

SCHEDULES

SCHEDULE 11

Section 161.

MINOR AND CONSEQUENTIAL AMENDMENTS ABOUT LOCAL TRANSPORT

Finance Act 1965 (c. 25)

- 1 In section 92(8) of the Finance Act 1965 (grants towards duty charged on bus fuel),
in the definition of “bus service”—
- (a) in paragraph (a), after “Act” insert “or provided under a quality contract
(within the meaning of Part II of the Transport Act 2000)”, and
 - (b) in paragraph (b), for “II of that Act” substitute “II of the Transport Act
1985”.

Transport Act 1968 (c. 73)

- 2 The Transport Act 1968 has effect subject to the following amendments.
- 3 (1) Section 9A (general functions of Passenger Transport Authorities and Executives)
is amended as follows.
- (2) Omit subsections (1) and (2).
- (3) For subsection (3) substitute—
- “(3) It shall be the duty of the Executive for each passenger transport area in
England to secure the provision of such public passenger transport services
as the Authority for the area consider it appropriate for the Executive to
secure for meeting any public transport requirements within the area which
in the Authority’s view would not be met apart from any action taken by the
Executive for that purpose.
- (3A) The Authority shall seek and have regard to the advice of the Executive
for their area in determining which services it would be appropriate for the
Executive to secure under subsection (3) of this section.”
- (4) In subsection (6), for the words following paragraph (b) substitute “to have regard
to a combination of economy, efficiency and effectiveness.”
- (5) In subsection (7), insert at the end “and to the bus strategy made jointly by the
Authority and the councils for the metropolitan districts comprised in the area.”
- 4 Omit section 9B (consultation and publicity with respect to policies as to services).

Local Government Act 1972 (c. 70)

- 5 In section 97 of the Local Government Act 1972 (exceptions from prohibition
on member of local authority discussing and voting on matters in which he has
pecuniary interest), after subsection (6) insert—

Status: This is the original version (as it was originally enacted).

“(7) Section 94 above shall not prohibit a director of a public transport company, or a subsidiary of such a company, who is neither—

- (a) paid for acting as such; nor
- (b) an employee of the public transport company or subsidiary,

from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy; and in this subsection “public transport company” and “subsidiary” have the same meanings as in Part IV of the Transport Act 1985.”

Road Traffic Regulation Act 1984 (c. 27)

6 The Road Traffic Regulation Act 1984 has effect subject to the following amendments.

7 In section 1 (traffic regulation orders), after subsection (3) insert—

“(3A) A local traffic authority may make a traffic regulation order in respect of a road in relation to which the Secretary of State or the National Assembly for Wales is the traffic authority if—

- (a) the order is required for the provision of facilities pursuant to a quality partnership scheme under Part II of the Transport Act 2000, and
- (b) the Secretary of State, or the National Assembly for Wales, consents.”

8 (1) Paragraph 27 of Schedule 9 (variation and revocation of orders) is amended as follows.

(2) In sub-paragraph (1), for “sub-paragraph (2)” substitute “sub-paragraphs (2) and (3)”.

(3) After sub-paragraph (2) insert—

“(3) Where an order is required for the provision of facilities pursuant to a quality partnership scheme made under Part II of the Transport Act 2000 by more than one authority—

- (a) it may not be varied or revoked by virtue of this paragraph by the Secretary of State or the National Assembly for Wales unless he or it has consulted the other authority or authorities who made the scheme, and
- (b) it may not be varied or revoked by virtue of this paragraph by any other authority without the consent of that other authority or those other authorities.”

Transport Act 1985 (c. 67)

9 The Transport Act 1985 has effect subject to the following amendments.

10 (1) Section 26(1) (conditions attached to PSV operator’s licence) is amended as follows.

(2) In paragraph (b), after “section” insert “or section 118(4) or 129(1)(b) of the Transport Act 2000”.

(3) After that paragraph insert “; or

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- (ba) the operator has failed to comply with section 138 or 140(3) of that Act;”.
- 11 (1) Section 63 (functions of local councils with respect to passenger transport in areas other than passenger transport areas) is amended as follows.
 - (2) In subsection (1), omit paragraph (b) and the word “and” before it.
 - (3) In subsection (3)—
 - (a) omit “(1)(b) or” and “(1)(a) or”,
 - (b) in paragraph (a), omit “as a local education authority or (as the case may be)”, and
 - (c) in paragraph (b), omit “social services or (as the case may be)”.
 - (4) In subsection (7), for the words from “so to conduct” to the end substitute “to have regard to a combination of economy, efficiency and effectiveness.”
 - (5) In subsection (8), at end insert “and to the appropriate bus strategy.”
 - (6) After that subsection insert—
 - “(8A) In subsection (8) “the appropriate bus strategy” means—
 - (a) in the case of a council which is a local transport authority (within the meaning of section 108(4) of the Transport Act 2000), their bus strategy;
 - (b) in the case of a district council which is not such an authority, the bus strategy of the council for the county in which the district is situated.”
- 12 (1) Section 64 (consultation and publicity with respect to policies as to services) is amended as follows.
 - (2) In subsection (1)—
 - (a) for “63(1)(b) or (2)(b)” substitute “63(2)(b)”,
 - (b) for “either of those provisions” substitute “that provision”, and
 - (c) omit the words following paragraph (b).
 - (3) In subsection (2), omit “under section 63(1)(a) or (as the case may be)”.
- 13 In section 74 (directors of public transport companies), after subsection (3) insert—
 - “(3A) Subsection (3) above shall not prohibit a person from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy.”
- 14 In section 82 (bus stations: restrictions on discriminatory practices), after subsection (4) insert—
 - “(4A) Nothing done pursuant to a quality partnership scheme under Part II of the Transport Act 2000 by—
 - (a) a Passenger Transport Executive,
 - (b) a local authority, or
 - (c) a person to whom subsection (3) above applies,shall be taken to be discrimination prohibited by subsection (1) or (3) above.”

Status: This is the original version (as it was originally enacted).

- 15 In section 93(7) (persons eligible to receive travel concessions under local scheme), for paragraphs (d) and (e) substitute—
- “(d) persons who are blind;
 - (e) persons who are partially sighted;
 - (ea) persons who are deaf;
 - (eb) persons who are without speech;
 - (ec) persons who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
 - (ed) persons who do not have arms or have long-term loss of the use of both arms;
 - (ee) persons who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning;
 - (ef) persons who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol;
 - (eg) any person travelling as the companion of a person who—
 - (i) is eligible to receive travel concessions by virtue of any other paragraph of this subsection; and
 - (ii) requires the assistance of a companion in order to travel on journeys on public passenger transport services;”.
- 16 In section 94(4) (definition of eligible service), for the words from “a service is” to the end substitute
- ““eligible service” means—
- (a) until section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) ceases to have effect as a result of section 154(6) of the Transport Act 2000, a service qualifying for fuel duty grant, and
 - (b) after that time, a service using public service vehicles of a class specified in an order made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).”
- 17 In section 103(3) (no subsidies for concessions available under a scheme), insert at the end “or under section 145(1) of the Transport Act 2000.”
- 18 (1) Section 104 (travel concessions on services provided by Passenger Transport Executives) is amended as follows.
- (2) In subsection (1), for the words from “other than” to “that section” substitute “otherwise than in accordance with a scheme established under section 93 of this Act or in accordance with section 145(1) of the Transport Act 2000”.
- (3) In subsection (2), after paragraph (a) insert—
- “(aa) in accordance with section 145(1) of the Transport Act 2000; or”.
- 19 In section 105(1) (travel concessions on services provided by local authorities), for the words “of any description” onwards substitute “in accordance with a scheme established under section 93 of this Act or in accordance with section 145(1) of the Transport Act 2000.”

- 20 (1) Section 108 (grants for establishment of rural passenger services in Wales and Scotland) is amended as follows.
- (2) In subsection (1), omit “Wales or”.
- (3) In the sidenote, omit “Wales and”.
- 21 Omit section 109 (transitional rural bus grants).
- 22 (1) Section 111 (unregistered and unreliable local services: requirement to repay twenty per cent. of bus fuel duty grants) is amended as follows (until it ceases to have effect as a result of section 154(6)).
- (2) For subsection (1) substitute—
- “(1) Where the traffic commissioner for any traffic area is satisfied that the operator of a local service has, without reasonable excuse—
- (a) failed to operate a local service registered under section 6 of this Act;
- (b) operated a local service in contravention of that section or section 118(4) or 129(1)(b) of the Transport Act 2000; or
- (c) failed to comply with section 138 or 140(3) of that Act;
- he may make a determination to that effect.”

Greater London Authority Act 1999 (c. 29)

- 23 In section 420(8) of the Greater London Authority Act 1999 (orders subject to annulment in pursuance of a resolution of either House of Parliament), after “235(4);” insert—
- “section 242(10);”.