

*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 3: Bus Services

Section 40: Power of authorities to provide services in exceptional circumstances

119. This section inserts two new sections, 132C and 132D, into the TA 2000. The effect of those sections is to provide a power for a local transport authority to operate local bus services (“interim services”) where an operator of services under a quality contract has ceased to provide those services before the contract was due to terminate.
120. Subsection (2) of new section 132C provides the power. Subsection (3) provides that this power is available to authorities regardless of contrary provisions contained in other enactments, while subsection (4) provides that an authority providing an interim service must hold a valid public service vehicle operator’s licence.
121. Subsections (5) to (7) of the new section set out some limitations on the new power. Their effect is to require authorities providing an interim service to invite tenders for the provision of those services within a prescribed time limit, except where the authority decides to proceed under section 131 of the TA 2000 (which specifies certain circumstances in which an authority may make a quality contract without having first invited tenders).
122. The new section 132D limits to nine months the period for which an interim service may be provided and, in certain circumstances, empowers the traffic commissioner to grant an extension of up to three months if requested by the local authority.
123. The effect of *subsection (2)* of the new section is that the power to provide interim services in an integrated transport area is conferred on the Passenger Transport Executive rather than the Integrated Transport Authority. *Subsection (3)* makes a consequential amendment to the TA 1985.
124. The new sections 132C and 132D to be inserted into the TA 2000 are to extend to England and Wales.