



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 3

#### BUS SERVICES

##### *Quality partnership schemes*

### 13 Quality partnership schemes

- (1) Section 114 of the TA 2000 (quality partnership schemes) is amended as follows.
- (2) In subsection (1), for the words from “will to any extent” to the end (which make it a condition that a scheme implement the policies in the authority's bus strategy) substitute “ will contribute to the implementation of their local transport policies ”.
- (3) For subsection (3)(a) (authority must be satisfied that scheme will improve quality of local services) substitute—
  - “(a) bring benefits to persons using local services in the whole or any part of their area, or combined area, by improving the quality of those services, or”.
- (4) After subsection (3) insert—
  - “(3A) If the authority or authorities consider that it is necessary or expedient for any restrictions to be imposed on the registration of—
    - (a) any local services, or
    - (b) any local services of a particular description,they may impose those restrictions (“registration restrictions”) by specifying or describing them in the scheme.
  - (3B) Any restrictions so imposed must be for the purpose of preventing or restricting—
    - (a) the provision of local services, or
    - (b) the variation or withdrawal of local services,

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in cases where the authority or authorities consider that any such provision, or (as the case may be) variation or withdrawal, of services might be detrimental to the provision of services under the scheme.

(3C) Where a scheme includes any registration restrictions by virtue of subsection (3A), it must also specify the criteria (“registration criteria”) by reference to which the traffic commissioners are to decide whether or not to accept an application for registration.

(3D) In subsections (3A) to (3C) “registration”, in relation to any service,—

- (a) means registration of prescribed particulars of the service under section 6 of the Transport Act 1985 (registration of local services), and
- (b) includes a reference to the variation or cancellation of any such registration.”.

(5) For subsection (6) substitute—

“(6) The standard of services which may be specified in a scheme includes—

- (a) requirements which the vehicles being used to provide the services must meet, and
- (b) requirements as to frequency or timing of the services,

but the specification of any such requirements is not to prevent operators from providing services in excess of those requirements.”.

(6) After subsection (6) insert—

“(6A) The standard of services which may be specified in a scheme may also include requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the scheme applies.

(6B) A scheme may include a requirement falling within subsection (6)(b) or (6A) only if there are no admissible objections to the requirement from relevant operators.

Section 122(3) to (5) makes further provision with respect to such schemes.”.

(7) After subsection (6B) insert—

“(6C) The power to make a quality partnership scheme includes power to provide for different facilities, or different standards of services, to be provided under the scheme as from different dates after the scheme comes into operation.”.

#### Commencement Information

- I1** S. 13(1) in force at 9.2.2009 for specified purposes for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I2** S. 13(1) in force at 1.4.2009 for specified purposes for W. by S.I. 2009/579, art. 2(c)
- I3** S. 13(2) in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I4** S. 13(2) in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(c)

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VALID FROM 06/04/2009

#### **14 Notice and consultation requirements**

- (1) Section 115 of the TA 2000 (notice and consultation requirements) is amended as follows.
- (2) In subsection (2) (contents of notice etc) after “details of the facilities and standards of services” insert “ , and of any registration restrictions and registration criteria, ”.
- (3) In subsection (4) (meaning of “relevant local authorities” for purposes of consultation) for paragraph (b) substitute—  
“(b) district councils in England.”.

VALID FROM 06/04/2009

#### **15 Making a scheme: different dates for different facilities or standards etc**

- (1) Section 116 of the TA 2000 (making of scheme) is amended as follows.
- (2) In subsection (2) (contents of scheme) after “The scheme must specify” insert “ each of the following ”.
- (3) After paragraph (b) of that subsection (standards of service) insert—  
“(bb) any registration restrictions imposed by it and any registration criteria specified in it.”.
- (4) After paragraph (d) of that subsection (duration of scheme) insert—  
“(e) if any facilities or standards of services are to be provided under the scheme as from a date after the scheme comes into operation, the date as from which they are to be so provided.”.
- (5) For subsections (4) and (5) (earliest date on which scheme may come into operation) substitute—  
“(4) The date as from which any particular facilities, or any services of a particular standard, are to be provided must not be earlier than—
  - (a) in the case of facilities, the latest of dates A to C (see subsections (4B) to (4D)),
  - (b) in the case of services, the later of dates A and D (see subsections (4B) and (4E)),unless the case falls within subsection (4A).  
(4A) If under the scheme—
  - (a) particular facilities are to be provided by the authority or authorities, and
  - (b) as from the date by which the facilities are to be provided, services of a particular standard are to be provided by operators of local services when using the facilities,the date as from which the facilities and the services are to be provided must not be earlier than the latest of dates A to D.

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(4B) Date A is the date 3 months after the date on which the scheme is made.

(4C) Date B is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for the authority or authorities to provide the facilities.

(4D) Date C is the date 3 months after—

- (a) the date on which any traffic regulation order required for the provision of any of the facilities is made, or
- (b) if more than one such order is required for their provision, the date on which the last of them is made.

(4E) Date D is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for operators of local services to provide services of the particular standard.”.

(6) In section 162(4) of that Act (interpretation of references to authorities) for the entry relating to section 116 substitute— “ section 116(2)(a), (4)(a), (4A)(a) and, in the second place, (4C), ”.

VALID FROM 06/04/2009

## **16 Postponement of provision of particular facilities or standards of service**

(1) In section 117 of the TA 2000 (postponement, for up to 12 months, of date on which scheme comes into operation) for subsection (1) substitute—

“(1) If it appears to the authority or authorities appropriate to do so, they may decide that any of the dates specified in subsection (1A) shall be postponed by such period as they think fit.

A date may not be postponed under this subsection by a period or periods which in total exceed 12 months.

(1A) The dates are—

- (a) the date on which the scheme is to come into operation,
- (b) the date as from which any particular facilities are to be provided under the scheme,
- (c) the date as from which any particular services are to be provided to a particular standard under the scheme.”.

(2) In consequence of the amendment made by subsection (1), the heading to the section becomes “ Postponement of scheme or of provision of particular facilities or standards of service ”.

VALID FROM 06/04/2009

## **17 Effect of scheme: different dates for different facilities or standards etc**

(1) Section 118 of the TA 2000 (effect of scheme) is amended as follows.

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(2) For subsection (1) (facilities to be provided from date on which scheme comes into operation) substitute—

“(1) The authority or authorities must—

- (a) provide each of the specified facilities not later than the date specified for its provision under the scheme, and
- (b) continue to provide it throughout the remainder of the period for which the scheme is in operation.”.

(3) In subsection (4)(a) (operator of local services to give written undertaking to traffic commissioner) for the words from “that he will” to “when using the facilities” substitute “ that, when using the facilities on any date, he will provide the service to the standard specified in the scheme as it has effect in relation to that date ”.

VALID FROM 06/04/2009

## **18 Regulations about schemes which specify frequencies, timings or fares**

(1) Section 122 of the TA 2000 (regulations about schemes) is amended as follows.

(2) In subsection (1) after paragraph (a) insert—

“(aa) the content or operation of schemes which include a requirement falling within section 114(6)(b) or (6A),”.

(3) After subsection (2) insert—

“(3) As regards schemes which include any requirement mentioned in section 114(6)(b) or (6A), regulations under subsection (1)(a) or (aa) may in particular make provision—

- (a) for section 114(6B) not to apply in such circumstances as may be prescribed,
- (b) requiring such schemes to include provision falling within subsection (4),
- (c) for any requirement as to frequencies, timings or maximum fares to be revised only if there are no admissible objections to the revision from relevant operators,
- (d) in prescribed circumstances where such schemes, or any provisions of such schemes, are subject to postponement under section 117, for any such requirement not to take effect unless prescribed conditions are satisfied,
- (e) as to the meaning of “admissible objection” for the purposes of section 114(6B) and paragraph (c) of this subsection,
- (f) as to the meaning of “relevant operator” for those purposes,
- (g) as to the determination of any question whether an objection is an admissible objection or an operator is a relevant operator.

(4) The provision referred to in subsection (3)(b) is provision—

- (a) as respects the setting of frequencies, timings or maximum fares to which the requirements relate,

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- (b) for a minimum interval before any requirements as to frequencies, timings or maximum fares may next be reviewed,
  - (c) for a maximum interval before any such requirements must next be reviewed,
  - (d) as respects other circumstances in which any such requirements must or may be reviewed,
  - (e) as respects revision of any such requirements after a review.
- (5) Subsections (3)(b) and (4) have effect subject to, and in accordance with, the following provisions—
- (a) the revision of requirements as to frequencies, timings or maximum fares under any provision made in accordance with those subsections is not to be regarded as a variation of the scheme for the purposes of section 120 (variation or revocation of scheme), but
  - (b) nothing in those subsections or in paragraph (a) of this subsection shall be taken to derogate from what may be done under or by virtue of that section.
- (6) The provision that may be made by virtue of subsection (3)(g) includes provision for and in connection with—
- (a) the appointment of a person (“an adjudicator”) to make such a determination as is mentioned in that paragraph;
  - (b) the appointment of a person (“an assessor”) to assist an adjudicator in considering any question which appears to arise in relation to such a determination;
  - (c) the payment—
    - (i) by the appropriate national authority to an adjudicator, or
    - (ii) by the appropriate national authority or an adjudicator to an assessor,of such remuneration as may be determined by or in accordance with the regulations.”.

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