

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

## LOCAL TRANSPORT ACT 2008

### EXPLANATORY NOTES

#### TERRITORIAL APPLICATION: WALES

39. The Act confers a number of new or expanded powers on the Welsh Ministers, in line with changes being made to certain powers of the Secretary of State in relation to England. In addition, one provision, which relates to the application of revenues from local charging schemes, would replace an existing power for the Welsh Ministers to make regulations with provision on the face of the TA 2000.
40. Table 1 below lists the sections which *affect the existing powers of, or confer new powers on, the Welsh Ministers*.

TABLE 1: SECTIONS WHICH AFFECT THE EXISTING POWERS OF, OR CONFERS NEW POWERS ON, THE WELSH MINISTERS

Section(s)	Subject of section(s)	Effect on the powers of the Welsh Ministers
Part 3: section 18	Regulations about certain quality partnership schemes	A new power for the Welsh Ministers to make regulations in respect of quality partnership schemes which specify frequencies, timings or fares.
Part 3: section 26	Making of a quality contracts scheme	The power for the Welsh Ministers by order to vary a time period stipulated in section 127 of the TA 2000 is extended to include power to vary certain other time periods.
Part 3: section 32	Exempt continuation proposals	A new power for the Welsh Ministers to prescribe circumstances, in addition to those listed in section 32, in which a proposal is to be treated as an exempt continuation proposal.
Part 3: section 34	Procedure for continuation of quality contracts schemes for areas in Wales	New provisions in the Act allow the continuation of a quality contracts scheme beyond its initial ten year period. For schemes in Wales, the Welsh Ministers will have the power to approve the continuation (except where the continuation is exempt, and therefore requires no approval, because it meets specified conditions).
Part 3: section 35	Appeals where continuation proposals considered exempt	New power for the Welsh Ministers to make regulations with respect to the procedures to be followed in cases where the Transport Tribunal decide that a proposal to continue a quality contracts scheme was not an exempt continuation proposal.

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Section(s)	Subject of section(s)	Effect on the powers of the Welsh Ministers
Part 3: section 37	Variation or revocation of quality contracts scheme	Certain variations of quality contracts schemes are exempt from the requirement to be approved by the Welsh Ministers. The Welsh Ministers are also empowered to make regulations to modify or exclude the procedure to be followed when varying or revoking a scheme.
Part 3: section 38	Appeals where proposed variation considered exempt	New power for the Welsh Ministers to make regulations with respect to the procedures to be followed in cases where the Transport Tribunal decide that a variation of a quality contracts scheme was not an exempt variation.
Part 3: section 41	Regulations about quality contracts schemes	The powers of the Welsh Ministers to make regulations are extended so that regulations may additionally make provision with respect to the continuation of quality contracts schemes, and with respect to the application of provisions relating to quality contracts schemes in Part 2 of the TA 2000 in certain specified circumstances.
Part 3: section 42	Power to make transitional provision about schemes	The power for the Welsh Ministers to make regulations governing the transitional period between the making and coming into force of a quality contracts scheme is extended to cover the continuation of schemes, and to enable such regulations to modify provisions about the letting of subsidy contracts.
Part 3: section 43	Guidance about schemes	A power for the Welsh Ministers to issue guidance to local authorities about the performance of their functions in respect of quality contracts schemes.
Part 4: section 64	Additional sanctions for failures by bus operators	A power for the Welsh Ministers to prescribe additional forms of orders that a traffic commissioner may make under section 155(1A) of the TA 2000.
Part 4: section 69	Subsidy to secure passenger transport services in Wales	Extension of existing power for the Welsh Ministers to subsidise public passenger transport services to cover standards of service.
Part 4: section 75	Power to require display of certain information	New power for the Welsh Ministers to make regulations requiring prescribed persons to display prescribed information relating to persons or bodies with functions relating to public passenger transport services.
Part 6: section 112	Charges	Charging schemes (including those made by the Welsh Ministers under section 167 of the TA 2000) may impose different charges for different means of recording, administering, collecting or paying the charge.
Part 6: section 113	Manner of payment of charges in a charging scheme	A new power for the Welsh Ministers to make regulations regulating the manner in which, in certain circumstances, persons may pay road user charges.

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Section(s)	Subject of section(s)	Effect on the powers of the Welsh Ministers
Part 6: section 114	Suspension of charging schemes	Charging schemes made by the Welsh Ministers under the TA 2000 may be suspended in an emergency or for a temporary event.
Part 6: section 115	Interference with functioning of equipment	An extension to the existing power for the Welsh Ministers, by regulations, to make certain provisions relating to examination of, or entry into, a motor vehicle for certain purposes.
Part 6: section 116	Use of equipment for charging schemes	A new power for the Welsh Ministers to regulate the manner in which equipment installed as part of a charging scheme is used, supplementing the existing power for them to make regulations to approve standards for such equipment.
Part 6: section 117	Power to require information	A new power for the Welsh Ministers to direct a local traffic authority in Wales to provide specified information relating to the performance or proposed performance of their functions under Chapter 1 of Part 3 of the TA 2000.
Part 6: section 118	Information	A new power for the Welsh Ministers to charge a reasonable fee for the supply of information under section 194(1) and (3) of the TA 2000.
Part 6: section 121 and Schedule 6	Application of revenues from charging schemes	The existing power for the Welsh Ministers to make regulations relating to the use of net proceeds from local charging schemes in Wales (other than during the initial period of an early relevant scheme) is replaced with a requirement that all such net proceeds may only be used to facilitate the achievement of the charging authority's local transport policies.

41. Table 2 below summarises the provisions in the Act which *have different effect in Wales, as compared to their effect in England* (outside London). Table 2 does not repeat measures set out in Table 1.

**TABLE 2: MEASURES WHICH HAVE DIFFERENT EFFECT IN WALES, AS COMPARED TO ENGLAND (OUTSIDE LONDON)**

Section(s)	Subject of section	Effect in Wales
Part 2	Transport policies	The following do not have effect in Wales: the duty on local transport authorities to take into account Government policies on protecting and improving the environment (section 8(4)), the duty to include implementation proposals in the local transport plan (section 9(1)), the power to replace the local transport plan as the local transport authority thinks fit rather than to a 5 year timetable (section 9(3)), the duty to consult certain persons when preparing a local transport plan (section 9(4)), the duty on ITAs to prepare the local transport plan (section 12).

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Section(s)	Subject of section	Effect in Wales
Part 3: sections 19 to 45	Quality contracts schemes	While the Act amends the procedures that apply in relation to the making of a quality contracts scheme in England (and in some cases in Wales), the Act preserves the existing provisions whereby (i) a scheme in Wales must be approved by the Welsh Ministers; and (ii) there is no right of appeal to the Transport Tribunal in relation to the Welsh Ministers' decisions to approve or reject a scheme.
Part 4: section 66	Revival of certain powers of PTEs	There are no PTEs in Wales, and so the provisions do not have any effect there.
Part 4: section 67	Subsidy to secure passenger transport services in integrated transport areas	There are no integrated transport areas in Wales, and so the provisions do not have any effect there.
Part 4: section 73	Public Transport Users' Committee for England	This section has no effect in Wales, where separate arrangements for passenger representation apply.
Part 4: section 74	Power to confer non-rail functions on the Rail Passengers' Council	The power is limited to functions relating to local bus services, scheduled coach services and tram services to the extent that they operate within England, and passenger transport facilities in England. It has no effect in Wales, where separate arrangements for passenger representation apply.
Part 5	Integrated Transport Authorities etc.	There are no ITAs in Wales, and so the provisions do not have any effect there.
Part 6: sections 103 to 109	Involvement of Integrated Transport Authorities in charging schemes	There are no ITAs in Wales, and so the provisions do not have any effect there.
Part 6: section 110	Removal of requirement for Secretary of State confirmation of charging schemes in England	The section preserves the existing provision that the order by which a local charging scheme in Wales is made must be approved by the Welsh Ministers.
Part 6: section 111	Amendment to powers relating to inquiries into local charging schemes	The section preserves the existing provisions allowing the Welsh Ministers to require a local charging authority to consult on, or to allow the Welsh Ministers to hold an inquiry into, a local charging scheme. Accordingly the new duty on local charging authorities to consult before making a local charging scheme does not apply in Wales.
Part 6: section 121 and paragraph 4	Financial provisions relating to road user charging schemes	The amendments to paragraph 10(3) of Schedule 12 to the TA 2000 preserve, in Wales, the existing requirement for the Welsh Ministers to approve a local traffic authority's plans for

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Section(s)	Subject of section	Effect in Wales
of Schedule 6		the application of revenues from a local charging scheme.