



# Transport Act 2000

## 2000 CHAPTER 38

### PART II

#### LOCAL TRANSPORT

##### *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 will to any extent implement the policies set out in their bus strategy or strategies.
- (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—
  - (a) improve the quality of local services provided in the whole or any part of their area, or combined area, by bringing benefits to persons using those services, or
  - (b) reduce or limit traffic congestion, noise or air pollution.
- (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.

*Status: Point in time view as at 01/08/2001.*

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- (6) The standard of services which may be specified in a scheme—
- (a) include requirements which the vehicles being used to provide the services must meet, but
  - (b) do not include requirements as to frequency or timing of the services.
- (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.

#### Commencement Information

- II** 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.

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## 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 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,
  - (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
  - (d) the traffic commissioner for each traffic area covering the whole or part of the area to which it relates,
  - (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,
  - (b) metropolitan district councils,
  - (c) London transport authorities, and
  - (d) councils in Scotland.

### Modifications etc. (not altering text)

- C1** 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

- I2** 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—
  - (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,
  - (c) the date on which it is to come into operation, and
  - (d) the period for which it is to remain in operation, which must not be less than five years.
- (3) The scheme may provide that—

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- (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.
- (4) The date specified in the scheme as that on which it is to come into operation must not be earlier than the date by which, in the opinion of the authority or authorities, it will be reasonably practicable—
- (a) for the authority or authorities to provide the specified facilities, and
  - (b) for operators of local services to provide the specified standard of services,
- and, in any event, must not be earlier than the date provided by subsection (5).
- (5) The date referred to in subsection (4) is three months after—
- (a) the date on which the scheme is made, or
  - (b) if later, the date on which any traffic regulation order required for the provision of any of the specified facilities is made or, if more than one such order is required for that purpose, the date on which the last of them is made.
- (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, and
  - (b) to all operators of local services who would, in the opinion of the authority or authorities, be affected by the scheme and the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates.
- (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.

#### Commencement Information

- I3** 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 Postponement of scheme.

- (1) If it appears to the authority or authorities appropriate to do so, they may decide that the date on which the scheme would otherwise come into operation shall be postponed by such period, not exceeding 12 months, as they think fit.
- (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, and

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- (b) to all operators of local services who would, in their opinion, be affected by the scheme and the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates.

#### Commencement Information

- I4** S. 117 partly in force; s. 117 not in force at Royal Assent see s. 275(1)(2); s. 117 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 1](#); s. 117 in force (E.) at 26.10.2001 by [S.I. 2001/3342, art. 2, Sch.](#)

### 118 Effect of scheme.

- (1) The authority or authorities must—
- provide the specified facilities not later than the date on which the scheme is to come into operation, and
  - continue to provide them throughout the period during which it remains 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—
- he has given a written undertaking to the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates that he will provide the service to the standard specified in the scheme when using the facilities, and
  - 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.

#### Commencement Information

- I5** 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.](#)

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#### Marginal Citations

M2 1985 c. 67.

### 119 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.

#### Commencement Information

**I6** 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 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.
- (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.

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#### Commencement Information

- I7** 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 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.
- (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.

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- (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.

#### Commencement Information

**I8** 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,
  - (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 the 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,
  - (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.

#### Commencement Information

**I9** 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.](#)



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## **123 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.

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### **Commencement Information**

**I10** 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.](#)

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