
STATUTORY INSTRUMENTS

2009 No. 3242 (C. 142)

TRANSPORT

**The Local Transport Act 2008 (Commencement
No. 2 and Transitional Provision) Order 2009**

Made - - - - 7th December 2009

The Secretary of State makes the following Order in exercise of the powers conferred by section 134 of the Local Transport Act 2008⁽¹⁾.

Citation and interpretation

1.—(1) This Order may be cited as the Local Transport Act 2008 (Commencement No. 2 and Transitional Provision) Order 2009.

(2) In this Order “the Act” means the Local Transport Act 2008.

Commencement of provisions on 11th January 2010

2.—(1) 11th January 2010 is the appointed day for the coming into force, as respects England, of—

- (a) sections 19 to 45 of the Act (quality contracts schemes), in so far as they are not already in force, subject to the transitional provision in article 3;
- (b) section 131 of the Act (repeals), in so far as it relates to the provisions specified in paragraphs (c) and (d);
- (c) the entry in Part 1 of Schedule 7 to the Act for the Transport (Wales) Act 2006⁽²⁾; and
- (d) the following entries in Part 2 of that Schedule for the TA 2000⁽³⁾—
 - (i) section 125(2);
 - (ii) section 126(4)(a);
 - (iii) section 129(4); and
 - (iv) section 162(4).

(2) 11th January 2010 is the appointed day for the coming into force of section 49 of the Act, in so far as it is not already in force.

⁽¹⁾ 2008 c. 26.

⁽²⁾ 2006 c. 5.

⁽³⁾ The Transport Act 2000, as defined in section 132 of the Local Transport Act 2008.

Transitional provision in relation to quality contracts schemes

3.—(1) Where a local transport authority or authorities in England have, on the coming into force of section 20 of the Act on 11th January 2010, already satisfied the requirements of section 125(1) of the TA 2000 as that section has effect on that date, the copy of the notice of the proposed quality contracts scheme sent to the senior traffic commissioner before that date is to be treated, for the purposes of section 126A(1) of the TA 2000, as notice sent to the senior traffic commissioner on 11th January 2010 in accordance with section 125(1)(d) of the TA 2000.

(2) For the purposes of this article—

- (a) the terms “local transport authority” and “quality contracts scheme” have the meanings given in section 162(1) of the TA 2000(4); and
- (b) “senior traffic commissioner” means the senior traffic commissioner appointed by virtue of section 4A of the PPVA 1981(5).

Signed by authority of the Secretary of State

Sadiq Khan
Minister of State
Department for Transport

7th December 2009

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- (4) By virtue of section 162(1) of the Transport Act 2000, the term “local transport authority” has the meaning given in section 108(4) of that Act, and the term “quality contracts scheme” is to be construed in accordance with section 124(3) of that Act. Section 108(4) is amended by the Local Transport Act 2008, section 77(5) and Schedule 4, Part 3, paragraphs 41 and 42. Section 124(3) is amended by the Local Transport Act 2008, section 19(1) and (4).
- (5) The Public Passenger Vehicles Act 1981, as defined in section 132 of the Local Transport Act 2008. Section 4A was inserted by section 3(1) of the Local Transport Act 2008.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 11th January 2010 provisions of the Local Transport Act 2008 (“the Act”). Where the Act provides for the Welsh Ministers to commence provisions as respects Wales, provisions extending to both England and Wales are commenced in relation to England only. One transitional provision is also made.

Article 2 commences the following sections.

In Part 3 of the Act (bus services) sections 19 to 45, which amend provisions in Part 2 of the Transport Act 2000 (“TA 2000”). These provisions enable local transport authorities to make quality contracts schemes. These sections are commenced as respects England only.

Commencement is subject to the transitional provision in *article 3* which provides that where the authority has taken steps to ensure that, on the coming into force of section 20 of the Act, they have satisfied the notice and consultation requirements in section 125(1) of the TA 2000 as amended by that section, notice is deemed to have been given to the senior traffic commissioner of proposals to make a scheme on the day that section 20 comes into force. That date is relevant in respect of the timescales prescribed in the Quality Contracts Schemes (QCS Boards) (England) Regulations 2009, which come into force on 11th January 2010, for the constitution of a QCS board.

In Part 4 of the Act (general provisions relating to passenger transport), section 49. This section amends and inserts new provisions into the Transport Act 1985 to prescribe the procedure under which local services may be registered, in certain circumstances, in an area where a quality contracts scheme is in force. This section is commenced as respects England and Wales.

In Part 8 (supplementary provisions), section 131, so far as it relates to prescribed repeals in Schedule 7, and those repeals. These provisions are commenced as respects England only.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Various provisions of the Local Transport Act 2008 (“the 2008 Act”) have been brought into force by commencement orders made before the date of this Order. One provision of the 2008 Act is being brought into force on 1st April 2011 by a commencement order made before the date of this Order. The relevant provisions in the 2008 Act are:

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------------------|-----------------------------|-----------------|
| Section 1 | 9.2.2009 | 2009/107 |
| Section 3(1), partially | 4.3.2009 | 2009/107 |
| Section 3(2) to (4) | 4.3.2009 | 2009/107 |
| Section 6 | 9.2.2009 | 2009/107 |
| Sections 7 and 8, as to England | 9.2.2009 | 2009/107 |
| Sections 7 and 8, as to Wales | 1.4.2009 | 2009/579 |
| Section 9, partially, as to England | 9.2.2009 | 2009/107 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Section 9, for remaining purposes, as to England | 1.4.2011 | 2009/107 |
| Section 9, as to Wales | 1.4.2009 | 2009/579 |
| Sections 10 to 12, as to England | 9.2.2009 | 2009/107 |
| Sections 10 to 12, as to Wales | 1.4.2009 | 2009/579 |
| Section 13, partially, as to England | 9.2.2009 | 2009/107 |
| Section 13, for remaining purposes, as to England | 6.4.2009 | 2009/107 |
| Section 13, partially, as to Wales | 1.4.2009 | 2009/579 |
| Sections 14 to 18, as to England | 6.4.2009 | 2009/107 |
| Section 46, as to England | 9.2.2009 | 2009/107 |
| Section 46, as to Wales | 1.4.2009 | 2009/579 |
| Section 47 | 9.2.2009 | 2009/107 |
| Section 48 | 6.4.2009 | 2009/107 |
| Sections 50 to 52 | 9.2.2009 | 2009/107 |
| Sections 53 and 54 | 6.4.2009 | 2009/107 |
| Sections 57 to 61 | 6.4.2009 | 2009/107 |
| Sections 62 and 63 | 9.2.2009 | 2009/107 |
| Section 64, as to England | 9.2.2009 | 2009/107 |
| Section 64, as to Wales | 1.4.2009 | 2009/579 |
| Section 65(1), as to England | 9.2.2009 | 2009/107 |
| Section 65(1), as to Wales | 1.4.2009 | 2009/579 |
| Section 65(2) to (4) | 9.2.2009 | 2009/107 |
| Sections 66 and 67 | 9.2.2009 | 2009/107 |
| Section 68, as to England | 9.2.2009 | 2009/107 |
| Section 68(1) and (2), as to Scotland | 9.2.2009 | 2009/107 |
| Section 68(1) and (3), as to Wales | 1.4.2009 | 2009/579 |
| Sections 69 to 71, as to England | 9.2.2009 | 2009/107 |
| Sections 69 to 71, as to Wales | 1.4.2009 | 2009/579 |
| Section 72 | 6.4.2009 | 2009/107 |
| Section 74 | 9.2.2009 | 2009/107 |
| Section 75, as to England | 9.2.2009 | 2009/107 |
| Section 75, as to Wales | 1.4.2009 | 2009/579 |
| Section 76 | 9.2.2009 | 2009/107 |
| Sections 77 to 102 | 9.2.2009 | 2009/107 |

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|---|-----------------------------|-----------------|
| Sections 103 to 111, as to England | 9.2.2009 | 2009/107 |
| Sections 103 to 111, as to Wales | 1.4.2009 | 2009/579 |
| Section 112(1), as to England | 9.2.2009 | 2009/107 |
| Section 112(1), as to Wales | 1.4.2009 | 2009/579 |
| Section 112(2) | 9.2.2009 | 2009/107 |
| Section 113(1) to (4), as to England | 9.2.2009 | 2009/107 |
| Section 113(1) to (4), as to Wales | 1.4.2009 | 2009/579 |
| Section 113(5) to (7) | 9.2.2009 | 2009/107 |
| Section 114, as to England | 9.2.2009 | 2009/107 |
| Section 114, as to Wales | 1.4.2009 | 2009/579 |
| Section 115(1) and (2), as to England | 9.2.2009 | 2009/107 |
| Section 115(1) and (2), as to Wales | 1.4.2009 | 2009/579 |
| Section 115(3) to (5) | 9.2.2009 | 2009/107 |
| Section 116(1) to (3), as to England | 9.2.2009 | 2009/107 |
| Section 116(1) to (3), as to Wales | 1.4.2009 | 2009/579 |
| Section 116(4) to (8) | 9.2.2009 | 2009/107 |
| Section 117(1), as to England | 9.2.2009 | 2009/107 |
| Section 117(1), as to Wales | 1.4.2009 | 2009/579 |
| Section 117(2) | 9.2.2009 | 2009/107 |
| Section 118(1) to (5), as to England | 9.2.2009 | 2009/107 |
| Section 118(1) to (5), as to Wales | 1.4.2009 | 2009/579 |
| Section 118(6) to (9) | 9.2.2009 | 2009/107 |
| Sections 119 and 120 | 9.2.2009 | 2009/107 |
| Section 121, in so far as it relates to Part 1 of Schedule 6, as to England | 9.2.2009 | 2009/107 |
| Section 121, in so far as it relates to Part 1 of Schedule 6, as to Wales | 1.4.2009 | 2009/579 |
| Section 121, in so far as it relates to Part 2 of Schedule 6 | 9.2.2009 | 2009/107 |
| Sections 125 and 126 | 9.2.2009 | 2009/107 |
| Sections 128 to 130 | 9.2.2009 | 2009/107 |
| Section 131, partially | 9.2.2009 | 2009/107 |
| Section 131, partially | 6.4.2009 | 2009/107 |
| Schedules 1 and 2, as to England | 9.2.2009 | 2009/107 |
| Schedules 1 and 2, as to Wales | 1.4.2009 | 2009/579 |

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| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.I. No.</i> |
|-------------------------------------|-----------------------------|--------------------------|
| Schedules 3 and 4 | 9.2.2009 | 2009/107 |
| Schedule 5, as to England | 9.2.2009 | 2009/107 |
| Schedule 5, as to Wales | 1.4.2009 | 2009/579 |
| Part 1 of Schedule 6, as to England | 9.2.2009 | 2009/107 |
| Part 1 of Schedule 6, as to Wales | 1.4.2009 | 2009/579 |
| Part 2 of Schedule 6 | 9.2.2009 | 2009/107 |
| Schedule 7, partially | 9.2.2009 | 2009/107 |
| Schedule 7, partially | 6.4.2009 | 2009/107 |