

Changes to legislation: There are currently no known outstanding effects for the Transport (Wales) Act 2006. (See end of Document for details)

SCHEDULE

Section 3

LOCAL TRANSPORT PLANS

1 Part 2 of the Transport Act 2000 (c. 38) (local transport) is amended as follows.

2 (1) Section 108 (local transport plans) is amended as follows.

(2) After subsection (2) insert—

“(2A) Each local transport authority whose area is in Wales must also—

- (a) develop policies for the implementation in their area of the Wales Transport Strategy, and
- (b) carry out their functions so as to implement those policies.”.

^{F1}(3)

Textual Amendments

F1 Sch. para. 2(3) repealed (11.1.2010 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 7 Pt. 1](#); S.I. 2009/3242, art. 2(1)(c); S.I. 2009/3294, art. 2(d)

3 (1) Section 109 (further provision about plans) is amended as follows.

(2) For the heading substitute “ Further provision about plans: England ”.

(3) In subsection (1) after “local transport authority” insert “ whose area is in England ”.

(4) In subsection (3)(b) omit the words from “(in the case of an authority whose area is in England)” to “in Wales)”.

^{F2}(5)

^{F2}(6)

Textual Amendments

F2 Sch. paras. 3(5)(6) repealed (11.1.2010 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 7 Pt. 1](#); S.I. 2009/3242, art. 2(1)(c); S.I. 2009/3294, art. 2(d)

4 After section 109 insert—

“109A Approval of plans: Wales

(1) A local transport authority whose area is in Wales must submit their local transport plan to the National Assembly for Wales for its approval.

(2) If the Assembly refuses to approve a plan submitted to it by a local transport authority under this section—

- (a) the Assembly must give the local transport authority a statement of the reasons for its refusal, and
- (b) the authority must prepare another local transport plan and submit the plan to the Assembly for its approval.

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- (3) If the Assembly approves a local transport plan under this section, the plan has effect when the approval is given.
- (4) The Assembly may approve a local transport plan under this section if (but only if) it considers—
 - (a) that the plan is consistent with the Wales Transport Strategy, and
 - (b) that the policies contained in the plan are adequate for the implementation in the authority's area of the Strategy.
- (5) The Assembly must not delegate its function of—
 - (a) refusing to approve a local transport plan under this section, or
 - (b) making a statement of the reasons for its refusal to approve a local transport plan under this section.

109B Further provision about plans: Wales

- (1) A local transport authority whose area is in Wales must keep their local transport plan under review and alter it if they consider it appropriate to do so.
- (2) The authority must in particular review the plan as soon as practicable after the publication of the Wales Transport Strategy or any revision of it.
- (3) The authority must replace their local transport plan not later than five years after the date on which the plan was approved under section 109A.
- (4) Section 109A applies to a replacement plan and a plan as altered as it applies to a plan as originally prepared.
- (5) A local transport authority whose area is in Wales shall be taken to have complied with subsection (3) if (but only if)—
 - (a) the authority submit their replacement plan to the National Assembly for Wales for approval under section 109A before the end of the five year period mentioned in subsection (3), and
 - (b) the Assembly approves the plan under section 109A (whether the approval is given before or after the end of that five year period).
- (6) If an authority fail to comply with subsection (3) because they fail to submit their replacement plan to the Assembly for approval under section 109A before the end of the five year period mentioned in that subsection, the authority must replace their local transport plan as soon as practicable after the expiry of the five year period.
- (7) If an authority fail to comply with subsection (3) because the Assembly refuses to approve a plan submitted to it under section 109A, the authority must replace their local transport plan as soon as practicable after the refusal.
- (8) As soon as practicable after their plan, or their plan as altered, has been approved under section 109A, a local transport authority whose area is in Wales must—
 - (a) publish the plan or the plan as altered in such manner as they think fit, and
 - (b) send a copy of it to such persons (if any) as may be specified in guidance under section 112(1).

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- (9) The authority must also—
- (a) cause a copy of their local transport plan to be made available for inspection (at all reasonable hours) at such places as they think fit,
 - (b) give notice, by such means as they think expedient for bringing it to the attention of the public, as to the places at which a copy of it may be inspected, and
 - (c) supply a copy of it (or any part of it) to any person on request, either free of charge or at a charge representing no more than the cost of providing the copy.

109C Transitional provisions: Wales

- (1) Where a local transport authority whose area is in Wales have, before 1st August 2001, prepared and published a document which—
- (a) contains policies developed by them for the purposes described in section 108(1)(a), and
 - (b) was prepared and published in accordance with guidance issued by the National Assembly for Wales,
- that document shall be taken to be the authority's local transport plan.
- (2) But, in the case of a document which is a local transport plan by virtue of subsection (1), section 109B(3) requires its replacement not later than such date as is specified in an order made by the National Assembly for Wales (rather than not later than five years after the date on which it was approved under section 109A).
- (3) For the purposes of section 109B(3), a local transport plan made before the coming into force of section 109A by a local transport authority whose area is in Wales shall be taken to have been approved under section 109A on the date on which it was made.”.

F35

Textual Amendments

F3 Sch. para. 5 repealed (11.1.2010 for E., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\)](#), [Sch. 7 Pt. 1](#); S.I. 2009/3242, art. 2(1)(c); S.I. 2009/3294, art. 2(d)

6 After section 113 insert—

“113A Modification of provisions about plans and strategies: Wales

- (1) The National Assembly for Wales may by order modify the application of sections 108 to 111 in relation to local transport authorities whose areas are in Wales for the purpose of—
- (a) permitting a local transport plan to be prepared in respect of part only of an authority's area;
 - (b) permitting a local transport plan to be prepared by two or more authorities jointly in respect of an area comprising all or any part or parts of their areas.

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- (2) An order under subsection (1) made for the purpose mentioned in subsection (1)(b) may in particular include provision for—
 - (a) the plan to be prepared by one of the authorities concerned on behalf of both or all of them;
 - (b) administrative arrangements, including the apportionment of the cost of preparing the plan between the authorities concerned.
- (3) Before making an order under subsection (1) the Assembly must consult the local transport authorities concerned and any other persons it considers appropriate.

113B Directions concerning plans and strategies: Wales

- (1) The National Assembly for Wales may issue to a local transport authority whose area is in Wales general or specific directions as to the manner in which they are to carry out their functions under sections 108 to 111.
- (2) Directions issued by the Assembly under subsection (1) may include in particular directions—
 - (a) as to the timetable in accordance with which a local transport plan or alterations to a local transport plan must be prepared;
 - (b) as to the action required to be taken to implement the policies contained in a local transport plan;
 - (c) as to the steps required to be taken to remove the effects of action which is incompatible with those policies.
- (3) Directions under this section—
 - (a) must be in writing;
 - (b) may be varied or revoked by further directions under this section.
- (4) Before issuing, varying or revoking directions under this section the Assembly must consult the local transport authority concerned and any other persons it considers appropriate.”.

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