

*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

COMMENTARY

Part 5: Integrated Transport Authorities etc.

Section 88: Conferral of a power to direct

233. This section enables the Secretary of State to make an order which confers a power to direct on (i) an ITA, or (ii) where an existing ITA is dissolved or its boundary contracted, a designated local transport authority.
234. Where the power to direct is conferred on it, an ITA or designated local transport authority would be able to issue a direction to a metropolitan district council, county council or unitary authority as to how the latter should exercise its functions as a local highway authority or local traffic authority. Such directions could include for instance a requirement to install traffic management measures (such as bus lanes) or traffic calming measures, or the carrying out of maintenance works on their roads.
235. *Subsection (6)* provides that the power to give such directions may only be conferred in relation to specific roads or descriptions of roads (for instance, major bus routes). *Subsection (7)* makes clear that directions cannot apply to roads covered by concession agreements under the New Roads and Street Works Act 1991.
236. *Subsections (8) and (11)* list the matters to which a direction can relate, which are:
- the provision of information about the exercise of local highway authority or local traffic authority powers;
 - that the directed authority must do certain things or obtain consent before using those powers;
 - imposing conditions on how the directed authority can make use of its powers in a particular case;
 - that the directed authority must not make use of certain of its powers in certain circumstances; and
 - that the directed authority must make use of its powers in a specific case, provided that the directing authority meets the cost of compliance with that direction.