

*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

### COMMENTARY

#### **Part 4: General provisions relating to passenger transport**

##### ***Section 74: Power to confer non-rail functions on the Rail Passengers' Council***

201. This section inserts a new section 19A into the Railways Act 2005. Section 19A(1) empowers the Secretary of State by order to confer functions on the Rail Passengers' Council relating to local bus services, domestic coach services and tramway passenger services to the extent that they operate in England, and relating to passenger transport facilities in England. Subsection (2) enables such amendments to be made to provisions of the Railways Act 2005 and any other Act as may be needed as a consequence of making such provision. Subsection (4)(b) empowers the Secretary of State to alter the number of members which can be appointed by the Secretary of State to the Rail Passengers' Council so as to enable members to be appointed to represent bus and coach passengers. This will not affect members appointed by the Scottish Ministers, the Welsh Ministers or the London Assembly.
202. Subsections (5) and (6) make provision corresponding to that made in relation to the Public Transport Users' Committee for England by inserted section 125C of the TA 1985. Those subsections provide that, where a function of making representations or recommendations to a body or person has been conferred on the Rail Passengers' Council, the relevant order may also place an obligation on that body or person to respond to such representations or recommendations in a specified manner, so long as that new obligation relates to local services, domestic coach services or tramway services operating in England, and passenger transport facilities in England.
203. Subsection (7) provides that the power does not extend to altering the functions of the Rail Passengers' Council so far as they relate to the provision of railway passenger services or station services.
204. Orders made under the new section are subject to the affirmative resolution procedure.