



Transport Act 2000

2000 CHAPTER 38

PART II

LOCAL TRANSPORT

[^{F1}Bus services: enhanced partnership plans and schemes

[^{F1}138Q Transitional provision about schemes

- (1) The Secretary of State may by regulations make such transitional provision as the Secretary of State considers appropriate in connection with—
 - (a) the making of enhanced partnership plans and schemes,
 - (b) the coming into operation of provisions of enhanced partnership plans and schemes,
 - (c) the variation of enhanced partnership plans and schemes, and
 - (d) the revocation of enhanced partnership plans and schemes.
- (2) The regulations may in particular provide that in prescribed circumstances—
 - (a) any provision of sections 6 to 9 of the Transport Act 1985 (registration of local services), or of sections 89 to 92 of that Act (obligation to invite tenders for subsidised services 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.
- (3) The regulations may in particular provide for the application of requirements imposed under section 138A(5)(b) to local services that were registered under section 6 of the Transport Act 1985 before the requirements came into force.
- (4) Regulations made by virtue of subsection (3) may in particular—
 - (a) make provision about recording requirements that apply to local services with the registered particulars of those local services;

Changes to legislation: Transport Act 2000, Section 138Q is up to date with all changes known to be in force on or before 13 May 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) View outstanding changes

- (b) make provision requiring the local transport authority or authorities that made an enhanced partnership scheme to notify a traffic commissioner of the local services or the descriptions of local services to which each requirement specified in the scheme would apply, subject to such exceptions as may be prescribed;
 - (c) make provision for the cancellation of the registration of local services that could not be provided in accordance with requirements falling within section 138C(1);
 - (d) make provision about the determination by the local transport authority or authorities that made an enhanced partnership scheme of what local services may be registered under section 6 of the Transport Act 1985 in place of local services whose registrations are cancelled under paragraph (c), including provision for awarding contracts authorising the provision of local services or local services of particular descriptions;
 - (e) make provision as to the period during which the registration, or variation of registration, of local services is subject to provision under paragraph (d);
 - (f) make provision for cancellation under paragraph (c) to be revoked if prescribed conditions are satisfied, including conditions relating to the variation or cancellation under section 6 of the Transport Act 1985 of the registration of one or more of the local services affected;
 - (g) make provision for the time at which cancellation under paragraph (c) becomes effective to be postponed in prescribed circumstances;
 - (h) make provision for appeals against—
 - (i) decisions to record or not to record requirements under paragraph (a);
 - (ii) decisions to cancel registrations of local services under paragraph (c).
- (5) Regulations made by virtue of subsection (4)(h) may in particular include provision about—
- (a) to whom an appeal may be made;
 - (b) how an appeal may be made and dealt with;
 - (c) further appeals;
 - (d) who may be parties to an appeal or further appeal.
- (6) In this section “registered particulars”, in relation to a local service, means the particulars of the service required to be registered under section 6 of the Transport Act 1985.]

Textual Amendments

- F1** Ss. 138A-138S and cross-heading inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 9, 26(3)**
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Modifications etc. (not altering text)

- C1** Pt. 2: functions made exercisable (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **15(1)**
- C2** Ss. 138A-143B: functions transferred (E.) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), **15(2)**

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- [Sch. 16 para. 34\(4\)\(a\)para. 34\(4\)\(b\)\(c\)](#) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)