

*These notes refer to the Local Transport Act 2008 (c.26)
which received Royal Assent on 26 November 2008*

LOCAL TRANSPORT ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 1: The traffic commissioners

Section 3: The senior traffic commissioner

48. The Secretary of State has designated one of the traffic commissioners as senior traffic commissioner. The post currently has no statutory basis and the post holder no statutory powers. *Subsection (1)* inserts new sections 4A to 4D into the PPVA 1981 to put this post on a statutory footing.
49. New section 4B confers powers on the senior traffic commissioner to deploy other traffic commissioners. The effect is that the senior traffic commissioner can require any traffic commissioner or deputy in England and Wales to carry out any function at any place within that jurisdiction, and also to carry out reserved functions in Scotland. The senior traffic commissioner can also require the traffic commissioner for the Scottish Traffic Area, and his deputies, to carry out any reserved function in any place in England and Wales.
50. New section 4C empowers the senior traffic commissioner, following consultation, to issue guidance and general directions to traffic commissioners about the exercise of any of their functions. Traffic commissioners would be required to act under the general directions of, and to have regard to any such guidance given by, the senior traffic commissioner. This replaces the previous requirement for traffic commissioners to act under the general directions of the Secretary of State (whose power to give such directions is removed). The power of the senior traffic commissioner to issue guidance and directions to the Scottish traffic commissioner extends only to reserved matters.
51. New section 4D empowers the Secretary of State to issue guidance to the senior traffic commissioner on the exercise of his functions, and subsection (2) requires the senior traffic commissioner to have regard to any such guidance.
52. **Section 3** also provides for additional remuneration to be paid to the senior traffic commissioner, and includes a transitional provision so that the person designated as senior traffic commissioner prior to the creation of the new statutory post will become the first holder of that office.