This section has effect with respect to the continuation in operation under section 131A (or the proposed continuation in operation under that section) of a quality contracts scheme for an area in Wales (whether with or without modifications).
- (2) Subsections (2) and (3) to (9) of section 127 apply in relation to the continuation of the scheme as they apply in relation to the making of a scheme, but with the modifications in subsection (4).
- (3) Unless the proposal for the continuation of the scheme—
- (a) is an exempt continuation proposal, or
  - (b) in a case where the authority or authorities have decided that the scheme should continue, was such a proposal,
- subsections (1)(b) and (1B) of section 127 also apply in relation to the continuation of the scheme, and with the modifications in subsection (4).
- (4) The modifications are—
- (a) any reference to proposing to make a scheme is to be read as a reference to proposing the continuation of a scheme,
  - (b) any reference to making a scheme is to be read as a reference to deciding that a scheme should continue in operation,
  - (c) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,
  - (d) the references in section 127(2)(b) and (9)(c) to the date or dates on which the scheme is, or provisions of the scheme are, to come into operation are to be read as references to the day decided by the authority or authorities by virtue of section 131A(9),
- but further or different modifications, or exclusions, may also be made by regulations under section 133(3)(b).
- (5) Subsection (6) applies in any case where—

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- (a) an authority or authorities propose that a quality contracts scheme for an area in Wales should continue in operation (with or without modification) under section 131A, and
  - (b) the proposal is not an exempt continuation proposal.
- (6) In any such case, section 126 (approval by Welsh Ministers of proposed schemes for areas in Wales) applies in relation to a proposal for the continuation of a scheme as it applies in relation to a proposal to make a scheme, but with the modifications set out in subsection (7).
- (7) The modifications are—
- (a) any reference to a proposed scheme is to be read as a reference to a proposal for a scheme to continue in operation under section 131A;
  - (b) the reference in section 126(2)(a) to wishing to make a scheme is to be read as a reference to wishing that a scheme should continue in operation;
  - (c) any reference to any conditions set out in any paragraphs of section 124(1) being met is to be read as a reference to those conditions being met by the scheme as proposed to continue in operation (with any proposed modifications);
  - (d) any reference to section 125 or any provision of that section is to be read as a reference to that section or provision as it has effect by virtue of section 131A.
- (8) If, acting on the basis that the proposal for the continuation of the scheme is an exempt continuation proposal, the authority or authorities decide that the scheme is to continue, they must—
- (a) publish in such manner as they think fit, and within the time allowed, a notice announcing their decision on the proposal,
  - (b) supply a copy of that notice to each of the persons mentioned in section 125(3) as it applies by virtue of section 131A, and
  - (c) give notice of the decision in accordance with section 127(8) and (9).
- (9) For the purposes of subsection (8)(a), the time allowed is the period of 6 months following the date of publication of the consultation document required by section 125(1)(a) as it applies by virtue of section 131A.]

#### Textual Amendments

**F134** S. 131D inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\), ss. 34, 134\(4\)](#); [S.I. 2009/3242, art. 2\(1\)\(a\)](#)

#### [<sup>F135</sup>131E Appeals where proposed continuation considered exempt

- (1) This section applies where an authority or authorities who propose that a quality contracts scheme should continue in operation (with or without modifications) under section 131A—
- (a) decide that the proposal is an exempt continuation proposal, and
  - (b) acting on the basis of that decision, decide that the scheme should so continue in operation.
- (2) Any person falling within subsection (3) may appeal to the [<sup>F136</sup>Upper] Tribunal against—



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- (a) the decision of the authority or authorities that the proposal is an exempt continuation proposal, or
  - (b) the decision of the authority or authorities that the scheme is to continue in operation (with or without any modifications).
- (3) The persons are—
- (a) any person who was consulted under section 125(3) (as it applies by virtue of section 131A in a case where the proposal is an exempt proposal),
  - (b) any person who was not so consulted, but who, in the opinion of the [<sup>F137</sup>Upper] Tribunal, ought to have been so consulted.
- (4) An appeal under this section may be—
- (a) on a point of law, or
  - (b) on a question of fact.
- (5) On an appeal under this section the [<sup>F138</sup>Upper] Tribunal shall have power—
- (a) to make such order as they think fit, or
  - (b) to remit any matter (with or without directions) to the authority or authorities for their consideration or determination or for such other purposes as the Tribunal may direct.
- (6) The powers of the Tribunal on an appeal under this section include power to do any one or more of the following—
- (a) dismiss the appeal in whole or in part,
  - (b) remit the matter to the authority or authorities with one or more directions under subsection (7),
  - (c) direct the authority or authorities to vary the scheme, as it continues or is to continue in operation, in such manner as the Tribunal may specify in the direction (but see subsection (8)),
  - (d) quash the whole or any part of the decision of the authority or authorities (but see subsection (9)).
- (7) A direction under this subsection is a direction for the authority or authorities to do each of the following—
- (a) consider or reconsider such matters as may be specified in the direction,
  - (b) as respects those matters, consult or further consult the persons mentioned in section 125(3) as it applies by virtue of section 131A in a case where the proposal is an exempt continuation proposal,
  - (c) make such variations of the scheme, as it continues or is to continue in operation, as may in consequence appear appropriate to the authority or authorities.
- (8) The Tribunal may give a direction under this section to vary a scheme by reducing the area to which it relates only if they are of the opinion that the conditions in section 132(3) are met.
- (9) The power of the Tribunal under this section to quash a decision of an authority or authorities that a scheme should continue in operation under section 131A is exercisable only if the Tribunal are of the opinion that there are defects in the scheme which are not capable of being remedied by varying the scheme under or by virtue of subsection (6)(b) or (c).

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- (10) If, on an appeal under paragraph (a) or (b) of subsection (2), the Tribunal decide that the proposal for the scheme to continue in operation was not an exempt continuation proposal—
- (a) they must allow the appeal to that extent,
  - (b) they must remit the matter to the authority or authorities, with or without directions, and
  - (c) subsections (11) to (14) have effect.
- (11) The directions that the Tribunal may give under this section include—
- (a) directions to take any action specified in the directions for the purpose of remedying any failure to comply with requirements of this Part that have effect where a proposal for continuation under section 131A is not an exempt continuation proposal,
  - (b) directions to make variations specified in the directions for the purpose of securing that the condition in paragraph (a) or (b) of subsection (1) of section 131B (meaning of “exempt continuation proposal”) is met in the case of the scheme,
  - (c) directions authorising the scheme to continue in operation temporarily, with or without variations, for a period specified or described in the directions, but subject to compliance with conditions as to the time within which any particular action specified in directions under this section is to be taken.
- (12) Where the Tribunal give directions falling within subsection (11), they may also make provision in the order dispensing with the need to comply with such procedural requirements imposed by or under this Part as they may specify in the order.
- (13) If the scheme or proposed scheme relates to an area in Wales, the Tribunal may not make any order which has the effect of—
- (a) giving approval under section 126 as it applies by virtue of section 131D, or
  - (b) dispensing with the need for any such approval,
- but this is without prejudice to the temporary provision that may be made in directions falling within subsection (11)(c).
- (14) The appropriate national authority may make regulations with respect to the procedure to be followed in relation to a scheme in cases where the Tribunal decide that the proposal for continuation under section 131A was not an exempt continuation proposal.]

#### Textual Amendments

**F135** S. 131E inserted ( 26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), ss. **35**, 134(1)(c)(4); S.I. 2009/3242, art. 2(1)(a)

**F136** Word in s. 131E(2) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(c)**

**F137** Word in s. 131E(3)(b) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(c)**

**F138** Word in s. 131E(5) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(c)**

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#### **Modifications etc. (not altering text)**

**C21** S. 131E: transfer of functions (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), arts. 1, **2(2)(c)** (with Sch. 2)

### **[<sup>F139</sup>131F] Appeals where proposed continuation considered non-exempt**

- (1) This section applies where an authority or authorities—
  - (a) propose that a quality contracts scheme for an area in England should continue in operation (with or without modifications) under section 131A,
  - (b) decide that the proposal is not an exempt continuation proposal, and
  - (c) acting on the basis of that decision, decide that the scheme should so continue in operation.
- (2) Any person falling within subsection (3) may appeal to the [<sup>F140</sup>Upper] Tribunal against the decision of the authority or authorities that the scheme should continue in operation.
- (3) The persons are—
  - (a) any person who was consulted under section 125(3) (as it applies by virtue of section 131A in a case where the proposal is not an exempt continuation proposal),
  - (b) any person who was not so consulted, but who, in the opinion of the QCS board under section 126D(1)(b), ought to have been so consulted.
- (4) Sections 127A(4) to (7) and 127B apply in relation to an appeal under subsection (2) as they apply in relation to an appeal under subsection (2) of section 127A, but with—
  - (a) the modifications in subsection (5), and
  - (b) such further or different modifications or exclusions as may be prescribed under section 133.
- (5) The modifications are—
  - (a) any reference to the scheme is to be read as a reference to the scheme as it continues in operation,
  - (b) any reference to the scheme as made is to be read as a reference to the scheme as it continues in operation,
  - (c) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,
  - (d) any reference to any conditions set out in any paragraphs of section 124(1) or (as the case may be) of section 124(1A) being met is to be read as a reference to those conditions being met by the scheme as proposed to continue in operation (with any proposed modifications),
  - (e) any reference to section 125 or any provision of that section is to be read as a reference to that section or provision as it applies by virtue of section 131A in a case where the proposal is not an exempt continuation proposal.]

#### **Textual Amendments**

**F139** S. 131F inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 36**, 134(4); S.I. 2009/3242, art. 2(1)(a)

**F140** Word in s. 131F(2) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(d)**

*Status: Point in time view as at 09/02/2017.*

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**Modifications etc. (not altering text)**

**C22** S. 131F: transfer of functions (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), arts. 1, 2(2)(d) (with Sch. 2)

**132 Variation or revocation of scheme.**

- (1) The authority or authorities who made the scheme (other than any to whose area the scheme no longer relates) may vary it by—
  - (a) increasing the area to which it relates (to no greater than the whole of their area or combined area) or adding to the description of local services which are to be provided under quality contracts,
  - (b) reducing that area or reducing the description of services, or
  - (c) providing for new exclusions from the scheme or for the variation or revocation of existing exclusions.
- (2) The scheme may not be varied under subsection (1)(a) unless the conditions set out in <sup>[F141]</sup><sup>[F142]</sup>subsection (1)(a) to (e)] of section 124 or those set out in subsection (1A)(a) to (d) of that section] are met with respect to the scheme as varied.
- (3) The scheme may not be varied under subsection (1)(b) unless <sup>[F143]</sup>the relevant conditions] —
  - (a) are no longer met with respect to it, but
  - (b) are met with respect to the scheme as varied.
- (4) The authority or authorities who made the scheme (other than any to whose area the scheme no longer relates) may revoke the scheme—
  - (a) if <sup>[F144]</sup>the relevant conditions] are no longer met with respect to it,
  - <sup>[F145]</sup>(aa) if they consider that those conditions would no longer be met with respect to it if they were to act in accordance with a direction given by the <sup>[F146]</sup>Upper] Tribunal under this Part, or]
  - (b) if they and one or more other authorities make a quality contracts scheme covering the whole or part of the area to which it relates.
- <sup>[F147]</sup>(4A) In subsections (3) and (4) “the relevant conditions” means—
  - (a) in the case of a scheme made under section 124(1) and not subsequently <sup>[F148]</sup>continued in operation under section 131A or] varied under subsection (1) (a) of this section, the conditions set out in section <sup>[F149]</sup>124(1)(a) to (e)];
  - (b) in the case of a scheme made under section 124(1A) and not subsequently <sup>[F150]</sup>continued in operation under section 131A or] varied under subsection (1) (a) of this section, the conditions set out in section 124(1A)(a) to (d); and
  - (c) in the case of a scheme that has been <sup>[F151]</sup>continued in operation under section 131A or] varied under subsection (1)(a) of this section, the conditions by reference to which it was last so <sup>[F152]</sup>continued in operation or] varied.]
- <sup>[F153]</sup>(5) The variation or revocation of a scheme under subsection (1) or (4) is subject to the provisions of—
  - (a) subsection (6) (revocation: areas in England),
  - (b) subsection (7) (non-exempt variation: areas in England),
  - (c) subsection (8) (exempt variation: areas in England), or
  - (d) subsection (9) (areas in Wales),

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except to the extent that section 132B (exemption for specific variations directed by [F154Upper] Tribunal on appeal) otherwise provides.]

[F153(6) The revocation of a scheme for an area in England is subject to the following requirements—

- (a) before deciding to revoke the scheme, the authority or authorities must consult the persons mentioned in section 125(3) and [F155a traffic commissioner],
- (b) as soon as reasonably practicable after deciding to revoke the scheme, the authority or authorities must give notice of the decision to [F155a traffic commissioner] and must publish the notice in at least one newspaper circulating in the area to which the scheme relates,
- (c) the notice must state that the decision has been taken and specify the date on which the revocation is to take effect,

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

F156 ...

[F153(7) The non-exempt variation of a scheme for an area in England is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified or excluded by regulations made by the Secretary of State under section 133.]

[F153(8) The exempt variation of a scheme for an area in England is subject to the same procedure as the making of a scheme, except to the extent that that procedure is modified or excluded by regulations made by the Secretary of State under section 133, but for the purposes of this subsection—

- (a) sections 124(2)(c) and (2A), 126A to 126E and 127(1)(a) and (1A) (the QCS board provisions) do not apply;
- (b) there is no requirement to give notice to the senior traffic commissioner under section 125(1)(d);
- (c) the authority or authorities must consult [F157a traffic commissioner];
- (d) sections 127A and 127B (appeals to the [F158Upper] Tribunal) do not apply;
- (e) section 132A (appeals where proposed variation considered exempt) has effect in those cases for which it makes provision.]

[F153(9) The variation or revocation of a scheme for an area in Wales—

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

[F153(10) Section 130 (tendering) applies to a varied scheme (whether or not the variation is an exempt variation) but subject to regulations made by the appropriate national authority under section 133(3).]

[F153(11) A variation of a scheme is an exempt variation for the purposes of this section if the variation is—

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

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

[<sup>F159</sup>(12)] The appropriate national authority may by regulations provide that in prescribed circumstances quality contracts schemes may be revoked by that authority before coming into operation.

#### Textual Amendments

- F141** Words in s. 132(2) substituted (1.12.2006) by Railways Act 2005 (c. 14), **ss. 39(4)(a)**, 60(2); S.I. 2006/2911, art. 2, Sch.
- F142** Words in s. 132(2) substituted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(2)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F143** Words in s. 132(3) substituted (1.12.2006) by Railways Act 2005 (c. 14), **ss. 39(4)(b)**, 60(2); S.I. 2006/2911, art. 2, Sch.
- F144** Words in s. 132(4) substituted (1.12.2006) by Railways Act 2005 (c. 14), **ss. 39(4)(b)**, 60(2); S.I. 2006/2911, art. 2, Sch.
- F145** S. 132(4)(aa) substituted for word in s. 132(4)(a) (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(3)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F146** Word in s. 132(4)(aa) substituted (27.1.2015) by The Transfer of Tribunal Functions (Transport Tribunal) Order 2015 (S.I. 2015/65), art. 1, **Sch. 1 para. 5(e)**
- F147** S. 132(4A) inserted (1.12.2006) by Railways Act 2005 (c. 14), **s. 39(4)(c)(5)**, 60(2); S.I. 2006/2911, art. 2, Sch.
- F148** Words in s. 132(4A)(a) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(4)(a)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F149** Words in s. 132(4A)(a) substituted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(4)(b)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F150** Words in s. 132(4A)(b) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(4)(c)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F151** Words in s. 132(4A)(c) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(4)(d)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F152** Words in s. 132(4A)(c) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(4)(e)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F153** S. 132(5)-(11) substituted for s. 132(5) (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(5)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F154** Word in s. 132(5) substituted (27.1.2015) by The Transfer of Tribunal Functions (Transport Tribunal) Order 2015 (S.I. 2015/65), art. 1, **Sch. 1 para. 5(e)**
- F155** Words in s. 132(6)(a)(b) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F156** Words in s. 132(6) omitted (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F157** Words in s. 132(8)(c) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F158** Word in s. 132(8)(d) substituted (27.1.2015) by The Transfer of Tribunal Functions (Transport Tribunal) Order 2015 (S.I. 2015/65), art. 1, **Sch. 1 para. 5(e)**
- F159** S. 132(12): s. 132(6) renumbered as s. 132(12) (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 37(6)**, 134(4); S.I. 2009/3242, art. 2(1)(a)

#### Modifications etc. (not altering text)

- C23** S. 132: transfer of functions (27.1.2015) by The Transfer of Tribunal Functions (Transport Tribunal) Order 2015 (S.I. 2015/65), arts. 1, **2(2)(e)** (with Sch. 2)

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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

**I22** S. 132 partly in force; s. 132 not in force at Royal Assent see s. 275(1)(2); s. 132(6) wholly in force and s. 132(1)-(5) in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 paras. 2, 3](#); s. 132 in force (E.) at 26.10.2001 by [S.I. 2001/3342, art. 2, Sch.](#)

#### [<sup>F160</sup>132A] Appeals where proposed variation considered exempt

- (1) This section applies where an authority or authorities who propose to vary a quality contracts scheme under section 132—
  - (a) decide that the proposal is an exempt variation for the purposes of that section, and
  - (b) acting on the basis of that decision, decide to vary the scheme under that section.
- (2) Any person falling within subsection (3) may appeal to the [<sup>F161</sup>Upper] Tribunal against—
  - (a) the decision of the authority or authorities that the variation is an exempt variation for the purposes of section 132, or
  - (b) the decision of the authority or authorities as to the variation of the scheme under that section.
- (3) The persons are—
  - (a) any person who was consulted under section 125(3) (as it applies by virtue of subsection (8) or, as the case may be, (9)(b) of section 132 in a case where the variation is an exempt variation for the purposes of section 132),
  - (b) any person who was not so consulted, but who, in the opinion of the [<sup>F162</sup>Upper] Tribunal, ought to have been so consulted.
- (4) An appeal under this section may be—
  - (a) on a point of law, or
  - (b) on a question of fact.
- (5) On an appeal under this section the [<sup>F163</sup>Upper] Tribunal shall have power—
  - (a) to make such order as they think fit, or
  - (b) to remit any matter (with or without directions) to the authority or authorities for their consideration or determination or for such other purposes as the Tribunal may direct.
- (6) The powers of the Tribunal on an appeal under this section include power to do any one or more of the following—
  - (a) dismiss the appeal in whole or in part,
  - (b) remit the matter to the authority or authorities with one or more directions under subsection (7),
  - (c) direct the authority or authorities to vary the scheme, to the extent of the variation made by the authority or authorities, in such manner as the Tribunal may specify in the direction (but see subsection (8)),
  - (d) quash the whole or any part of the decision of the authority or authorities.
- (7) A direction under this subsection is a direction for the authority or authorities to do each of the following—
  - (a) consider or reconsider such matters as may be specified in the direction,

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

#### Textual Amendments

**F160** S. 132A inserted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 38**, 134(1)(c)(4); [S.I. 2009/3242](#), art. 2(1)(a)

**F161** Word in s. 132A(2) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(f)**

**F162** Word in s. 132A(3)(b) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(f)**



*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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)*

**F163** Word in s. 132A(5) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(f)**

**Modifications etc. (not altering text)**

**C24** S. 132A: transfer of functions (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), arts. 1, **2(2)(f)** (with Sch. 2)

**[<sup>F164</sup>132B] Exemption from s.132 for specific variations directed by Tribunal**

- (1) This section applies in relation to any of the following appeals—
- (a) an appeal under section 127A against a decision to make a scheme,
  - (b) an appeal under section 131E(2)(a) against a decision that a proposal was an exempt continuation proposal,
  - (c) an appeal under section 131E(2)(b) against a decision that a scheme should continue in operation,
  - (d) an appeal under section 131F(2) against a decision that a scheme should continue in operation,
  - (e) an appeal by virtue of section 132 against a decision to vary a scheme,
  - (f) an appeal under section 132A(2)(a) against a decision that a variation was an exempt variation for the purposes of section 132,
  - (g) an appeal under section 132A(2)(b) against a decision as to the variation of a scheme under section 132.
- (2) Where—
- (a) any such appeal is made to the [<sup>F165</sup>Upper] Tribunal, and
  - (b) on that appeal, the Tribunal direct the authority or authorities to vary the scheme in the manner specified by the Tribunal in the direction,
- nothing in section 132(5) to (9) (procedure for variation of scheme) applies in relation to the varying of the scheme in the manner specified in the direction, unless the Tribunal otherwise direct.
- (3) Subsection (2) is without prejudice to any right of appeal against the decision of the [<sup>F166</sup>Upper] Tribunal.]

**Textual Amendments**

**F164** S. 132B inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 39**, 134(4); S.I. 2009/3242, art. 2(1)(a)

**F165** Word in s. 132B(2)(a) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(g)**

**F166** Word in s. 132B(3) substituted (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), art. 1, **Sch. 1 para. 5(g)**

**Modifications etc. (not altering text)**

**C25** S. 132B: transfer of functions (27.1.2015) by [The Transfer of Tribunal Functions \(Transport Tribunal\) Order 2015 \(S.I. 2015/65\)](#), arts. 1, **2(2)(g)** (with Sch. 2)

*Status: Point in time view as at 09/02/2017.*

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## [<sup>F167</sup>132] **Power of authorities to provide services in exceptional circumstances**

- (1) This section applies where a person who has agreed to provide a service (“the old service”) in accordance with a quality contract ceases to do so before the end of the period for which the contract was intended to have effect.
- (2) The authority, or any one of the authorities, who entered into the quality contract may, in accordance with subsections (4) to (8) and section 132D, provide a local service (an “interim service”) in place of the old service or any part of it.
- (3) Subsection (2) has effect notwithstanding any prohibition, restriction or limitation contained in any other enactment on the power of the authority to provide local services.
- (4) An authority who provide an interim service of any description must hold a PSV operator’s licence to which no condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licence) prohibiting the authority from using vehicles under the licence to provide services of that description.
- (5) Subsection (6) applies if—
  - (a) an authority provide an interim service in place of an old service or any part of an old service, and
  - (b) the authority or authorities who entered into the quality contract for the provision of the old service propose to enter into a quality contract for the provision of a replacement service in place of that service or (as the case may be) that part.
- (6) The authority, or the authorities acting jointly, must invite tenders (in accordance with section 130) for the provision of the replacement service—
  - (a) as soon as reasonably practicable after the authority providing the interim service begin to do so, and
  - (b) in any event no later than three months after the date on which provision of the old service ceased.
- (7) But subsection (6) does not apply if the authority, or the authorities acting jointly, decide to secure the provision of the replacement service under section 131 (circumstances in which quality contracts may be entered into without inviting tenders).
- (8) The particulars of an interim service, or of a replacement service, need not be identical to the particulars of the old service, or that part of the old service, which it replaces.
- (9) In this section—
  - “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
  - “interim service” has the meaning given by subsection (2);
  - “the old service” has the meaning given by subsection (1);
  - “replacement service” means a local service provided under a quality contract in place of an old service or any part of an old service.]

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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)*

### Textual Amendments

**F167** Ss. 132C, 132D inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 40(1)**, 134(4); S.I. 2009/3242, art. 2(1)(a)

### [<sup>F167</sup>132D] **Period for which interim service may be provided**

- (1) This section applies for the purpose of determining the period for which an authority may provide an interim service which is provided in place of—
  - (a) an old service (“the relevant service”), or
  - (b) part of an old service (“the relevant part”).
- (2) If the authority do not, within the period of three months beginning with the date on which provision of the relevant service ceased,—
  - (a) enter into a quality contract to provide a replacement service in place of the relevant service or (as the case may be) the relevant part, or
  - (b) issue an invitation to tender in pursuance of section 132C(6),the authority must not provide the interim service after the end of that period.
- (3) If the authority enter into a quality contract to provide such a replacement service within the period mentioned in subsection (2), the authority must not provide the interim service after the earlier of the following dates—
  - (a) the date on which the replacement service is first provided;
  - (b) the date falling nine months after the date on which the interim service is first provided.
- (4) If the authority issue invitations to tender in pursuance of section 132C(6) within the period mentioned in subsection (2) (but do not enter into a quality contract to provide such a replacement service within that period), the authority must not provide the interim service after the earlier of the following dates—
  - (a) the date on which a replacement service is first provided in place of the relevant service or (as the case may be) the relevant part;
  - (b) the date determined in accordance with subsection (5).
- (5) The date is the later of—
  - (a) the date falling nine months after the date on which the interim service is first provided;
  - (b) such date, not later than three months after the date mentioned in paragraph (a), as may be determined by [<sup>F168</sup>a traffic commissioner] on the application of the authority.
- (6) [<sup>F169</sup>A traffic commissioner] may determine a date under subsection (5)(b) only if satisfied that there is a realistic prospect that, if the determination is made, a replacement service will be provided in place of the relevant service or (as the case may be) the relevant part on or before that date.
- [<sup>F170</sup>(7) Any application to a traffic commissioner under paragraph (b) of subsection (5) must be made at least one month before the date mentioned in paragraph (a) of that subsection.]
- (8) The authority must not make more than one application under subsection (5)(b) in respect of any interim service.

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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)*

(9) In this section—

“interim service” and “replacement service” have the meaning given in section 132C;

“the relevant service” and “the relevant part” have the meaning given in subsection (1);

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

#### Textual Amendments

**F167** Ss. 132C, 132D inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 40(1)**, 134(4); S.I. 2009/3242, **art. 2(1)(a)**

**F168** Words in s. 132D(5)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), **art. 1(1)**, **Sch. 3** (with **art. 7**)

**F169** Words in s. 132D(6) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), **art. 1(1)**, **Sch. 3** (with **art. 7**)

**F170** S. 132D(7) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), **art. 1(1)**, **Sch. 3** (with **art. 7**)

### 133 Regulations about schemes.

(1) The appropriate national authority may by regulations make further provision with respect to—

(a) the procedure to be followed when making, [<sup>F171</sup>continuing,] varying or revoking quality contracts schemes,

(b) the approval of schemes [<sup>F172</sup>for areas in Wales],

[<sup>F173</sup>(bb) the procedure to be followed by local transport authorities for areas in England when discharging functions that relate to a QCS board,]

[<sup>F173</sup>(bc) the procedure to be followed by QCS boards when discharging functions relating to proposed schemes for areas in England,]

(c) the local services or classes of local services which are to be, or may be, excluded from schemes,

(d) the conditions which must be, or may be, attached to such exclusions, and

(e) such other incidental matters in connection with quality contracts schemes as the appropriate national authority thinks fit.

(2) The regulations may in particular make provision with respect to—

(a) giving notice of proposed schemes or proposed [<sup>F174</sup>continuations,] variations or revocation of schemes,

(b) objections to such proposals,

(c) the holding of inquiries or hearings into objections,

(d) modifications of such proposals,

(e) the form and manner of applications for approval of such proposals [<sup>F175</sup>for areas in Wales],

[<sup>F176</sup>(ee) the procedure for determining such applications,]

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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)*

- [<sup>F176</sup>(ef) the form and manner of requests under section 126C(4) relating to proposed schemes for areas in England,]
  - [<sup>F176</sup>(eg) the form and manner in which copies of proposed schemes for such areas are to be sent to a QCS board under section 126C(5),]
  - [<sup>F176</sup>(eh) the giving of notice, and the preparation and publication of reports, by QCS boards under section 126D(5),]
  - [<sup>F176</sup>(ei) the form and manner of responses by local transport authorities to such reports,]
    - (f) the form of schemes [<sup>F177</sup>, continuations] or variations, and
    - (g) giving notice of schemes which have been made or of the [<sup>F178</sup>continuation,] variation or revocation of schemes.
- [<sup>F179</sup>(3) The appropriate national authority may also make regulations modifying or excluding the application of provisions of this Part, so far as relating to quality contracts schemes, in cases where a local transport authority, or two or more local transport authorities acting jointly, do any of the following—
- (a) by virtue of section 126C(6), send to a QCS board a further request under section 126C(4) and modified proposals under section 126C(5),
  - (b) propose or decide that a scheme should continue in operation (with or without modification) under section 131A,
  - (c) propose or decide to vary or revoke a scheme under section 132.
- (4) Regulations made by virtue of subsection (3) must not exclude any requirement for the authority or authorities—
- (a) under section 126, to obtain the approval of the Welsh Ministers,
  - (b) under section 127(1A), to publish their response to the report of the QCS board.]

#### Textual Amendments

- F171** Word in s. 133(1)(a) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(2)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F172** Words in s. 133(1)(b) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(3)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F173** S. 133(1)(bb)(bc) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(4)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F174** Word in s. 133(2)(a) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(5)(a)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F175** Words in s. 133(2)(e) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(5)(b)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F176** S. 133(2)(ee)-(ei) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(5)(c)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F177** Word in s. 133(2)(f) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(5)(d)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F178** Word in s. 133(2)(g) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(5)(e)**, 134(4); [S.I. 2009/3242](#), art. 2(1)(a)
- F179** S. 133(3)(4) inserted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 41(6)**, 134(1)(c)(4); [S.I. 2009/3242](#), art. 2(1)(a)

*Status: Point in time view as at 09/02/2017.*

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### Commencement Information

**I23** S. 133 wholly in force at 26.10.2001; s. 133 not in force at Royal Assent see s. 275(1)(2); s. 133 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; s. 133 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, **Sch.**

## 134 Transitional provision about schemes.

- (1) The appropriate national authority may by regulations make such transitional provision as it considers appropriate in connection with—
- (a) the coming into operation of quality contracts schemes [<sup>F180</sup>or of provisions of such schemes],
  - (b) the [<sup>F181</sup>continuation in operation or] variation of such schemes, and
  - (c) the ending of such schemes (whether or not as a result of their revocation).
- (2) The regulations may in particular provide that in prescribed circumstances—
- (a) any provision of sections 6 to 9 of the <sup>M8</sup>Transport Act 1985 (registration of local services)[<sup>F182</sup>, or of sections 89 to 92 of that Act (obligation to invite tenders etc).] which would otherwise have effect is not to have effect or is to have effect with such modifications as may be prescribed, or
  - (b) any such provision which would not otherwise have effect is to have effect or is to have effect with such modifications as may be prescribed,
- in relation to the whole or any part of the area to which the scheme relates.
- [<sup>F183</sup>(3) Any regulations made by virtue of paragraph (a) of subsection (1) are not to have effect in the case of any quality contracts scheme as respects any time before the making of the scheme.]

### Textual Amendments

- F180** Words in s. 134(1)(a) inserted (11.1.2010 for E.) by **Local Transport Act 2008 (c. 26), ss. 42(2), 134(4); S.I. 2009/3242, art. 2(1)(a)**
- F181** Words in s. 134(1)(b) inserted (11.1.2010 for E.) by **Local Transport Act 2008 (c. 26), ss. 42(3), 134(4); S.I. 2009/3242, art. 2(1)(a)**
- F182** Words in s. 134(2)(a) inserted (11.1.2010 for E.) by **Local Transport Act 2008 (c. 26), ss. 42(4), 134(4); S.I. 2009/3242, art. 2(1)(a)**
- F183** S. 134(3) inserted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by **Local Transport Act 2008 (c. 26), ss. 42(5), 134(1)(c)(4); S.I. 2009/3242, art. 2(1)(a)**

### Commencement Information

**I24** S. 134 wholly in force at 26.10.2001; s. 134 not in force at Royal Assent see s. 275(1)(2); s. 134 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; s. 134 in force (E.) at 26.10.2001 by S.I. 2001/3342, art. 2, **Sch.**

### Marginal Citations

**M8** 1985 c. 67.

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## [<sup>F184</sup>134A] **Guidance about schemes**

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

### **Textual Amendments**

**F184** S. 134A inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 43, 134(4); S.I. 2009/3242, art. 2(1)(a)

## [<sup>F185</sup>134B] **Quality contracts: application of TUPE**

- (1) Subsection (3) applies to a situation in which—
  - (a) on the coming into force of a quality contract, local services cease to be provided by a person (the “former operator”) in the area to which the relevant quality contracts scheme, or (in the case of a scheme which provides for different provisions to come into operation on different dates) the relevant provision of the scheme, relates, in accordance with section 129(1)(b), and
  - (b) at the same time, a person (the “new operator”) begins to provide local services in that area under that quality contract.
- (2) Subsection (3) also applies to a situation in which—
  - (a) local services which, on the coming into force of a quality contract, a person (the “former operator”) would be required by virtue of section 129(1)(b) to cease providing in the area mentioned in subsection (1)(a) of this section, cease to be provided by the former operator before the coming into force of that quality contract, and
  - (b) at the same time, a person (the “new operator”) begins to provide local services in that area under an agreement which the authority or authorities who made the relevant quality contracts scheme entered into by reason of the cessation of the local services referred to in paragraph (a).
- (3) Any situation to which this subsection applies is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) (whether or not TUPE would apply apart from this subsection).
- (4) For the purposes of TUPE, the organised grouping of employees that is subject to the relevant transfer consists of those employees of the former operator whose employment is principally connected with the provision of the local services referred to in subsection (1)(a) or (as the case may be) the local services referred to in subsection (2)(a).
- (5) Any situation which by virtue of this section is treated as a relevant transfer for the purposes of TUPE is also to be treated as a relevant transfer within the meaning of TUPE for the purposes of sections 257 and 258 of the Pensions Act 2004 and any regulations made under section 258 of that Act.
- (6) The Secretary of State may make regulations supplementing the provision made by this section.
- (7) The provision that may be made by regulations under subsection (6) includes—

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



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(ii) under provision made by regulations, count as being broadly comparable to, or better than, those rights.

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

“transferring original employee” means a transferring employee—

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

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

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

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

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

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

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

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

#### Textual Amendments

**F185** S. 134B inserted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 44\(1\)](#), [134\(1\)\(c\)\(4\)](#); [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)

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*Bus services: ticketing schemes*

**135 Joint and through ticketing schemes.**

- (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, or combined area, if they consider that the proposed scheme—
  - (a) would be in the interests of the public, and
  - [<sup>F186</sup>(b) would contribute to the implementation of their local transport policies.]
- (2) A ticketing scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 136.
- (3) A ticketing scheme is a scheme under which operators of local services of a class specified in it are required to make and implement arrangements under which persons may purchase, in a single transaction, a ticket (or tickets) of any of the descriptions which may be covered by a ticketing scheme and to which the scheme applies.
- (4) The descriptions of tickets which may be covered by a ticketing scheme are—
  - (a) tickets entitling the holder to make more than one journey on particular local services or on local services of a class specified in the scheme (whether or not operated by the same person),
  - (b) tickets entitling the holder to make a particular journey on two or more local services (whether or not operated by the same person),
  - (c) where a particular journey could be made on local services provided by any of two or more operators, tickets entitling the holder to make the journey on whichever service the holder chooses, and
  - (d) tickets entitling the holder to make a journey, or more than one journey, involving both travel on one or more local services and travel by one or more connecting rail or tram services.
- (5) A connecting rail or tram service, in relation to a ticketing scheme, is a service for the carriage of passengers by railway or by tramway (or by both) which runs between—
  - (a) a station or stopping place at or in the vicinity of which local services stop and which serves any part of the area to which the ticketing scheme relates, and
  - (b) any other place.
- (6) Different arrangements may be specified in a ticketing scheme for different cases.
- (7) In carrying out their functions under this Part in relation to ticketing schemes, local transport authorities must co-operate with one another.
- (8) In considering whether to make a ticketing scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority.

**Textual Amendments**

**F186** S. 135(1)(b) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 1 para. 3\(2\)](#); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#); S.I. 2009/579, art. 2(a)

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#### **Modifications etc. (not altering text)**

**C26** S. 135 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), art. 1, [Sch. 2 para. 7](#) (with art. 7(4))

#### **Commencement Information**

**I25** S. 135 wholly in force at 1.8.2001; s. 135 not in force at Royal Assent see s. 275(1)(2); s. 135 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 135 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 4](#)

### **136 Notice and consultation requirements.**

- (1) If an authority or authorities propose to make a ticketing scheme, they must give notice of the proposed scheme in at least one newspaper circulating in the area to which it relates.
- (2) The notice must specify the date on which the scheme is proposed to come into operation.
- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
  - (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
  - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit, and
  - <sup>[F187]</sup>(c) a traffic commissioner.]

#### **Textual Amendments**

**F187** S. 136(3)(c) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 3](#) (with art. 7)

#### **Commencement Information**

**I26** S. 136 wholly in force at 1.8.2001; s. 136 not in force at Royal Assent see s. 275(1)(2); s. 136 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 136 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 4](#)

### **137 Making of scheme.**

- (1) If the authority or authorities decide that it is appropriate to make the scheme, they may make it as proposed or with modifications.
- (2) If the scheme applies to tickets within section 135(4)(d), it may only be made with the agreement of the operators of the connecting rail or tram services concerned.
- (3) The scheme must specify the date on which it is to come into operation, which must not be earlier than three months after the date on which it is made.
- (4) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice of it—
  - (a) in at least one newspaper circulating in the area to which it relates,
  - <sup>[F188]</sup>(b) to a traffic commissioner.]

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- (c) to all operators of local services or services for the carriage of passengers by railway or by tramway (or by both) who would, in the opinion of the authority or authorities, be affected by it,
  - (d) to the <sup>F189</sup>Secretary of State] if it applies to tickets within section 135(4)(d), and
  - (e) in such other manner, or to such other persons or class of person, (if any) as the appropriate national authority may prescribe by regulations.
- (5) The notice must set out the terms of the scheme and the date on which it is to come into operation.
- (6) The authority or authorities may vary or revoke the scheme; and the variation or revocation is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified by regulations made by the appropriate national authority.

#### Textual Amendments

**F188** S. 137(4)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 3](#) (with art. 7)

**F189** Words in s. 137(4)(d) substituted (24.7.2005) by [Railways Act 2005 \(c. 14\)](#), s. 60(2), [Sch. 12 para. 17\(2\)](#); S.I. 2005/1909, art. 2, [Sch.](#)

#### Commencement Information

**I27** S. 137 wholly in force at 1.8.2001; s. 137 not in force at Royal Assent see s. 275(1)(2); s. 137 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 137 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 4](#)

### 138 Effect of scheme.

During any period in which a ticketing scheme is in operation, operators of local services to which the scheme relates must make and implement the arrangements required by the scheme.

#### Commencement Information

**I28** S. 138 wholly in force at 1.8.2001; s. 138 not in force at Royal Assent see s. 275(1)(2); s. 138 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 138 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 4](#)

### *Bus services: provision of information*

### 139 Information about bus services.

- (1) Each local transport authority must from time to time determine, having regard to their <sup>F190</sup>local transport policies] —
- (a) what local bus information should be made available to the public (“the required information”), and
  - (b) the way in which it should be made available (“the appropriate way”).

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- (2) Before making such a determination, the authority must consult—
  - (a) such organisations appearing to the authority to be representative of users of local services as they think fit, and
  - [<sup>F191</sup>(b) a traffic commissioner.]
- (3) Each authority must from time to time ascertain whether the required information is being made available to the public in the appropriate way.
- (4) Subsection (5) applies if an authority consider that—
  - (a) the required information is not being made available to the public to any extent, or
  - (b) that information is not being made available to the public in the appropriate way.
- (5) If this subsection applies, the authority must seek to make arrangements with the operators of the local services concerned under which those operators agree to make the information available (or to make it available in that way).
- (6) In this section “local bus information”, in relation to a local transport authority, means—
  - (a) information about routes and timetabling of local services to, from and within the authority’s area,
  - (b) information about fares for journeys on such local services, and
  - (c) such other information about facilities for disabled persons, travel concessions, connections with other public passenger transport services or other matters of value to the public as the authority consider appropriate in relation to their area.

#### Textual Amendments

**F190** Words in s. 139(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 1 para. 4\(2\)](#); [S.I. 2009/107](#), art. 2(2), [Sch. 2 Pt. 1](#); [S.I. 2009/579](#), art. 2(a)

**F191** S. 139(2)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 3](#) (with art. 7)

#### Modifications etc. (not altering text)

**C27** S. 139 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), art. 1, [Sch. 2 para. 8](#) (with art. 7(4))

#### Commencement Information

**I29** S. 139 wholly in force at 1.8.2001; s. 139 not in force at Royal Assent see s. 275(1)(2); s. 139 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 139 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 4](#)

### 140 Duty of authority to make information available.

- (1) If the authority are unable to make satisfactory arrangements with one or more of those operators, they—
  - (a) must make available, or secure that there is made available, in the appropriate way such of the required information as is not being made available or is not

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- being made available in that way (whether by virtue of arrangements made under section 139(5) or otherwise), and
- (b) may recover from that operator or those operators the reasonable costs incurred by them in doing so as a civil debt due to them.
- (2) In determining for the purposes of subsection (1)(b) what is reasonable in relation to a particular operator, the authority must have regard to—
- (a) the amount of information which has to be made available, and
- (b) the way in which that information has to be made available, in respect of the local services provided by that operator.
- (3) If the authority require an operator to provide information to them or to another person in order to perform their duty under subsection (1)(a), the operator must provide the information at such times and in such manner as is specified by the authority.
- (4) The authority must give notice of any requirement imposed under subsection (3) to <sup>F192</sup>a traffic commissioner].

#### Textual Amendments

**F192** Words in s. 140(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)

#### Commencement Information

**I30** S. 140 wholly in force at 1.8.2001; s. 140 not in force at Royal Assent see s. 275(1)(2); s. 140 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), **Sch. 3 Pt. I** (subject to the savings in [Sch. 3 Pt. II](#)); s. 140 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 4**

### 141 Bus information: supplementary.

- (1) In considering how they should carry out their functions under sections 139 and 140, a local transport authority must have regard to a combination of economy, efficiency and effectiveness.
- (2) In carrying out those functions, local transport authorities—
- (a) must not act in such a way as to discriminate (whether directly or indirectly) against any operator, or class of operator, of local services, and
- (b) must co-operate with one another.
- (3) A local transport authority must have regard to the desirability, in appropriate cases, of carrying out those functions jointly with another authority (whether as respects the whole or any part of their combined area).

#### Commencement Information

**I31** S. 141 wholly in force at 1.8.2001; s. 141 not in force at Royal Assent see s. 275(1)(2); s. 141 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), **Sch. 3 Pt. I** (subject to the savings in [Sch. 3 Pt. II](#)); s. 141 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 4**

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*Bus services: miscellaneous*

**142 Traffic regulation conditions to reduce or limit pollution.**

In section 7 of the <sup>M9</sup>Transport Act 1985 (traffic regulation conditions to be met in provision of local services subject to registration), in subsection (4) (reasons for which conditions may be determined), insert at the end “; or

(c) reduce or limit noise or air pollution.”

**Commencement Information**

**I32** S. 142 wholly in force at 1.8.2001; s. 142 not in force at Royal Assent see s. 275(1)(2); s. 142 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 142 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 4](#)

**Marginal Citations**

**M9** 1985 c. 67.

**143 Power to obtain information about local services.**

- (1) A local transport authority may, in connection with the exercise of any of their functions relating to public transport, require an operator of local services to provide them with any information relating to the matters specified in subsection (2) which is in his possession or control.
- (2) The matters referred to in subsection (1) are—
  - (a) the total number of journeys undertaken by passengers on the local services operated by the operator in the authority’s area or any part of its area,
  - (b) the structure of fares for those journeys, and
  - (c) the total distance covered by vehicles used by him in operating those local services.
- (3) The operator may be required to provide the information in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect him to provide it.
- (4) No information which—
  - (a) has been provided under this section, or provided together with information so provided, and
  - (b) relates to the affairs of an individual or to a particular business,shall be disclosed during the lifetime of the individual or while the business continues to be carried on.
- (5) But subsection (4) does not apply to a disclosure made—
  - (a) with the consent of the individual or the person for the time being carrying on the business,
  - (b) in connection with the investigation of crime or for the purposes of criminal proceedings,
  - (c) for the purposes of civil proceedings brought by virtue of this Act or the <sup>M10</sup>Transport Act 1985, or
  - (d) in order to comply with the order of a court or tribunal.

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- (6) A person who discloses information in contravention of subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

**Modifications etc. (not altering text)**

**C28** S. 143(5)(b): Disclosure powers extended (14.12.2001) by 2001 c. 24, ss. 17, 127(2)(a), **Sch. 4 Pt. I para. 53(1)**

**Commencement Information**

**I33** S. 143 wholly in force at 1.8.2001; s. 143 not in force at Royal Assent see s. 275(1)(2); s. 143 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in **Sch. 3 Pt. II**); s. 143 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 4**

**Marginal Citations**

**M10** 1985 c. 67.

**144 Civil penalties for bus lane contraventions.**

- [<sup>F193</sup>(1) The relevant national authority may by regulations make provision for or in connection with—
- (a) the imposition of penalty charges in respect of bus lane contraventions, and
  - (b) the payment of such penalty charges.
- (2) Regulations under subsection (1) may provide for the imposition of penalty charges—
- (a) by approved local authorities, or
  - (b) both by approved local authorities and by Transport for London or London local authorities or both.
- (3) An authority is an approved local authority if—
- (a) an order designating the whole or any part of its area has been made under paragraph 1(1) or 2(1) of Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside Greater London), and
  - (b) the relevant national authority has made an order specifying it as an approved local authority for the purposes of this section
- (4) A bus lane contravention is a contravention of any such provision of—
- (a) a traffic regulation order,
  - (b) an experimental traffic order, or
  - (c) a temporary traffic restriction order,
- as relates to the use of an area of road which is or forms part of a bus lane.
- (5) And an area of road is or forms part of a bus lane if the order provides that it may be used—
- (a) only by buses (or a particular description of bus), or
  - (b) only by buses (or a particular description of bus) and some other class or classes of vehicular traffic.
- (6) The roads in relation to which regulations under subsection (1) may authorise the imposition of penalty charges are—



*Status: Point in time view as at 09/02/2017.*

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- (a) in the case of an approved local authority, roads in its area,
  - (b) in the case of Transport for London, roads in Greater London of a description prescribed by such regulations or all roads in Greater London, and
  - (c) in the case of a London local authority, roads in its area of a description prescribed by such regulations or all roads in its area.
- (7) Before making any regulations by virtue of subsection (6)(b) or (c) the Secretary of State shall consult—
  - (a) Transport for London, and
  - (b) the London local authorities affected by the regulations.
- (8) Regulations under subsection (1) shall include provision—
  - (a) specifying the person by whom a penalty charge in respect of any contravention is to be paid (who may be the registered keeper of the motor vehicle involved in the contravention, its driver at the time of the contravention or any other appropriate person),
  - (b) permitting the imposition of a penalty charge only on the basis of a record produced by an approved device,
  - (c) securing that a penalty charge in respect of a contravention is not required to be paid, or is refunded, where the conduct constituting the contravention is the subject of criminal proceedings or where a fixed penalty notice has been given in respect of that conduct, and
  - (d) as to the application of sums paid by way of penalty charges.
- (9) Regulations under subsection (1) shall include provision for the level of penalty charges in the case of approved local authorities to be set by the authorities subject to the approval of the relevant national authority; and sections 74 and 74A of the Road Traffic Act 1991 apply to penalty charges in the case of Transport for London and London local authorities as they apply to additional parking charges.
- (10) Regulations under subsection (1) may—
  - (a) specify exemptions from penalty charges,
  - (b) make provision for discounts or surcharges (or both), and
  - (c) make provision about the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of penalty charges.
- (11) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.
- (12) Regulations under subsection (11) may include—
  - (a) provision creating criminal offences to be triable summarily and punishable with a fine not exceeding level 5 on the standard scale or such lower amount as is prescribed by the regulations, and
  - (b) provision for or in connection with permitting evidence of a fact to be given by the production of a record produced by an approved device with a certificate as to the circumstances in which the record was produced,but may not confer power to stop motor vehicles.
- (13) Regulations under this section made by the Secretary of State or the Lord Chancellor may make provision in respect of Greater London different from that in respect of the rest of England.

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(14) In this section—

“approved device” means a device of a description specified in an order made by the relevant national authority,

“bus” includes a tramcar (within the meaning of section 141A of the Road Traffic Regulation Act 1984) and a trolley vehicle (within the meaning of that section),

“experimental traffic order” means an order under section 9 of that Act,

“fixed penalty notice” has the same meaning as in Part III of the Road Traffic Offenders Act 1988,

“London local authority” means a London borough council or the Common Council of the City of London,

“motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) shall apply as it applies for the purposes of the Road Traffic Acts,

“registered keeper”, in relation to a contravention involving a motor vehicle, means the person in whose name the motor vehicle was registered under the Vehicle Registration and Excise Act 1994 at the time of the contravention,

“relevant national authority” means—

(a) the Secretary of State as respects England, or

(b) the National Assembly for Wales as respects Wales,

“road” has the same meaning as in the Road Traffic Regulation Act 1984,

“temporary traffic restriction order” means an order under section 14 or 16A of that Act, and

“traffic regulation order” means an order under section 1 or 6 of that Act. ]

#### Textual Amendments

**F193** S. 144 repealed (31.3.2008 for W., 31.5.2022 for E.) by [Traffic Management Act 2004 \(c. 18\)](#), s. 99(1), [Sch. 12 Pt. 1](#); [S.I. 2007/3174](#), art. 2, [Sch.](#); [S.I. 2022/66](#), arts. 1(2), 2(2)(d) (with art. 3(4)-(10))

#### Modifications etc. (not altering text)

**C29** S. 144 applied (with modifications) by 2006 c. 12, s. 16C(1)-(4) (as inserted (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), [ss. 8](#), 10(1))

**C30** S. 144 modified (temp.) (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), s. 115(3)(p), [Sch. 11 para. 17](#) (with [Sch. 11 para. 18](#))

#### Commencement Information

**I34** S. 144 wholly in force at 1.4.2002; s. 144 not in force at Royal Assent see s. 275(1)(2); s. 144 in force (E.) for specified purposes at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 144 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 4](#); s. 144 in force (E.) in so far as not already in force at 1.4.2002 by [S.I. 2002/658](#), art. 2(1), [Sch. Pt. I](#)

*Status: Point in time view as at 09/02/2017.*

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[<sup>F194</sup>Mandatory travel concessions for journeys not beginning on the London bus network]

**Textual Amendments**

**F194** S. 145A substituted for s. 145 (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), **ss. 1, 15(1)**; [S.I. 2007/2799](#), **arts. 2, 3** (with [art. 4](#))

[<sup>F194</sup>**145 Mandatory concessions outside Greater London.**

.....

[<sup>F194</sup>**145 England: mandatory concessions for journeys not beginning on the London bus network**

- (1) Any person to whom a current statutory travel concession permit has been issued and who travels on an eligible journey on an eligible service is entitled, on production of the permit, to a concession consisting of a waiver of the fare for the journey by the operator of the service.
- (2) In subsection (1) “eligible journey” means a journey on one public service vehicle (in one direction) which—
  - (a) is between places in England,
  - (b) begins at a relevant time, and
  - (c) is not one to which section 242(8) of the Greater London Authority Act 1999 (journeys beginning on the London bus network) applies.
- (3) In this section “statutory travel concession permit” means—
  - (a) a permit issued pursuant to subsection (4),
  - (b) a permit issued by a London authority relating to the travel concession specified in section 242(8) and (8A) of the Greater London Authority Act 1999 (travel concessions on journeys beginning on the London bus network etc), or
  - (c) a permit issued by a London authority pursuant to paragraph 4(2) of Schedule 16 to that Act (free travel scheme in Greater London).
- (4) A travel concession authority in England other than a London authority must, on an application made to it by any person who appears to the authority to be an elderly or disabled person whose sole or principal residence is in the authority's area, issue to the person free of charge a permit indicating that he is entitled to the concession specified in subsection (1).
- (5) A permit issued pursuant to subsection (4) must be issued in such form and for such period—
  - (a) as may be specified in regulations made by the Secretary of State, and
  - (b) subject to that, as the authority issuing the permit considers appropriate.
- (6) The Secretary of State may issue guidance to travel concession authorities in England to which they must have regard in determining for the purposes of subsection (4) whether a person is a disabled person.
- (7) Before issuing guidance under subsection (6) the Secretary of State shall consult—

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- (a) the Disabled Persons Transport Advisory Committee,
  - (b) associations representative of travel concession authorities, and
  - (c) such other persons as he thinks fit.
- (8) The Secretary of State may issue guidance to travel concession authorities in England to which they must have regard in determining for the purposes of subsection (4) whether a person has his sole or principal residence in an authority's area.
- (9) A person entitled to be issued with a statutory travel concession permit by a travel concession authority under subsection (4) may agree with the authority that he is not to be entitled to—
- (a) the concession specified in subsection (1), and
  - (b) the concession provided by virtue of section 242(8) of, or paragraph A1 of Schedule 16 to, the Greater London Authority Act 1999,
- for a period in return for being entitled during that period to receive travel concessions under a scheme under section 93 of the Transport Act 1985 to which the authority is a party (if the scheme provides that a person may not receive travel concessions under the scheme unless he so agrees).
- (10) The Secretary of State may by regulations make provision about agreements within subsection (9).
- (11) The regulations may in particular make provision—
- (a) requiring the serving of notices before an agreement is made,
  - (b) about the form of agreements, and
  - (c) as to the period for which a person may agree not to be entitled to the concessions mentioned in subsection (9)(a) and (b).]

<sup>F195</sup>**145B Wales: mandatory concessions**

- (1) Any person to whom a current statutory travel concession permit has been issued by a travel concession authority in Wales and who travels on an eligible service on a journey (beginning at any time)—
- (a) between places in the authority's area,
  - (b) between a place in the authority's area and a place outside but in the vicinity of that area, or
  - (c) between places outside but in the vicinity of that area,
- is entitled, on production of the permit, to a concession consisting of a waiver of the fare for the journey by the operator of the service.
- (2) And if the permit is in a form approved by the Welsh Ministers for the purpose of this subsection, subsection (1) has effect as if each reference in it to the authority's area were to Wales.
- (3) A travel concession authority in Wales must, on an application made to it by any person who appears to the authority to be an elderly or disabled person residing in its area, issue to the person free of charge a permit, in such form and for such period as the authority considers appropriate, indicating that he is entitled to the concession specified in subsection (1).
- (4) If it appears to a travel concession authority in Wales issuing a statutory travel concession permit to a disabled person that the person requires the assistance of a

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- companion to travel on journeys on public passenger transport services, the authority must mark that clearly on the permit.
- (5) Where a person whose current statutory travel concession permit is marked in accordance with subsection (4) is entitled under this section to waiver of the fare for a journey, one companion travelling on the journey with the person (and nominated by the person as the person's companion for that journey) is also entitled to waiver of the fare for the journey.
- (6) The Welsh Ministers may issue guidance to travel concession authorities in Wales to which they must have regard in determining for the purposes of subsection (3) whether a person is a disabled person.
- (7) Before issuing guidance under subsection (6) the Welsh Ministers shall consult—
- (a) the Disabled Persons Transport Advisory Committee,
  - (b) associations representative of travel concession authorities, and
  - (c) such other persons as they think fit.
- (8) A person entitled to be issued with a statutory travel concession permit by a travel concession authority in Wales may agree with the authority that he is not to be entitled to the concession specified in subsection (1) for a period in return for being entitled during that period to receive travel concessions under a scheme under section 93 of the Transport Act 1985 (if the scheme provides that a person may not receive travel concessions under the scheme unless he so agrees).
- (9) The Welsh Ministers may by regulations make provision about agreements within subsection (8).
- (10) The regulations may in particular make provision—
- (a) requiring the serving of notices before an agreement is made,
  - (b) about the form of agreements, and
  - (c) as to the period for which a person may agree not to be entitled to the concession specified in subsection (1).
- (11) In this section “statutory travel concession permit” means a permit issued pursuant to subsection (3).]

#### Textual Amendments

**F195** S. 145B inserted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), s. 15\(1\)](#), [Sch. 2 para. 11](#); [S.I. 2007/2799, arts. 2, 3](#) (with [art. 4](#))

## 146 Mandatory concessions: supplementary.

In this Part—

- “disabled person” means a person who—
- (a) is blind or partially sighted,
  - (b) is profoundly or severely deaf,
  - (c) is without speech,
  - (d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk,

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- (e) does not have arms or has long-term loss of the use of both arms,
  - (f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
  - (g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the <sup>M11</sup>Road Traffic Act 1988, have his application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol,
- [<sup>F196</sup>“elderly person” means a person who has attained the age of 60 years,]  
“eligible service” means—
- (a) <sup>F197</sup>.....
  - (b) <sup>F197</sup>... a bus service of a class specified in an order made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales),
- <sup>F198</sup>“a half-price travel concession”, in relation to a journey, means reduction of the fare for the journey to not more than one-half of that applicable to an adult who is not entitled to any reduction,
- [<sup>F199</sup>“London authority” means a London borough council or the Common Council of the City of London,]  
“relevant time” means—
- (a) any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the <sup>M12</sup>Banking and Financial Dealings Act 1971, or
  - (b) a time during the period from 9.30 a.m. to 11 p.m. on any other day, and
- “travel concession authority” means—
- (a) [<sup>F200</sup>a council of a non-metropolitan district in England comprised in an area for which there is no county council,]
  - (b) [<sup>F201</sup>a county council in England,]
  - (ba) [<sup>F202</sup>a London authority,]
  - (c) a Passenger Transport Executive for [<sup>F203</sup>an integrated transport area] in England, <sup>F204</sup>...
  - (ca) [<sup>F205</sup>the Council of the Isles of Scilly, or]
  - (d) a county council or county borough council in Wales.

#### Textual Amendments

- F196** Words in s. 146 substituted (1.4.2003) by [Travel Concessions \(Eligibility\) Act 2002 \(c. 4\), ss. 1\(3\), 2; S.I. 2002/673, art. 2; S.I. 2002/3014, art. 2; S.I. 2002/673, art. 2; S.I. 2002/3014, art. 2](#)
- F197** Words in s. 146(1) repealed (1.5.2002 for E. and 14.8.2002 for W.) by [2000 c. 38, s. 274, Sch. 31 Pt. II; S.I. 2002/1014, art. 2\(1\), Sch. Pt. 1](#) (with transitional provisions in [art. 3](#)); [S.I. 2002/2024, art. 2\(b\)](#)
- F198** Definition of “a half-price travel concession” in s. 146 omitted (E.) (1.4.2006) by virtue of [The Travel Concessions \(Extension of Entitlement\) \(England\) Order 2005 \(S.I. 2005/3224\), arts. 1\(3\), 3\(3\)](#) (with [art. 3\(5\)](#)) but subsequently extended (E.) (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), s. 15\(1\), Sch. 2 para. 12; S.I. 2007/2799, arts. 2, 3](#) (with [art. 4](#))
- F199** Words in s. 146 inserted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), ss. 2\(2\), 15\(1\); S.I. 2007/2799, arts. 2, 3](#) (with [art. 4](#))

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- F200** Words in s. 146 substituted (1.4.2011) by [The Concessionary Bus Travel Act 2007 \(Variation of Reimbursement and Other Administrative Arrangements\) Order 2010 \(S.I. 2010/1179\)](#), arts. 1(3)(b), **2(2)** (with art. 3)
- F201** Words in s. 146 substituted (1.5.2010 for specified purposes, 1.4.2011 in so far as not already in force) by [The Concessionary Bus Travel Act 2007 \(Variation of Reimbursement and Other Administrative Arrangements\) Order 2010 \(S.I. 2010/1179\)](#), arts. 1(2)(b)(3)(a), **2(3)** (with art. 3)
- F202** Words in s. 146 inserted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), **ss. 2(3)(a)**, 15(1); [S.I. 2007/2799](#), arts. 2, 3 (with art. 4)
- F203** Words in s. 146 substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 44**; [S.I. 2009/107](#), art. 2(1), **Sch. 1 Pt. 1**
- F204** Word in s. 146 repealed (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), **Sch. 3**; [S.I. 2007/2799](#), arts. 2, 3 (with art. 4)
- F205** Words in s. 146 inserted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), **ss. 2(3)(b)**, 15(1); [S.I. 2007/2799](#), arts. 2, 3 (with art. 4)

#### Modifications etc. (not altering text)

- C31** S. 146: power to amend conferred (1.4.2003) by [Travel Concessions \(Eligibility\) Act 2002 \(c. 4\)](#), **ss. 1(4)**, 2; [S.I. 2002/673](#), art. 2; [S.I. 2002/3014](#), art. 2; [S.I. 2002/673](#), art. 2; [S.I. 2002/3014](#), art. 2
- C32** S. 146 modified (E.) (6.4.2010) by [The Travel Concessions \(Eligibility\)\(England\) Order 2010 \(S.I. 2010/459\)](#), arts. 1(1), **2**

#### Commencement Information

- I35** S. 146 wholly in force at 1.8.2001; s. 146 not in force at Royal Assent see s. 275(1)(2); s. 146 in force (E.) (1.1.2001 and 1.2.2001 for specified purposes otherwise 1.6.2001) by [S.I. 2000/3229](#), art. 2, **Sch. Pts. I, IV**; s. 146 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 6**

#### Marginal Citations

- M11** 1988 c. 52.  
**M12** 1971 c. 80.

## 147 <sup>[F206]</sup>Wales: variation of mandatory concessions]

<sup>[F207]</sup>The Welsh Ministers may by order amend either or both of sections 145B and 146 for or in connection with securing that section 145B(1)—

- (a) applies to any person for the time being eligible to receive travel concessions under a scheme under section 93 of the <sup>M13</sup>Transport Act 1985 or to any such person of a specified description (as well as to any elderly person and any disabled person),
- (b) applies to travel on any public passenger transport service or to travel on any such service of a specified description (as well as to travel on an eligible service),
- (c) applies to a journey between a place in a travel concession authority's area and a place outside but in the vicinity of that area or to a journey between places outside but in the vicinity of that area (as well as to a journey between places in that area),
- (d) provides for the reduction of fares to less than one-half of those applicable to adults who are not entitled to any reduction or for waiver of fares, or
- (e) applies, or does not apply, to a journey beginning at a specified time.

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#### Textual Amendments

- F206** S. 147 heading substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), **Sch. 2 para. 13(3)**; S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F207** Words in s. 147 substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), **Sch. 2 para. 13(2)**; S.I. 2007/2799, arts. 2, 3 (with art. 4)

#### Modifications etc. (not altering text)

- C33** S. 147 modified (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1)(3); S.I. 2007/2799, arts. 2, 3 (with art. 4)

#### Commencement Information

- I36** S. 147 wholly in force at 1.8.2001; s. 147 not in force at Royal Assent see s. 275(1)(2); s. 147 in force (E.) (1.6.2001) by S.I. 2000/3229, art. 2, **Sch. Pt. IV**; s. 147 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 6**

#### Marginal Citations

- M13** 1985 c. 67.

### 148 Enforcement.

- (1) An operator commits an offence if he systematically fails to comply with the obligation under section [<sup>F208</sup>145A(1) or 145B(1)] during any period.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Proceedings for an offence under this section shall not be instituted except—
  - (a) by a travel concession authority, or
  - (b) by or with the consent of the Director of Public Prosecutions;
 and any authority who would not otherwise have power to bring such proceedings shall accordingly have that power.

#### Textual Amendments

- F208** Words in s. 148(1) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), **Sch. 2 para. 14**; S.I. 2007/2799, arts. 2, 3 (with art. 4)

#### Commencement Information

- I37** S. 148 wholly in force at 1.8.2001; s. 148 not in force at Royal Assent see s. 275(1)(2); s. 148 in force (E.) (1.6.2001) by S.I. 2000/3229, art. 2, **Sch. Pt. IV**; s. 148 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 6**

### 149 Reimbursement of operators.

- [<sup>F209</sup>(1) Where—



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- (a) an operator provides concessions under section 145A(1) in respect of eligible journeys beginning in the area of a travel concession authority in England, or
  - (b) an operator provides concessions under section 145B(1) for persons who reside in the area of a travel concession authority in Wales,
- the authority shall reimburse the operator for providing the concessions.]
- (2) Subject to regulations under subsection (3), the arrangements with respect to reimbursement shall be—
- (a) such as the travel concession authority may agree with the operators who provide concessions
    - [<sup>F210</sup>(i) in respect of eligible journeys beginning in the authority's area (if the authority is in England), or
    - (ii) for persons who reside in the authority's area (if the authority is in Wales), or]
  - (b) in the absence of agreement, such as may be determined by the authority (being the same in the case of all of those operators) not later than 28 days before the date on which the arrangements, or any variations of the arrangements, are to come into operation.
- (3) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations make provision—
- (a) with respect to the determination by travel concession authorities of the amounts to be paid to individual operators, or to any class of operators, by way of reimbursement,
  - (b) as to the manner of making any payments due to operators by way of reimbursement, and
  - (c) about the terms on which, and the extent to which, travel concession authorities may employ any person as their agent for the purpose of making payments due to operators by way of reimbursement and the descriptions of persons who may be so employed.

#### Textual Amendments

**F209** S. 149(1) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), ss. 3\(2\), 15\(1\)](#); S.I. 2007/2799, arts. 2, 3 (with art. 4)

**F210** S. 149(2)(a)(i)(ii) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\), ss. 3\(3\), 15\(1\)](#); S.I. 2007/2799, arts. 2, 3 (with art. 4)

#### Modifications etc. (not altering text)

**C34** S. 149 modified (1.4.2011) by [The Concessionary Bus Travel Act 2007 \(Variation of Reimbursement and Other Administrative Arrangements\) Order 2010 \(S.I. 2010/1179\)](#), arts. 1(3)(b), 3(2)

#### Commencement Information

**I38** S. 149 wholly in force at 1.8.2001; s. 149 not in force at Royal Assent see s. 275(1)(2); s. 149(1)(2) in force (E.) (1.1.2001 for specified purposes otherwise 1.6.2001), s. 149(3) in force (E.) (1.1.2001) by [S.I. 2000/3229, art. 2, Sch. Pts. I, IV](#); s. 149 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 6](#)

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## 150 Procedure for reimbursement arrangements determined by authority.

- (1) At least four months before the coming into operation of, or of any variations of, any arrangements with respect to reimbursement determined by a travel concession authority in accordance with section 149(2)(b), the authority shall publish the proposed arrangements, or the proposed variations, in such manner as they consider appropriate.
- (2) Following publication—
  - (a) copies of the published material shall be made available at the principal office of the authority,
  - (b) a copy of it shall be supplied to every operator of local services who would, in the opinion of the authority, be affected by the proposals, and
  - (c) a copy of it shall be supplied to any person on request (whether at the principal office or by post), either free of charge or at a charge representing no more than the cost of providing the copy.
- (3) An operator who considers that he may be prejudicially affected by the proposals may apply to—
  - (a) the Secretary of State (in the case of arrangements determined by a travel concession authority in England), or
  - (b) the National Assembly of Wales (in the case of arrangements determined by such an authority in Wales),
 for a modification of the proposed arrangements, or proposed variations, on the grounds that there are special reasons why they would be inappropriate with respect to one or more local services provided by him.
- (4) An application under [<sup>F211</sup>subsection (3)(a)] shall be made by notice in writing given not later than [<sup>F212</sup>56 days] after the date on which the arrangements, or the variations, come into operation.
- [<sup>F213</sup>(4A) An application under subsection (3)(b) shall be made by notice in writing given not later than 28 days after the date on which the arrangements, or the variations, come into operation.]
- (5) An application under subsection (3) may not be made unless the applicant has previously given notice in writing of his intention to make the application to the travel concession authority by which the arrangements, or varied arrangements, are being, or have been, determined.
- (6) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales)—
  - (a) may make regulations as to the form and content of notices under this section and the manner in which they are to be given,
  - (b) may appoint a person to determine an application under subsection (3) on his or its behalf, and
  - (c) may by regulations make provision as to the procedure to be followed in connection with applications under subsection (3).
- (7) Regulations made under subsection (6)(c) may in particular make provision—
  - (a) as to the conduct of any proceedings held in connection with applications under subsection (3), and

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- (b) for applicants or travel concession authorities, or both, to make payments towards the expenses incurred in connection with the determination of such applications.
- (8) On an application under subsection (3) the Secretary of State or the National Assembly for Wales, or (if a person is appointed under subsection (6)(b) to determine the application) the person so appointed, may direct—
- (a) that the arrangements, or varied arrangements, are to have effect with such modifications as are specified in the direction from the time so specified, and
  - (b) that the authority shall make a payment of an amount specified in the direction to the applicant.

#### Textual Amendments

- F211** Words in s. 150(4) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), **ss. 3(5)(a)**, 15(1); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F212** Words in s. 150(4) substituted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), **ss. 3(5)(b)**, 15(1); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F213** S. 150(4A) inserted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), **ss. 3(6)**, 15(1); S.I. 2007/2799, arts. 2, 3 (with art. 4)

#### Modifications etc. (not altering text)

- C35** S. 150 modified (1.4.2011) by [The Concessionary Bus Travel Act 2007 \(Variation of Reimbursement and Other Administrative Arrangements\) Order 2010 \(S.I. 2010/1179\)](#), arts. 1(3)(b), **3(2)**

#### Commencement Information

- I39** S. 150 wholly in force at 1.8.2001; s. 150 not in force at Royal Assent see s. 275(1)(2); s. 150 in force (E.)(1.1.2001) by [S.I. 2000/3229](#), art. 2, **Sch. Pt. I**; s. 150 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 6**

### *Travel concessions in Greater London*

#### **151 Concessions in Greater London.**

- (1) Chapter VIII of Part IV of the <sup>M14</sup>Greater London Authority Act 1999 (travel concessions on journeys in and around Greater London) has effect subject to the following amendments.
- (2) Section 240 (travel concessions on journeys in and around Greater London) is amended as follows.
- (3) In subsections (1) and (2), for “any persons eligible to receive them in accordance with subsection (5) below” substitute “such of the persons eligible to receive them in accordance with subsection (5) below as are specified in the arrangements”.
- (4) In subsection (5), for “are persons, or any description of persons,” substitute “by an authority are persons appearing to the authority to be persons” and for paragraphs (b) and (c) substitute—
- “(b) who are blind;
  - (c) who are partially sighted;

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- (d) who are profoundly or severely deaf;
  - (e) who are without speech;
  - (f) who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
  - (g) who do not have arms or have long-term loss of the use of both arms;
  - (h) who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning; or
  - (i) who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the <sup>M15</sup>Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.”
- (5) After that subsection insert—
- “(5A) The Secretary of State may issue guidance to local authorities to which they must have regard in determining whether a person falls within subsection (5) (b) to (i) above.
- (5B) Before issuing guidance under subsection (5A) above the Secretary of State shall consult—
- (a) the Disabled Persons Transport Advisory Committee;
  - (b) associations representative of local authorities; and
  - (c) such other persons as he thinks fit.”
- (6) In section 241(1) (reserve free travel scheme), after “provided for” insert “ all ”.
- (7) Section 242 (requirements as to scope of concessions which must be given if free travel scheme is not to have effect) is amended as follows.
- (8) In subsection (1), after “provide” insert “ (a) ” and insert at the end “; and
- (b) for the travel concessions granted to them to include the concession specified in subsection (8) below.”
- (9) In subsection (2), for “Those journeys” substitute “ The journeys referred to in subsection (1)(a) above ”.
- (10) In subsection (5), for “The requirements of this section as to scope do” substitute “ Subsection (1)(a) above does ”.
- (11) In subsection (7), for “the categories of such residents mentioned in paragraphs (a), (b) and (c)” substitute “ a category specified in any one of the paragraphs ”.
- <sup>F214</sup>(12) .....
- (13) In section 243 (requirements as to uniformity), after subsection (5) insert—
- “(6) No charge may be made for the issue to an eligible London resident of a travel concession permit relating to the travel concession specified in section 242(8) above.”

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#### Textual Amendments

**F214** S. 151(12) repealed (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), [Sch. 3](#); [S.I. 2007/2799](#), arts. 2, 3 (with art. 4)

#### Commencement Information

**I40** S. 151 partly in force; s. 151 not in force at Royal Assent see s. 275; s. 151 in force (1.4.2001) by [S.I. 2000/3229](#), art. 2, [Sch. Pt. III](#)

#### Marginal Citations

**M14** 1999 c. 29.

**M15** 1988 c. 52.

### *Financial and competition provisions*

#### **152 Agreements providing for service subsidies.**

- (1) Part V of the <sup>M16</sup>Transport Act 1985 (expenditure on public passenger transport services) is amended as follows.
- (2) In section 89 (obligation to invite tenders for subsidised services), for subsections (7) and (8) substitute—
  - “(7) An authority issuing an invitation to tender under this section shall, in determining whether to accept a tender submitted in response to the invitation or which (if any) of several such tenders to accept, have regard in particular to—
    - (a) a combination of economy, efficiency and effectiveness;
    - (b) the implementation of the policies set out in the appropriate bus strategy; and
    - (c) the reduction or limitation of traffic congestion, noise or air pollution.
  - (8) In subsection (7)(b) above “the appropriate bus strategy” means—
    - (a) in the case of a local transport authority (within the meaning of section 108(4) of the Transport Act 2000), their bus strategy;
    - (b) in the case of a district council which is not such an authority, the bus strategy of the council for the county in which the district is situated; and
    - (c) in the case of a Passenger Transport Executive for a passenger transport area, the bus strategy made jointly by the Passenger Transport Authority for the area and the councils for the metropolitan districts comprised in the area.”
- (3) In section 90(3) (duty of authority to publish reasons for considering that payment of subsidies to secure service in accordance with accepted tender is conducive to achieving most effective and economic application of funds), for the words from “is conducive” to the end substitute “ accords with section 89(7) of this Act. ”
- (4) In section 92(1) (authorities subsidising public passenger transport services not to inhibit competition between persons providing or seeking to provide such services in their area), for the words from “so conduct” to the end substitute “ have regard to the

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interests of the public and of persons providing public passenger transport services in their area.”

#### Commencement Information

**I41** S. 152 wholly in force at 1.8.2001; s. 152 not in force at Royal Assent see s. 275(1)(2); s. 152 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 152 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 7](#)

#### Marginal Citations

**M16** 1985 c. 67.

### [<sup>F215</sup>153 Competition test: functions and agreements relating to buses

- (1) Schedule 10 contains provision applying competition tests in relation to—
  - (a) the exercise of functions relating to quality partnership schemes, ticketing schemes and subsidised local services,
  - (b) voluntary partnership agreements and certain other agreements, decisions and practices relating to bus services.
- (2) A voluntary partnership agreement is any voluntary agreement under which—
  - (a) a local transport authority, or two or more local transport authorities, undertake to provide particular facilities, or to do anything else for the purpose of bringing benefits to persons using local services, within the whole or part of their area, or combined area, and
  - (b) one or more operators of local services undertake to provide services of a particular standard.
- (3) In subsection (2)—
 

“facilities” means—

  - (a) facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the agreement relates, or
  - (b) facilities which are ancillary to such facilities;

“standard”, in the case of any services, includes—

  - (a) any requirements which the vehicles being used to provide the services must meet,
  - (b) any requirements as to frequency or timing of the services,
  - (c) any requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the agreement applies;

“voluntary agreement” means an agreement made otherwise than under sections 114 to 123 (quality partnership schemes).]

#### Textual Amendments

**F215** S. 153 substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 46\(1\)](#), [134\(4\)](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(d\)](#)

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#### Commencement Information

**I42** S. 153 partly in force; s. 153 not in force at Royal Assent see s. 275(1)(2); s. 153 in force for specified purposes (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. 1](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 153 in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 8](#); s. 153 in force in so far as it is not already in force (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

#### 154 Grants to bus service operators.

- (1) The Secretary of State with the approval of the Treasury (as respects England) or the National Assembly for Wales (as respects Wales) may make grants to operators of eligible bus services towards their costs in operating those services.
- (2) The Secretary of State with the approval of the Treasury (as respects England) or the National Assembly for Wales (as respects Wales) may make provision by regulations as to the method of calculation of grants.
- (3) Subject to the provisions of any such regulations, grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by—
  - (a) the Secretary of State with the approval of the Treasury (as respects England),  
or
  - (b) the National Assembly for Wales (as respects Wales).
- (4) A determination under subsection (3) may be made either generally or in relation to particular cases or classes of case.
- (5) In this section “eligible bus services” means bus services of a class (or using vehicles of a class) prescribed by regulations made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).
- (6) Section 92 of the <sup>M17</sup>Finance Act 1965 (grants towards duty charged on bus fuel) and section 111 of the <sup>M18</sup>Transport Act 1985 (unregistered and unreliable local services: reduction of fuel duty grant) cease to have effect.

#### Commencement Information

**I43** S. 154 wholly in force at 14.8.2002; s. 154 not in force at Royal Assent see s. 275(1)(2); s. 154(1)-(5) in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. 1](#) (subject to the savings in [Sch. 3 Pt. 2](#)); s. 154(1)-(5) in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 9](#); s. 154(6) in force (E.) at 1.5.2002 by [S.I. 2002/1014](#), [art. 2](#), [Sch. Pt. 1](#) (with transitional provisions in [art. 3](#)); s. 154(6) in force (W.) at 14.8.2002 by [S.I. 2002/2024](#), [art. 2\(a\)](#)

#### Marginal Citations

**M17** 1965 c. 25.

**M18** 1985 c. 67.

#### 155 [F216Sanctions]

- (1) Where [F217a traffic commissioner] is satisfied that the operator of a local service has, without reasonable excuse—
  - (a) failed to operate a local service registered under section 6 of the <sup>M19</sup>Transport Act 1985,

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- [<sup>F218</sup>(aa) failed to comply with the requirements of regulations made under section 6(9) (i), (j) or (k) of that Act,]
  - (b) operated a local service in contravention of that section or section 118(4) or 129(1)(b) of this Act,
  - [<sup>F219</sup>(ba) failed to comply with a requirement imposed by virtue of section 134B(7)(c) of this Act, or]
  - (c) failed to comply with section 138 or 140(3) of this Act,
- he may [<sup>F220</sup>make one or more orders under subsection (1A)].

- [<sup>F221</sup>(1A) The orders are—
- (a) an order that the operator pay a penalty of such amount as is determined in accordance with subsection (3);
  - (b) an order that the operator expend such sum of money as is determined in accordance with subsection (3) in the manner mentioned in subsection (1B);
  - (c) an order that the operator provide compensation (see subsection (1C)) to passengers of such description as is specified in the order;
  - (d) an order of such other description as the Secretary of State (as respects England) or the Welsh Ministers (as respects Wales) may by order prescribe for the purposes of this paragraph.

- (1B) An order under subsection (1A)(b) may require the operator to expend money on or towards—
- (a) the provision of specified local services or specified facilities to be used in connection with such services;
  - (b) specified improvements in such services or facilities.

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

- (1C) Compensation under subsection (1A)(c)—
- (a) may take the form of payments of money, or
  - (b) may take such other form (including the provision of free travel or travel at a reduced price) as is specified in the order;
- and shall be of such amount, or equivalent in value to such amount, as is determined in accordance with subsection (3).]

<sup>F222</sup>(2) .....

- (3) [<sup>F223</sup>The amount mentioned in subsections (1A)(a) and (b) and (1C) is such amount as the traffic commissioner thinks fit in all the circumstances of the case, but must not exceed] —
- (a) £550, or
  - (b) such other amount as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order specify,
- multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator’s licences held by him.

<sup>F224</sup>(4) .....

- (5) After [<sup>F225</sup>making an order under subsection (1A)] , the traffic commissioner must at once give notice in writing to—
- (a) the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales), and



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(b) the operator.

(6) The operator may appeal to the [<sup>F226</sup>Upper Tribunal] against [<sup>F227</sup>the making of the order].

[<sup>F228</sup>(6A) If the operator fails to comply with an order under subsection (1A)(b), (c) or (d), the traffic commissioner may order the operator to pay a penalty of such amount as is determined in accordance with subsection (6B).

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

[<sup>F229</sup>(7) An amount ordered to be paid under subsection (1A)(a) or (6A) is—

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

[<sup>F230</sup>(8) Other provisions that may need to be considered include the following provisions of the Transport Act 1985—

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

#### Textual Amendments

- F216** S. 155 heading substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(11)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4); S.I. 2009/579, art. 2(e) (with Sch. para. 2)
- F217** Words in s. 155(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F218** S. 155(1)(aa) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 65(1)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(f)
- F219** S. 155(1)(ba) substituted for word in s. 155(1)(b) (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 44(3)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F220** Words in s. 155(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(2)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4); S.I. 2009/579, art. 2(e) (with Sch. para. 2)
- F221** S. 155(1A)-(1C) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(3)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4); S.I. 2009/579, art. 2(e) (with Sch. para. 2)
- F222** S. 155(2) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(4)**, 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4); S.I. 2009/579, art. 2(e) (with Sch. para. 2)
- F223** Words in s. 155(3) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(5)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4); S.I. 2009/579, art. 2(e) (with Sch. para. 2)
- F224** S. 155(4) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(6)**, 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4); S.I. 2009/579, art. 2(e) (with Sch. para. 2)
- F225** Words in s. 155(5) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(7)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4); S.I. 2009/579, art. 2(e) (with Sch. para. 2)

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- F226** Words in s. 155(6) substituted (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 26**
- F227** Words in s. 155(6) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(8)**, 134(4); [S.I. 2009/107](#), art. 2(2), **Sch. 2 Pt. 1** (with **Sch. 2 para. 4**); [S.I. 2009/579](#), art. 2(e) (with **Sch. para. 2**)
- F228** S. 155(6A)(6B) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(9)**, 134(4); [S.I. 2009/107](#), art. 2(2), **Sch. 2 Pt. 1** (with **Sch. 2 para. 4**); [S.I. 2009/579](#), art. 2(e) (with **Sch. para. 2**)
- F229** S. 155(7) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 64(10)**, 134(4); [S.I. 2009/107](#), art. 2(2), **Sch. 2 Pt. 1** (with **Sch. 2 para. 4**); [S.I. 2009/579](#), art. 2(e) (with **Sch. para. 2**)
- F230** S. 155(8) inserted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 63(2)**, 134(4); [S.I. 2009/107](#), art. 2(1), **Sch. 1 Pt. 1** (with **Sch. 1 para. 2(2)**)

#### Modifications etc. (not altering text)

- C36** S. 155: transfer of functions (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), **arts. 1(1)**, 2(3)

#### Commencement Information

- I44** S. 155 wholly in force at 1.5.2002; s. 155 not in force at Royal Assent see s. 275(1)(2); s. 155 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, **Sch. 1 para. 10**; s. 155 in force (E.) at 1.5.2002 by [S.I. 2002/1014](#), art. 2, **Sch. Pt. 1** (with transitional provisions in art. 3)

#### Marginal Citations

- M19** 1985 c. 67.

### <sup>F231</sup>156 Non-metropolitan transport grants.

.....

#### Textual Amendments

- F231** S. 156 repealed (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 7 Pt. 4**; [S.I. 2009/107](#), art. 2(1), **Sch. 1 Pt. 1**

### 157 [<sup>F232</sup>Grants to Integrated Transport Authorities][<sup>F233</sup> and combined authorities]

- (1) The Secretary of State may, with the approval of the Treasury, make grants to [<sup>F234</sup>the Integrated Transport Authority for an integrated transport area] in England for the purpose of enabling the Authority, or the Passenger Transport Executive for the area, to carry out any of their functions.
- [<sup>F235</sup>(1A) The Secretary of State may, with the approval of the Treasury, make grants to a combined authority for the purpose of enabling the authority to carry out any of their functions.]
- (2) Grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Secretary of State may, with the approval of the Treasury, determine.
- (3) A determination under subsection (2) may be made either generally or in relation to particular cases or classes of case.

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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)*

#### Textual Amendments

- F232** S. 157 heading substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 45\(2\)](#); [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1
- F233** Words in s. 157 heading inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 100\(3\)](#); [S.I. 2009/3318](#), art. 2(c)
- F234** Words in s. 157(1) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 45\(1\)](#); [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1
- F235** S. 157(1A) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 100\(2\)](#); [S.I. 2009/3318](#), art. 2(c)

#### Commencement Information

- I45** S. 157 wholly in force at 1.8.2001; s. 157 not in force at Royal Assent see s. 275(1)(2); s. 157 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 157 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 10](#)

### 158 Repayment of grants towards bus fuel duty.

- (1) Section 111 of the <sup>M20</sup>Transport Act 1985 (unregistered and unreliable local services: requirement to repay twenty per cent. of bus fuel duty grants) is amended as follows (until it ceases to have effect as a result of section 154(6)).
- (2) For subsections (2) to (4) substitute—
- “(2) If any amount has been paid to the operator by way of grant under section 92 of the <sup>M21</sup>Finance Act 1965 (grants towards duty charged on bus fuel) in respect of any services operated during the period of three months ending with the day on which the determination under subsection (1) above is made, there is due from the operator—
- (a) to the Secretary of State (as respects England); or
- (b) to the National Assembly for Wales (as respects Wales),
- such percentage of that amount as the traffic commissioner thinks fit in all the circumstances of the case.
- (3) The percentage determined shall be at least one per cent. but not more than twenty per cent.
- (4) A traffic commissioner who makes a determination under this section shall at once give notice in writing to—
- (a) the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales); and
- (b) the operator;
- and the operator may appeal to the Transport Tribunal against the determination.”
- (3) In subsection (5), omit—
- (a) “to the Secretary of State”, and
- (b) the words from “and any amount” to the end.

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#### Commencement Information

**I46** S. 158 wholly in force at 1.8.2001; s. 158 not in force at Royal Assent see s. 275(1)(2); s. 158 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 158 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 10](#)

#### Marginal Citations

**M20** [1985 c. 67.](#)

**M21** [1965 c. 25.](#)

### 159 Abolition of financial plans of Passenger Transport Executives.

Sections 3 to 5 of the <sup>M22</sup>Transport Act 1983 (duty of Passenger Transport Executives to prepare three-year financial plans and determination of revenue grants) shall cease to have effect.

#### Commencement Information

**I47** S. 159 wholly in force at 1.8.2001; s. 159 not in force at Royal Assent see s. 275(1)(2); s. 159 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 159 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 10](#)

#### Marginal Citations

**M22** [1983 c. 10.](#)

### *Supplementary*

### 160 Part II: regulations and orders.

- (1) Any power to make regulations or orders under this Part—
  - (a) is exercisable by statutory instrument,
  - (b) includes power to make different provision for different cases, and
  - (c) may be exercised so as to make incidental, consequential, supplementary or transitional provision or savings.
- (2) A statutory instrument containing regulations or an order made by a Minister of the Crown under this Part (whether alone or jointly with the National Assembly for Wales) [<sup>F236</sup>, other than an order under section 155(1A)(d),] shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- [<sup>F237</sup>(3) A statutory instrument containing an order under section 155(1A)(d) shall not be made—
  - (a) as respects England, unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
  - (b) as respects Wales, unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.]

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### Textual Amendments

- F236** Words in s. 160(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 64\(13\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 4](#)); [S.I. 2009/579](#), [art. 2\(e\)](#) (with [Sch. para. 2](#))
- F237** S. 160(3) inserted (26.11.2008 for specified purposes, 9.2.2009 for E. in so far as not already in force, 1.4.2009 for W. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 64\(14\)](#), [134\(1\)\(c\)\(4\)](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 4](#)); [S.I. 2009/579](#), [art. 2\(e\)](#) (with [Sch. para. 2](#))

### Commencement Information

- I48** S. 160 wholly in force at 1.8.2001; s. 160 not in force at Royal Assent see s. 275(1)(2); s. 160 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 160 in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 10](#)

## 161 Part II: minor and consequential amendments.

Schedule 11 makes minor and consequential amendments relating to this Part.

### Commencement Information

- I49** S. 161 partly in force; s. 161 not in force at Royal Assent see s. 275(1)(2); s. 161 in force (1.4.2001 and 1.6.2001 for specified purposes) by [S.I. 2000/3229](#), [art. 2](#), [Sch. Pts. III, IV](#); s. 161 in force for further specified purposes (E.) (1.2.2001) by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 161 in force for further specified purposes (E.) (20.2.2001) by [S.I. 2001/242](#), [art. 2](#); s. 161 in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 para. 11](#); s. 161 in force for specified purposes (W.) at 1.4.2002 by [S.I. 2001/2788](#), [art. 3](#), [Sch. 2 para. 2](#); s. 161 in force for further specified purposes (E.) at 26.10.2001 by [S.I. 2001/3342](#), [art. 2](#), [Sch.](#)

## 162 Interpretation of Part II.

(1) In this Part—

“appropriate national authority”, in relation to a quality partnership scheme, a quality contracts scheme or a ticketing scheme, means—

- (a) the Secretary of State, as respects a scheme relating to an area in England,
- (b) the National Assembly for Wales, as respects a scheme relating to an area in Wales, or
- (c) the Secretary of State and the National Assembly for Wales acting jointly, as respects a scheme relating to an area in England and Wales,

[<sup>F238</sup>“bus services” means services using public service vehicles,]

“community bus permit” means a permit under section 22 of the <sup>M23</sup>Transport Act 1985,

“connecting rail or tram service” has the meaning given in section 135(5),

“disabled person” has the meaning given in section 146,

“elderly person” has the meaning given in section 146,

“eligible service” has the meaning given in section 146,

[<sup>F239</sup>“exempt continuation proposal” is to be read in accordance with section 131B,]

*Status: Point in time view as at 09/02/2017.*

*Changes to legislation: Transport Act 2000, Part II is up to date with all changes known to be in force on or before 19 July 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)*

- <sup>F240</sup>“half-price travel concession” has the meaning given in section 146,  
 “local transport authority” has the meaning given in section 108(4),  
<sup>F241</sup>“local transport policies” has the meaning given in section 108(5),  
<sup>F242</sup>“London authority” has the meaning given in section 146,  
 “London transport authority” means the Greater London Authority, a  
 London borough council or the Common Council of the City of London,  
<sup>F243</sup>“QCS board” is to be read in accordance with section 126A(1),  
 “quality contract” has the meaning given in section 124(4),  
 “quality contracts scheme” is to be construed in accordance with  
 section 124(3),  
 “quality partnership scheme” is to be construed in accordance with  
 section 114(2),  
 “railway” and “tramway” have the meanings given in section 67(1) of the  
<sup>M24</sup>Transport and Works Act 1992,  
 “relevant time” has the meaning given in section 146,  
 “ticketing scheme” is to be construed in accordance with section 135(3),  
 “traffic regulation order” means an order under the <sup>M25</sup>Road Traffic  
 Regulation Act 1984 or any other enactment (other than this Act) regulating  
 the use of roads or other places by public service vehicles, and  
 “travel concession authority” has the meaning given in section 146.
- (2) In this Part the expressions listed below have the same meaning as in the <sup>M26</sup>Public  
 Passenger Vehicles Act 1981—
- “fares”,
  - “modification”,
  - “public service vehicle”,
  - “PSV operator’s licence”,
  - “road”, and
  - “traffic commissioner”.
- (3) In this Part the expressions listed below have the same meaning as in the <sup>M27</sup>Transport  
 Act 1985—
- “local service”,
  - “public passenger transport services”,
  - “stopping place”, and
  - “traffic area”.
- (4) Where a reference to an authority in any of the following provisions is to <sup>F244</sup>an  
 Integrated Transport Authority], it is to be construed as a reference to the Passenger  
 Transport Executive for the <sup>F245</sup>integrated transport area] concerned; and where a  
 reference to authorities in any of those provisions is to one or more <sup>F246</sup>Integrated  
 Transport Authorities], it is to be construed as a reference to the Passenger Transport  
 Executive or Executives for the <sup>F245</sup>integrated transport area] or areas concerned—
- section 114(2)(a),
  - <sup>F247</sup>section 116(2)(a), (4)(a), (4A)(a) and, in the second place, (4C),]
  - section 118(1) and (2),
  - section 124(4)(a), (5) and (7),
  - <sup>F248</sup>section 127(3A),]
  - <sup>F249</sup>section 127A(7),]

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F250  
...  
section 130,  
section 131,  
[<sup>F251</sup>section 132C,]  
[<sup>F251</sup>section 132D,]  
section 139(5), and  
section 140.

[<sup>F252</sup>(4A) Where a reference to an authority in any of the following provisions is to an Integrated Transport Authority, it is to be construed as including a reference to the Passenger Transport Executive for the integrated transport area concerned—  
section 153(2)(a),  
in Schedule 10, paragraph 17(5)(b) and (8).]

(5) References in this Part to [<sup>F253</sup>Integrated Transport Authorities and Passenger Transport Executives] and to [<sup>F254</sup>integrated transport areas] are references respectively to the [<sup>F253</sup>Integrated Transport Authorities and Passenger Transport Executives], and to [<sup>F254</sup>integrated transport areas], for the purposes of Part II of the <sup>M28</sup>Transport Act 1968.

[<sup>F255</sup>(5A) In this Part “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.]

F256(6) .....

(7) References in this Part to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the <sup>M29</sup>Transport Act 1985.

### Textual Amendments

- F238** Words in s. 162(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 10(7)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 2); S.I. 2009/579, art. 2(b) (with Sch. para. 1)
- F239** Words in s. 162 inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 32(2)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F240** Definition of “half-price travel concession” in s. 162(1) omitted (E.) (1.4.2006) by virtue of [The Travel Concessions \(Extension of Entitlement\) \(England\) Order 2005 \(S.I. 2005/3224\)](#), arts. 1(3), 3(4) (with art. 3(5)) but subsequently extended (E.) (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), Sch. 2 para. 15(a); S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F241** Words in s. 162(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 7(3)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(a)
- F242** Words in s. 162(1) inserted (17.10.2007 for specified purposes, 1.4.2008 in so far as not already in force) by [Concessionary Bus Travel Act 2007 \(c. 13\)](#), s. 15(1), **Sch. 2 para. 15(b)**; S.I. 2007/2799, arts. 2, 3 (with art. 4)
- F243** Words in s. 162(1) inserted (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 22(2)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F244** Words in s. 162(4) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 46(2)(a)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F245** Words in s. 162(4) substituted (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), **Sch. 4 para. 46(2)(b)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

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- F246** Words in s. 162(4) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 46(2)(c)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F247** Words in s. 162(4) substituted (6.4.2009 for E., 31.1.2010 for W.) by Local Transport Act 2008 (c. 26), **ss. 15(6)**, 134(4); S.I. 2009/107, art. 4(2), Sch. 5; S.I. 2009/3294, art. 2(b)
- F248** Words in s. 162(4) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 26(9)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F249** Words in s. 162(4) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 27(2)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F250** S. 162(4) entry repealed (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 7 Pt. 2**; S.I. 2009/3242, art. 2(1)(d)(iv)
- F251** Words in s. 162(4) inserted (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 40(2)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F252** S. 162(4A) inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), **ss. 46(2)**, 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F253** Words in s. 162(5) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 46(3)(a)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F254** Words in s. 162(5) substituted (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 4 para. 46(3)(b)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F255** S. 162(5A) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 101**; S.I. 2009/3318, art. 2(c)
- F256** S. 162(6) repealed (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), **ss. 12(5)**, 134(4), **Sch. 7 Pt. 1**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(b)

#### **Modifications etc. (not altering text)**

- C37** S. 162 applied (with modifications) (1.2.2005) by The Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005 (S.I. 2005/157), art. 1, **Sch. 2 para. 9** (with art. 7(4))

#### **Commencement Information**

- I50** S. 162 wholly in force at 1.8.2001; s. 162 not in force at Royal Assent see s. 275(1)(2); s. 162(1) in force (E.) (1.2.2001 and 1.2.2001) for specified purposes; s. 162(2) in force (E.) (1.6.2001) for specified purposes; s. 162(3) in force (E.) (1.1.2001 and 1.6.2001) for specified purposes; s. 162(5) in force (E.) (1.1.2001) by S.I. 2000/3229, art. 2, Sch. Pts. I, II, IV; s. 162 in force (E.) (1.2.2001) except in so far as it is brought into force by S.I. 2000/3229 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in **Sch. 3 Pt. II**); s. 162 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 12**

#### **Marginal Citations**

- M23** 1985 c. 67.  
**M24** 1992 c. 42.  
**M25** 1984 c. 27.  
**M26** 1981 c. 14.  
**M27** 1985 c. 67.  
**M28** 1968 c. 73.  
**M29** 1985 c. 67.



**Status:**

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