
EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force provisions of the Local Transport Act 2008 (“the Act”). The provisions are brought into force on different dates and, where the Act provides for the Welsh Ministers to commence provisions as respects Wales, provisions applying to both England and Wales are commenced in relation to England only. A number of transitional provisions are also made.

Except where otherwise stated, provisions are commenced as to their full geographical extent.

Article 2, and Schedules 1 and 2, commence the following provisions on 9th February 2009.

- a) in Part 1 of the Act (the Traffic Commissioners), sections 1 and 6, which provide additional powers for the Secretary of State to make secondary legislation either to vary traffic areas, or as a consequence of the implementation of Part 1 of the Act.
- b) in Part 2 (Transport policies), all the provisions other than section 9(1) and (3). Transitional provision is made as respects existing local transport policies and plans. Part 2 is commenced as respects England only.

- c) in Part 3 (Bus services):

section 13(2), which replaces the requirement for a local transport authority to be satisfied that a quality partnership scheme would implement policies set out in the bus strategy. This amendment is consequential on the commencement of section 10 of the Act. Section 13(2) is commenced as respects England only.

section 46, which introduces a statutory definition of voluntary partnership agreements. This section also introduces Schedule 2 to the Act, which amends Schedule 10 to the Transport Act 2000 (competition test for exercise of bus functions). Section 46 is commenced as respects England only.

- d) in Part 4 (General provisions relating to passenger transport):

section 47 and Schedule 3, which empower the Secretary of State to make regulations introducing a new regime for the detention of certain public service vehicles used in contravention of the operator licensing requirements.

section 50, which amends section 7 of the Transport Act 1985. The effect is to enable traffic regulation conditions to be made to address anticipated traffic problems, as well as traffic problems that have already arisen.

section 51, which transfers responsibility for determining appeals against traffic regulation conditions from the Secretary of State to the Transport Tribunal. The transitional provision in Part 2 of Schedule 1 to this Order provides that any appeals outstanding on the date on which this section comes into force will continue to be determined by the Secretary of State.

section 52, which extends the power of the Secretary of State to prescribe fees in connection with the registration of local bus services.

sections 62 to 65, which amend provisions in the Transport Acts of 1985 and 2000, to extend the powers of traffic commissioners to take enforcement action against operators. Sections 62 to 64 are subject to transitional provisions which prevent the use of the new powers in respect of failures which took place before the coming into force of those sections. Sections 64 and 65(1) are commenced as respects England only.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

section 66, which revives certain powers of Passenger Transport Executives to lease any public services vehicles owned by them to operators of local services, and services operated under a permit issued under section 19 of the Transport Act 1985.

sections 67 to 70, which extend the powers of Passenger Transport Authorities and Executives, local authorities, and the Welsh Ministers to subsidise the provision of certain passenger transport services. Section 68(2) is commenced as respects England and Scotland only, and section 68(3) and sections 69 and 70 as respects England only.

section 71, which removes certain disabilities and requirements for local authorities to seek the consent of the Secretary of State in connection with public transport companies. The transitional provision in Part 2 of Schedule 2 provides that any applications for consent which are outstanding on the date on which this section comes into force will no longer require the consent of the Secretary of State. This section is commenced as respects England only.

section 74, which empowers the Secretary of State to confer additional functions on the Rail Passengers' Council in relation to buses, domestic coach services and trams, and related facilities.

section 75, which empowers the Secretary of State to require certain bodies to display prescribed transport-related information. This section is commenced as respects England only.

section 76, which amends the powers of the Transport Tribunal in respect of appeals against the determinations of traffic commissioners.

e) in Part 5 (Integrated Transport Authorities Etc.):

section 77, which changes the name of passenger transport areas and Passenger Transport Authorities to integrated transport areas and Integrated Transport Authorities (ITAs).

sections 78 to 98, which contain powers to make changes to the constitutions and areas of existing ITAs and to create new ITAs.

sections 99 to 102, which give ITAs power to take action to promote or improve the economic, social or environmental well-being of their areas.

Part 5 has effect only in England.

f) in Part 6 (Local and London charging schemes):

sections 103 to 118, 120 and 121. Part 6 of the Act, other than section 119, amends provisions in Part 3 of the Transport Act 2000 and in Schedule 23 to the Greater London Authority Act 1999 (powers of local authorities and of the Greater London Authority to make road charging schemes). The amendments to the Transport Act 2000 are brought into force as respects England only; the amendments to the Greater London Authority Act 1999 are brought into force as respects England and Wales. Transitional provision is made as respects sections 110 and 111, which amend sections 169 and 170 of the Transport Act 2000.

section 119, which enables the Secretary of State to charge for supplying information to charging authorities in Scotland.

g) in Part 7 (Miscellaneous provisions):

section 125, which amends section 5 of the Goods Vehicles (Licensing of Operators) Act 1995 (vehicles used under operator's licence).

section 126, which amends Schedule 1A to that Act (detention of vehicles used without operator's licence).

section 128, which amends the definition of "conditional offer" in section 90F of the Road Traffic Offenders Act 1988.

sections 129 and 130, which enable the Secretary of State to disclose and use information relating to foreign vehicles.

- h) in Part 8 (Supplementary provisions), section 131, so far as it relates to repeals in Schedule 7 relevant to the provisions brought into force on 9th February 2009, and those repeals.
Article 3, and Schedule 3, commence on 4th March 2009 section 3, in part, which provides a statutory basis for the appointment of a Senior Traffic Commissioner.
Article 4, and Schedules 4 and 5, commence the following provisions on 6th April 2009.
- a) in Part 3, sections 13 to 18 (with the exception of section 13(2) which is brought into force on 9th February 2009) which amend powers in the Transport Act 2000 for local transport authorities to make quality partnership schemes. These sections are commenced as respects England only.
- b) in Part 4:
section 48, which inserts new provisions into the Transport Act 1985, to enable restrictions to be imposed on the registration of local services where a quality partnership scheme is in force.
sections 53 and 54, which amend provisions in the Transport Act 1985 to enable holders of a private hire vehicle licence to apply for a special licence, under which such vehicles may be used to provide local bus services.
sections 57 to 61, which amend provisions in the Transport Act 1985 about vehicles used under community transport permits.
section 72, which amends Schedule 5 to the Transport Act 1985 to enable the Disabled Persons Transport Advisory Committee to remunerate its members out of funds provided by the Secretary of State.
- c) in Part 8, section 131, so far as it relates to repeals in Schedule 7 relevant to the provisions brought into force on 6th April 2009, and those repeals.
Article 5 of the Order commences on 1st April 2011 section 9(1) and (3) of the Act. Section 9(1) and (3) is commenced as respects England only.