



Local Transport Act 2008

2008 CHAPTER 26

PART 4

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Transport users' advisory committees etc

72 The Disabled Persons Transport Advisory Committee: remuneration

- (1) Schedule 5 to the TA 1985 (the Disabled Persons Transport Advisory Committee) is amended as follows.
- (2) In paragraph 2—
 - (a) at the beginning insert “(1)”;
 - (b) after “to pay to their members” insert “such remuneration, and”.
- (3) At the end of paragraph 2 insert—
 - “(2) In relation to Scotland, the only remuneration that may be paid under this paragraph is remuneration for the performance of functions which relate to reserved matters (within the meaning of the Scotland Act 1998).”

73 The Public Transport Users' Committee for England

- (1) After section 125 of the TA 1985 (the Disabled Persons Transport Advisory Committee) insert—

“The Public Transport Users' Committee for England

125A The Public Transport Users' Committee for England

- (1) The Secretary of State may by order establish a body corporate, to be known as the Public Transport Users' Committee for England.

Status: This is the original version (as it was originally enacted).

A body established under this subsection is referred to in this section and sections 125B and 125C as the Committee.

- (2) The Secretary of State may by order provide for a body established under subsection (1) to be known by a different name.
- (3) An order under subsection (1) may include provision—
 - (a) about the status and membership of the Committee (including how members are to be appointed);
 - (b) about the proceedings of the Committee;
 - (c) about the declaration by members of any financial or other interests, and the recording of such interests;
 - (d) about officers and staff of the Committee;
 - (e) about the discharge of functions of the Committee (including provision for the discharge of functions by sub-committees with members who are not all members of the Committee);
 - (f) about the making of reports by the Committee to—
 - (i) the Secretary of State, or
 - (ii) such other person as the Secretary of State may determine;
 - (g) about the making of payments to or in respect of officers, staff and members of the Committee;
 - (h) about the payment of pensions and the making of other payments to or in respect of former officers and staff of the Committee;
 - (i) about the keeping of accounts by the Committee and their audit and submission to the Secretary of State;
 - (j) about the acquisition and disposal by the Committee of property, rights and liabilities (including land);
 - (k) authorising the Committee to charge for any services it provides in the discharge of any of its functions;
 - (l) requiring the Committee to have regard to the policies and activities of such other persons or bodies as the Secretary of State may determine;
 - (m) for the transfer of staff, property, rights and liabilities to the Committee.
- (4) The Secretary of State may make payments to the Committee of such amounts, at such times, and on such conditions (if any) as the Secretary of State considers appropriate.
- (5) The Secretary of State may by order make provision for the transfer of staff, property, rights and liabilities from the Committee to any other person.
- (6) An order made by virtue of subsection (2) may make such provision, including provision amending, repealing or revoking any provision of this Act or any other enactment (whenever passed or made), as appears to the Secretary of State to be necessary in consequence of the order.

In this subsection “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

- (7) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

125B Functions of the Committee

- (1) The Committee may consider and make recommendations or representations to the Secretary of State about any matter relating to—
 - (a) prescribed public passenger transport services, or public passenger transport services that are of a prescribed description, to the extent that they operate in England; or
 - (b) prescribed public passenger transport facilities in England, or public passenger transport facilities in England that are of a prescribed description.
- (2) The Committee must consider and make recommendations to the Secretary of State about any such matter if asked to do so by the Secretary of State.
- (3) The Secretary of State may by order—
 - (a) confer further functions on the Committee;
 - (b) remove functions from the Committee;
 - (c) make changes to any functions of the Committee;
 - (d) transfer any functions of the Committee to another person (including to the Secretary of State).
- (4) An order under subsection (3) may confer a function on the Committee, or make changes to a function of the Committee, only if the new function, or the function as changed, relates to—
 - (a) public passenger transport services, so far as operating in England; or
 - (b) public passenger transport facilities in England.
- (5) The functions that may be conferred on the Committee under subsection (3)
 - (a) include a power—
 - (a) to enter into arrangements with another body for discharging functions on behalf of that body in relation to England;
 - (b) to give effect to any such arrangements;
 - (c) to enter into arrangements with another body for that body to discharge any functions of the Committee on behalf of the Committee.
- (6) The discharge of a function by the Committee on behalf of another body does not affect the responsibility of the body for the discharge of the function.
- (7) The discharge of a function by another body on behalf of the Committee does not affect the responsibility of the Committee for the discharge of the function.
- (8) The provision that may be made in an order under subsection (3) includes provision amending or repealing any provision of this Act or any other enactment conferring functions on the Committee.
- (9) The Committee may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- (10) In this section—

“prescribed” means prescribed by order made by the Secretary of State;

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

“public passenger transport facilities” means facilities for public passenger transport services.

- (11) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

125C Power to confer functions in relation to the Committee

- (1) This section applies where an order under section 125B(3) confers on the Committee power to make recommendations or representations to a body or person.
 - (2) The Secretary of State may by order confer on the body or person functions in respect of such recommendations or representations.
 - (3) An order under this section may confer a function on a body or person only if the new function relates to—
 - (a) public passenger transport services, so far as operating in England; or
 - (b) public passenger transport facilities in England.
 - (4) The provision that may be made in an order under this section includes provision amending, repealing or revoking any provision of this Act or any other enactment (whenever passed or made) conferring functions on the body or person.
 - (5) In this section “public passenger transport facilities” has the same meaning as in section 125B.
 - (6) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”
- (2) In section 135 of the TA 1985 (procedure for making regulations, rules and orders), in subsection (4), after “85” insert “, 125A, 125B, 125C”.

74 Power to confer non-rail functions on the Rail Passengers' Council

In Part 3 of the Railways Act 2005 (c. 14), after section 19 insert—

“19A Power to confer non-rail functions on the Rail Passengers' Council

- (1) The Secretary of State may by order make provision conferring functions on the Rail Passengers' Council relating to—
 - (a) prescribed local services, or local services of a prescribed description, so far as operating in England;
 - (b) prescribed domestic coach services, or domestic coach services of a prescribed description, so far as operating in England;
 - (c) prescribed tramway passenger services, or tramway passenger services of a prescribed description, so far as operating in England;
 - (d) prescribed passenger transport facilities in England, or passenger transport facilities in England that are of a prescribed description.
- (2) The power conferred by subsection (1) includes power to amend any enactment (including this Act) for the purposes of making such provision.

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

- (3) An order under this section may make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, such an order, or for giving full effect to such an order.
- (4) The provision which may be included by virtue of subsection (3) in an order includes—
- (a) provision for the body established by section 19 to be known by a different name;
 - (b) provision altering the number of persons that may be appointed as members of that body by the Secretary of State under section 19(1)(e);
 - (c) provision amending, repealing or revoking any provision of this Act or any other enactment, whenever passed or made.
- (5) In a case where an order under this section confers on the Rail Passengers' Council power to make recommendations or representations to a body or person, the provision which may be included by virtue of subsection (3) in the order also includes provision conferring on the body or person functions in respect of such recommendations or representations.
- (6) An order under this section may confer a function on a body or person by virtue of subsection (5) only if the new function relates to—
- (a) services of a kind mentioned in paragraphs (a) to (c) of subsection (1), so far as operating in England, or
 - (b) passenger transport facilities in England.
- (7) Nothing in this section provides power to alter the functions of the Rail Passengers' Council so far as relating to the provision of railway passenger services or station services.
- (8) An order under this section is subject to the affirmative resolution procedure.
- (9) In this section—
- “domestic coach service” means a bus service which—
 - (a) carries passengers at separate fares, and
 - (b) is not a local service;
 - “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
 - “local service” has the meaning given by section 2 of the Transport Act 1985;
 - “passenger transport facilities” means facilities for services of a kind mentioned in paragraphs (a) to (c) of subsection (1);
 - “prescribed” means prescribed by order made by the Secretary of State;
 - “tramway passenger service” means any service for the carriage of passengers by tramway.”