

*These notes refer to the Local Transport Act 2008 (c.26)  
which received Royal Assent on 26 November 2008*

# LOCAL TRANSPORT ACT 2008

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## EXPLANATORY NOTES

### SUMMARY AND BACKGROUND

3. The provisions in the Act are intended to address increasing road congestion and to improve the quality of local bus services. The policy context and related background were set out in the consultation document *Strengthening Local Delivery: the draft Local Transport Bill*, published in May 2007 (Cm 7043). The Government's response to the consultation was published in November 2007, and copies are available from the Department for Transport's website ([www.dft.gov.uk](http://www.dft.gov.uk)).
4. The Act contains provisions to amend the law relating to:
  - the responsibilities of local authorities in relation to local transport policies and plans;
  - the operation of local bus services and related matters, including provisions relating to traffic commissioners;
  - the constitution and functions of Passenger Transport Authorities ("PTAs"), which are renamed as Integrated Transport Authorities ("ITAs");
  - the establishment and operation of local and London road user charging schemes (commonly referred to as "local road pricing schemes").
5. It also contains provision conferring a new framework power on the National Assembly for Wales that will enable the Assembly to make provision for and in connection with charging schemes for Welsh trunk roads, and certain other miscellaneous provisions.

#### *Local bus services*

#### *Legal background*

6. The current legal framework within which local bus services are operated in England and Wales (outside Greater London) is set out in the Transport Act 1985 ("the TA 1985"). In brief, the effect of the provisions contained in that Act was to deregulate the bus market outside London.

*\*Local bus services* are services provided on public service vehicles, on which passengers may travel for distances of less than 15 miles.

#### *Quality partnership and quality contracts schemes*

7. Part 2 of the Transport Act 2000 ("the TA 2000") includes provisions relating to "quality partnership schemes" and "quality contracts schemes". A quality partnership scheme is a scheme under which:
  - a local authority provides specified facilities in their area: such facilities might include bus lanes or other bus priority measures, or enhanced facilities for passengers at bus stops and bus stations; and

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- operators of local services who wish to use such facilities must undertake to provide those services to a particular standard when using those facilities.
8. A quality contracts scheme is a scheme under which:
- a local authority determines what local services should be provided in the area to which the scheme relates and any additional facilities or services which should be provided in that area; and
  - local services may be provided in that area only in accordance with quality contracts entered into by a local authority with a bus operator following a competitive tendering process, unless they are explicitly excluded from the scheme.
- A scheme may comprise one or more contracts relating to services that form part of the overall scheme.
9. A quality contracts scheme therefore has the effect of closing down the deregulated market established under the TA 1985 in the area to which it applies, for the duration of the scheme.

***Voluntary partnership agreements***

10. A number of local authorities have entered into agreements with bus operators independently of the statutory provisions contained in the TA 2000. Such voluntary agreements are used as a means of improving the quality of bus services in a particular area, but without the restrictions which are imposed by the statutory schemes. The majority are bilateral agreements between one authority and one operator. Many have been in place since before the TA 2000 provisions on quality partnership schemes were brought into force, while others have been made subsequently in preference to using the statutory route described above.

***The Act***

11. The Act includes measures to:
- create a statutory post of “senior traffic commissioner” and increase flexibility in the deployment of traffic commissioners in England and Wales;
  - amend provisions in the TA 2000 relating to quality partnership and quality contracts schemes;
  - provide a tailored competition test relating to voluntary partnership agreements and certain other agreements entered into by bus operators;
  - strengthen the enforcement powers of the traffic commissioners;
  - amend existing legislative provisions relating to the community transport sector;
  - enable the establishment of a statutory body to represent the interests of bus passengers or the conferral of appropriate bus-related functions on the Rail Passengers’ Council; and
  - amend a number of other legislative provisions that relate to local public passenger transport services.

\*The *traffic commissioners* are appointed by the Secretary of State under section 4 of the Public Passenger Vehicles Act 1981 (“the PPVA 1981”). There is currently a traffic commissioner for each traffic area in Great Britain. Each traffic commissioner has responsibilities relating to the goods vehicle and public service vehicle sectors and the registration of local bus services.

## ***Local transport functions***

### ***Legal background***

12. At present, responsibility for setting overall strategies for transport services for a particular area in England (outside London and the six metropolitan counties) lies with the county council or unitary authority, which is also the local highways authority and local traffic authority for that area. Under section 108 of the TA 2000, these local transport authorities are required to develop policies relating to local transport, and to prepare and publish a local transport plan.
13. In the metropolitan counties outside London (West Midlands, Greater Manchester, Merseyside, South Yorkshire, West Yorkshire and Tyne & Wear) these responsibilities are split. The metropolitan counties have been designated as “passenger transport areas” and a PTA has been established in relation to each of those areas, with responsibility for planning local transport services (jointly with metropolitan district councils) and for procuring public transport services. The metropolitan district councils have responsibility for the local road network as local traffic authorities and local highways authorities.
14. Across England (outside London) the Secretary of State, acting through the Highways Agency, is the highways authority and traffic authority for the strategic road network.

### ***The Act***

15. The Act amends provisions in Part 2 of the TA 2000 concerning local transport policies and plans. These changes will apply in all local authority areas outside London. The Act expands the existing duty on local transport authorities to develop policies relating to transport, so that these policies must cover all aspects of transport, rather than the currently more limited requirement relating only to transport facilities and services, and must take the protection and improvement of the environment (including mitigation of, and adaptation to, climate change) into account. The Act also provides that in the six metropolitan counties this duty will lie solely with the Integrated Transport Authority (see below). The Act also amends the arrangements for preparing and publishing the local transport plans which contain those policies, removes the need for local transport authorities to prepare a separate bus strategy, and amends an existing duty relating to the needs of persons who are elderly or have mobility problems so that it applies also to the needs of disabled persons.
16. The Act also provides a means for making changes to the organisational arrangements for the discharge of statutory transport functions in local authority areas (“governance”). It changes the name “Passenger Transport Authority” (“PTA”) to “Integrated Transport Authority” (“ITA”), and enables changes to be made to the constitutions and functions of the renamed ITAs. It includes provisions relating to the establishment of new ITAs, and provision enabling changes to be made to the boundaries of existing integrated transport areas. It also gives all ITAs power to promote or improve the economic, social and environmental well-being of their areas.

## ***Local charging schemes***

### ***Legal background***

17. Part 3 of the TA 2000 includes provisions relating to local charging schemes in England and Wales. These provisions set out the conditions under which a local authority outside Greater London can set up a charging scheme in relation to roads for which they are the local traffic authority. The Greater London Authority Act 1999 (“the GLA Act 1999”) included powers for Transport for London, the London boroughs and the Common Council to establish charging schemes in their areas. The GLA Act 1999 provides the vires for the London Congestion Charge and the London Low Emission Zone. The

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Transport (Scotland) Act 2001 includes provisions relating to charging schemes in Scotland.

\*A *local traffic authority* is a traffic authority, other than the Secretary of State, which has functions under Part 10 of the Road Traffic Regulation Act 1984.

\*The *Common Council* is the Common Council of the City of London.

### ***The Act***

18. Provisions in the Act allow ITAs to make a charging scheme jointly with local traffic authorities, provide that local charging authorities will no longer require the approval of the Secretary of State for their schemes, and make a number of other miscellaneous amendments to the provisions of the GLA Act 1999 and the TA 2000.