

LOCAL TRANSPORT ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 2: Transport policies

Section 7: Local transport policies

59. This section, together with Schedule 1, inserts the new term “local transport policies” into Parts 2 and 3 of the TA 2000. This is defined as the policies developed under section 108(1)(a) of the TA 2000. Section 108(1)(a), as amended by section 8 of the Act, will require each local transport authority to develop policies “for the promotion and encouragement of safe, integrated, efficient and economic transport to, from and within their area”.
60. This section extends to England and Wales.

Section 8: Nature of duty to develop transport policies

61. This section amends section 108 of the TA 2000. *Subsection (2)* omits the words “facilities and services” from the duty in section 108(1)(a), as described in relation to section 7 above. *Subsection (3)* makes consequential changes following on from subsection (2).
62. *Subsection (4)* inserts new subsections (2ZA) to (2ZC) in section 108 of the TA 2000. These subsections create new duties on all English local transport authorities: first, to take account of any policies announced by the Government, and, secondly, to have regard to any guidance issued by the Secretary of State, with respect to the mitigation of, or adaptation to, climate change or otherwise with respect to the protection or improvement of the environment.

Section 9: Local transport plans

63. This section amends the duty in sections 108 and 109 of the TA 2000 for local transport authorities to produce a local transport plan (“LTP”). *Subsection (1)* provides that an LTP in England must be one or more documents containing local transport policies plus proposals for implementing those policies. *Subsection (3)* replaces the obligation on local transport authorities to replace their LTPs every five years with a power to replace them as they think fit. *Subsection (4)* inserts new subsections (2A) to (2D) into the TA 2000 which list those authorities which (i) local transport authorities other than ITAs, and (ii) ITAs, must consult in drawing up their LTP and keeping it under review.

Section 10: Bus strategies no longer required

64. This section repeals the requirement under the TA 2000 for local transport authorities – including ITAs – to prepare a bus strategy. Following on from this, *subsections (8) to (11)* make consequential amendments to the TA 1968 and the TA 1985.

Section 11: Duty to have regard to transport needs of disabled persons

65. Section 112(2) of the TA 2000 contains a duty for local transport authorities, when *developing* their policies under section 108(1) of that Act, to have regard to the transport needs of persons who are “elderly or have mobility problems”.
66. **Section 11** amends that duty in two respects. First, it provides that it will extend additionally to the *implementation* (as well as the *development*) of local transport policies. Secondly, it extends it to cover the transport needs of all “disabled persons” within the meaning of the Disability Discrimination Act 1995 (as amended by the Disability Discrimination Act 2005), in addition to those to whom it already extends.

Section 12: Development of policies by ITA no longer joint duty with district councils

67. The provisions in section 12 remove the previous joint duty on PTAs and metropolitan district councils in a passenger transport area to produce a local transport plan under section 108(1)(a), and place the duty in future solely with the ITA (see section 9). The duty in section 108(1)(b) to carry out functions so as to implement those policies continues to apply to metropolitan district councils, who will also in this respect be subject to the new duty in section 108(2ZB) to have regard to certain policies and guidance relating to the protection or improvement of the environment.