



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 5

#### INTEGRATED TRANSPORT AUTHORITIES ETC

#### CHAPTER 2

#### ARRANGEMENTS RELATING TO INTEGRATED TRANSPORT AUTHORITIES

#### *Further provision about orders*

#### **92 Orders under sections 84 to 91**

- (1) This section applies to an order made under any of sections 84 to 91.
- (2) An order may be made only if the Secretary of State, having had regard to a scheme prepared and published under section 82 or 83, considers that the making of the order is likely to improve—
  - (a) the exercise of statutory functions relating to transport in the area or areas to which the order relates, or
  - (b) the effectiveness and efficiency of transport within that area or those areas.
- (3) The requirement in subsection (2) to have regard to a scheme does not apply in relation to any matter if a direction has been given under section 83 in relation to the matter and any period specified in the direction for the preparation and publication of a scheme has expired.
- (4) Before making an order the Secretary of State must consult—
  - (a) such representatives of authorities mentioned in sections 82(2) and 83(2), and
  - (b) such other persons (if any),as the Secretary of State considers appropriate.
- (5) In making an order the Secretary of State must have regard to the need—

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*Changes to legislation: Local Transport Act 2008, Cross Heading: Further provision about orders is up to date with all changes known to be in force on or before 28 April 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) View outstanding changes*

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- (a) to reflect the identities and interests of local communities, and
  - (b) to secure effective and convenient local government.
- (6) An order which makes provision for dissolution of an integrated transport area may be made only with the consent of a majority of the councils falling within subsection (7).
- (7) The councils are—
- (a) the councils for any metropolitan districts whose areas are comprised in the integrated transport area,
  - (b) the councils for any counties whose areas are comprised in the integrated transport area,
  - (c) any unitary councils for any non-metropolitan districts whose areas are comprised in the integrated transport area.
- (8) An order which changes the boundaries of an integrated transport area may be made only if each council mentioned in subsection (9) has consented to the boundary change.
- (9) The councils are—
- (a) any council for a county or a metropolitan district, and any unitary council, whose area—
    - (i) is comprised in the existing integrated transport area, and
    - (ii) would not be comprised in the proposed integrated transport area,
  - (b) any council for a county or a metropolitan district, and any unitary council, whose area—
    - (i) is not comprised in the existing integrated transport area, and
    - (ii) would be comprised in the proposed integrated transport area.
- (10) In this section a “unitary council” is a council for a non-metropolitan district comprised in an area for which there is no county council.
- (11) This section has effect in relation to the variation or revocation of an order as it has effect in relation to the making of an order.

**Commencement Information**

**II** S. 92 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

**93 Incidental etc provision**

- (1) The Secretary of State may by order make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, an order under this Chapter, or for giving full effect to such an order.
- (2) The provision which may be included by virtue of this section in an order includes provision for the transfer of property, rights and liabilities by—
- (a) the order,
  - (b) a scheme made by the Secretary of State under the order,
  - (c) a scheme required to be made under the order by a person other than the Secretary of State.
- (3) The provision which may be included by virtue of subsection (2) in an order includes provision—

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- (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred by or under an order,
  - (b) for the management or custody of transferred property,
  - (c) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.
- (4) The provision which may be included by virtue of this section in an order includes provision amending, modifying, repealing or revoking any enactment, whenever passed or made.
- (5) The provision which may be included by virtue of subsection (4) does not include provision amending or disapplying sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (c. 42) (political balance on local authority committees etc).
- (6) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

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**Commencement Information**

- I2** S. 93 partly in force; s. 93 in force at Royal Assent for certain purposes see s. 134
- I3** S. 93 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

**94 Procedure for orders under this Chapter**

- (1) Any power to make an order under this Chapter is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under this Chapter may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) If, apart from this subsection, an instrument containing an order under this Chapter would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not a hybrid instrument.

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**Commencement Information**

- I4** S. 94 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Local Transport Act 2008**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/579 art. 2](#) commences (2008 c. 26)
- [S.I. 2009/3294 art. 2](#) commences (2008 c. 26)