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WELSH STATUTORY INSTRUMENTS

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**2009 No. 579 (W.55) (C.50)**

**TRANSPORT, WALES**

**The Local Transport Act 2008 (Commencement No. 1 and Transitional Provisions) (Wales) Order 2009**

*Made* - - - - - *9 March 2009*  
*Coming into force* - - - - - *1 April 2009*

The Welsh Ministers, in exercise of the powers conferred upon them by section 134(6) of the Local Transport Act 2008<sup>(1)</sup>, make the following Order:

**Title, application and interpretation**

1.—(1) The title of this Order is the Local Transport Act 2008 (Commencement No.1 and Transitional Provisions) (Wales) Order 2009 and it applies in relation to Wales.

(2) In this Order—

- “the Act” (“*y Ddeddf*”) means the Local Transport Act 2008;
- “the 1985 Act” (“*Deddf 1985*”) means the Transport Act 1985<sup>(2)</sup>; and
- “the 2000 Act” (“*Ddedf 2000*”) means the Transport Act 2000<sup>(3)</sup>.

**Commencement of local transport provisions in relation to Wales**

2. 1 April 2009 is the appointed day for the coming into force of the following provisions of the Act, subject to the transitional provisions listed in the Schedule to this Order—

- (a) Section 7, and accordingly Schedule 1.
- (b) Section 8 to section 12 inclusive.
- (c) Section 13(1) (insofar as it relates to section 13(2)) and section 13(2).
- (d) Section 46, and accordingly Schedule 2.
- (e) Section 64.
- (f) Section 65(1).
- (g) Section 68(1) (insofar as it relates to section 68(3)) and section 68(3).

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(1) 2008 c. 26.  
(2) 1985 c. 67.  
(3) 2000 c. 38.

- (h) Section 69 to section 71 inclusive.
- (i) Section 75.
- (j) Section 103 to section 108 inclusive.
- (k) Section 109, and accordingly Schedule 5.
- (l) Section 110 to section 111 inclusive.
- (m) Section 112(1).
- (n) Section 113(1) to (4) inclusive.
- (o) Section 114.
- (p) Section 115(1) to (2) inclusive.
- (q) Section 116(1) to (3) inclusive.
- (r) Section 117(1).
- (s) Section 118(1) to (5) inclusive.
- (t) Section 121 (insofar as it relates to Part 1 of Schedule 6) and Part 1 of Schedule 6.

9 March 2009

*Ieuan Wyn Jones*  
Minister for the Economy and Transport, one of  
the Welsh Ministers.

## SCHEDULE

### TRANSITIONAL PROVISIONS

1. Notwithstanding the coming into force of section 10 of the Act, a bus strategy prepared by a local transport authority in accordance with section 110 of the 2000 Act (bus strategies) will continue to have effect as respects section 124(1)(a) of that Act (quality contracts schemes).

2. Notwithstanding the coming into force of section 64 of the Act, section 155 of the 2000 Act (penalties) will continue to apply in Wales without the amendments made by section 64 of the Act in respect of penalties imposed by a traffic commissioner against an operator of a local service where that traffic commissioner is satisfied that the operator had, before 1 April 2009 —

- (a) failed to operate a local service registered under section 6 of the 1985 Act,
- (b) operated a local service in contravention of that section or section 118(4) or 129(1)(b) of the 2000 Act, or
- (c) failed to comply with section 138 or 140(3) of the 2000 Act.

3.—(1) Notwithstanding the coming into force of section 71 of the Act, any application which is made before 1 April 2009 and which seeks the consent of the Welsh Ministers under any of the provisions of the 1985 Act listed in sub-paragraph (2), but which has not been determined by that date, is to be dealt with as if that application had been made on a date on or after 1 April 2009.

(2) The provisions are—

- (a) section 75(3) (subscription for, or acquisition or disposal of, certain shares, securities or other property or assets etc);
- (b) section 79(3) (making or guaranteeing of certain loans);
- (c) section 79(7) (guarantees etc in connection with disposals of certain shares, securities or other property or assets etc); and
- (d) section 79(8) (provision of financial assistance by way of grants, loans, etc).

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### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

This Order brings into force on 1 April 2009 the following provisions of the Local Transport Act 2008 (“the Act”).

#### **Part 2**

Part 2 of the Act makes amendments to the Transport Act 2000 in relation to local transport plans. Whilst the Act makes changes to the arrangements in England, existing arrangements in Wales are preserved.

Sections 7 and 8 of the Act, together with Schedule 1, insert the new term “local transport policies” into Parts 2 and 3 of the Transport Act 2000. This term is defined as the policies developed under section 108(1)(a) of the Transport Act 2000.

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

Section 9 preserves, in relation to Wales, the duty in section 108 of the Transport Act 2000, for local transport authorities to produce a local transport plan (“LTP”). Section 9(1) provides that an LTP in Wales must be a document containing local transport policies in line with the Wales Transport Strategy.

Section 10 repeals the requirement under the Transport Act 2000 for local transport authorities to prepare a bus strategy. Following on from this, subsections (8) to (11) make consequential amendments to the Transport Act 1968 and the Transport Act 1985.

Section 11 amends the duty upon local transport authorities in section 112(2) of the Transport Act 2000 to have regard to the needs of elderly persons or those with disabilities when developing their policies.

Section 12 removes the previous joint duty on Passenger Transport Authorities and metropolitan district councils in a passenger transport area in England to produce a local transport plan under section 108(1)(a), and place the duty in future solely with the Integrated Transport Authority.

### **Part 3**

Section 13 amends section 114 of the Transport Act 2000. Section 13(2) 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, which removes the requirement for a local transport authority to produce a bus strategy.

Section 46 introduces a statutory definition of voluntary partnership agreements. This section also introduces Schedule 2 to the Act. The provisions in Schedule 2 amend the competition test in Schedule 10 to the Transport Act 2000 (competition test for exercise of bus functions).

### **Part 4**

Sections 64 and 65 amend section 155 of the Transport Act 2000. The new provisions extend the powers of traffic commissioners to impose penalties where local bus services are not operated as registered, or where operators fail to provide prescribed performance data. Section 64 is subject to transitional arrangements which prevent the use of the new powers in respect of failures which took place before the coming into force of this section.

Sections 68 to 70 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 71 removes certain disabilities and requirements for local authorities to seek the consent of the Welsh Ministers in connection with public transport companies. The transitional provision in the Schedule 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 Welsh Ministers.

Section 75 empowers the Welsh Ministers to require certain bodies to display prescribed transport-related information.

### **Part 6**

Part 6 of the Act is commenced, save for sections 119 and 120. Part 6 amends, in relation to Wales, provisions in Part 3 of the Transport Act 2000 relating to local charging schemes.