



Local Transport Act 2008

2008 CHAPTER 26

PART 5

INTEGRATED TRANSPORT AUTHORITIES ETC

[^{F1}CHAPTER 4

GENERAL POWERS

[^{F1}102C Boundaries of power under section 102B

- (1) Section 102B(1) does not enable an ITA to do—
 - (a) anything which the ITA is unable to do by virtue of a pre-commencement limitation, or
 - (b) anything which the ITA is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (i) to the ITA's power under section 102B(1),
 - (ii) to all of the ITA's powers, or
 - (iii) to all of the ITA's powers but with exceptions that do not include the ITA's power under section 102B(1).
- (2) If exercise of a pre-commencement power of an ITA is subject to restrictions, those restrictions apply also to exercise of the power conferred on the ITA by section 102B(1) so far as it is overlapped by the pre-commencement power.
- (3) Section 102B(1) does not authorise an ITA to borrow money.
- (4) Section 102B(1)(a) to (d) do not authorise an ITA to charge a person for anything done by the ITA otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of ITAs and other best value authorities to charge for discretionary services)).

Status: Point in time view as at 01/08/2014.

Changes to legislation: Local Transport Act 2008, Section 102C is up to date with all changes known to be in force on or before 17 June 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) Section 102B(1)(e) does not authorise an ITA to do things for a commercial purpose in relation to a person if a statutory provision requires the ITA to do those things in relation to the person.
- (6) Where under section 102B(1)(e) an ITA does things for a commercial purpose, it must do them through—
- (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) [^{F2} a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered or deemed to be registered under] the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—
- “ post-commencement limitation ” means a prohibition, restriction or other limitation imposed by a statutory provision that—
- (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 11 of that Act;
- “ pre-commencement limitation ” means a prohibition, restriction or other limitation imposed by a statutory provision that—
- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;
- “ pre-commencement power ” means power conferred by a statutory provision that—
- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;
- “ statutory provision ” means a provision of an Act or of an instrument made under an Act.]

Textual Amendments

- F1** Pt. 5 Ch. 4 inserted (18.2.2012) by [Localism Act 2011 \(c. 20\)](#), **ss. 11**, 240(2); S.I. 2012/411, art. 2(e)
- F2** Words in s. 102C(6)(b) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, **Sch. 4 para. 138** (with Sch. 5)

Status:

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