Transport Act 2000

2000 CHAPTER 38

PART II

LOCAL TRANSPORT

[F1 Bus services: franchising schemes

[F1 123A Franchising schemes

(1) A franchising authority, or two or more franchising authorities acting jointly, may make a franchising scheme covering the whole or any part of their area, or their combined area.

(2) A franchising scheme may not be made unless the franchising authority or authorities have complied with the requirements in sections 123B to 123G.

(3) A franchising scheme is a scheme—

(a) under which the authority or authorities identify the local services that they consider appropriate to be provided in an area under local service contracts,

(b) by virtue of which those local services may only be provided in that area in accordance with local service contracts (subject to section 123O),

(c) by virtue of which the authority or authorities may grant service permits for other local services which have a stopping place in that area (subject to section 123H(5)), and

(d) under which the authority or authorities identify additional facilities that they consider appropriate to provide in that area.

(4) In this Part "franchising authority" means—

(a) a mayoral combined authority,

F2 [(aa) a mayoral CCA;]

(b) a county council in England for an area for which there are district councils,

(c) a county council in England for an area for which there is no district council,

Changes to legislation: *Transport Act 2000, Section 123A is up to date with all changes known to be in force on or before 18 July 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*

(d) a non-metropolitan district council for an area for which there is no county council,

(e) an Integrated Transport Authority for an integrated transport area in England, [F3]…

(f) a combined authority which is not a mayoral combined authority**[**[F4], or

(g) a combined county authority which is not a mayoral CCA.**]**

But each of paragraphs (b) to **[**[F5](g)**]** has effect only if the Secretary of State by regulations so provides.

(5) In this Part "local service contract", in relation to a franchising scheme, means an agreement that complies with section 123K(1) to (3) under which—

(a) the franchising authority or authorities grant to another person the exclusive right to operate the local services to which the contract relates, and

(b) the person undertakes to provide the local services on such terms (including in particular as to frequency, fares and standard of service) as may be specified in the agreement.

(6) The terms as to standard of service that may be specified include terms about requirements which vehicles being used to provide the service must meet, including requirements about emissions or types of fuel or power.

(7) A local service contract may be made on terms which include provision for the making of payments by the authority or authorities to the person undertaking to provide the local service.

(8) Section 88(1) of the Transport Act 1985 (application to subsidy agreements of sections 89 to 92 of that Act) does not apply in relation to local service contracts.

(9) A franchising scheme must include a description of the franchising authority's or authorities' plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the scheme is working.

(10) A franchising authority's functions under this Part in relation to a franchising scheme are excluded from the functions to which section 101(1)(b) of the Local Government Act 1972 applies, where the franchising authority is a local authority within the meaning of section 101 of the Local Government Act 1972.**]**

Textual Amendments

F1 Ss. 123A-123X and cross-heading inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), **ss. 4**, 26(3)

F2 S. 123A(4)(aa) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 128(a)** (with s. 247)

F3 Word in s. 123A(4)(e) omitted (26.12.2023) by virtue of Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 128(b)** (with s. 247)

F4 S. 123A(4)(g) and word inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 128(c)** (with s. 247)

F5 Word in s. 123A(4) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), **Sch. 4 para. 128(d)** (with s. 247)

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Modifications etc. (not altering text)

C1 Pt. 2: functions made exercisable (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **15(1)**

C2 Pt. 2: transfer of functions (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **7** (with art. 28)

C3 Pt. 2 functions made exercisable (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **9** (with art. 28)

C4 Ss. 123A-123X: functions transferred (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **15(2)**

C5 S. 123A(4)(a) modified (2.11.2018) by The Newcastle Upon Tyne, North Tyneside and Northumberland Combined Authority (Establishment and Functions) Order 2018 (S.I. 2018/1133), arts. 1, **12(2)** (with art. 28)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by S.I. 2011/1043 art. 34

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by 2000 c. 38 s. 274 Sch. 31 Pt. 2
- s. 19(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 9(1C)(b) (as inserted) by S.I. 2019/1245 reg. 25 (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 86(8) inserted by 2024 c. 13 Sch. 29 para. 2
- s. 131A(2)(a) words omitted by 2017 c. 21 Sch. 2 para. 13(a)(i)
- s. 131A(2)(b) omitted by 2017 c. 21 Sch. 2 para. 13(a)(ii)
- s. 131A(4) omitted by 2017 c. 21 Sch. 2 para. 13(b)
- s. 131A(5)(b) words omitted by 2017 c. 21 Sch. 2 para. 13(c)(i)
- s. 131A(5)(c) words omitted by 2017 c. 21 Sch. 2 para. 13(c)(ii)
- s. 132B(1)(a) omitted by 2017 c. 21 Sch. 2 para. 19
- Sch. 9 para. 3(3)(ri) inserted by 2024 c. 13 Sch. 30 para. 27(a)
- Sch. 16 para. 34(4)(a)para. 34(4)(b)(c) repealed by 2005 c. 14 Sch. 13 Pt. 1