



Local Transport Act 2008

2008 CHAPTER 26

PART 4 **E+W+S**

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Detention of certain PSVs

47 Detention of certain PSVs used without PSV operators' licences **E+W+S**

(1) In the PPVA 1981, after section 12 (PSV operators' licences) insert—

“12A Detention of certain PSVs used without PSV operators' licences

Schedule 2A (which relates to the detention, removal and disposal of PSVs which are adapted to carry more than 8 passengers and in respect of which it appears that section 12(1) is contravened) shall have effect.”

(2) After Schedule 2 to that Act insert, as Schedule 2A, the Schedule set out in Schedule 3 to this Act.

Commencement Information

- I1** [S. 47](#) partly in force; [s. 47](#) in force at Royal Assent for specified purposes, see [s. 134\(1\)\(c\)](#)
I2 [S. 47](#) in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

Registration of local services

48 Determination of applications for registration where restrictions in force **E+W**

(1) Section 6 of the TA 1985 (registration of local services) is amended as follows.

(2) After subsection (2) (conditions for providing service) insert—

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“(2A) Where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 (quality partnership schemes) are in force, and
 - (b) an application for registration is made in respect of a service in relation to which those restrictions have effect,
- section 6A of this Act has effect in relation to the application.”.

(3) After section 6 of the TA 1985 insert—

“6A Applications for registration etc where restrictions are in force

(1) This section applies in any case where—

- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 are in force in the case of a quality partnership scheme (“the scheme”);
- (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act to a traffic commissioner in respect of a local service in relation to which those restrictions have effect; and
- (c) the application is one which would fall to be accepted by the traffic commissioner, apart from this section.

(2) In any such case the traffic commissioner, before deciding whether or not to accept the application, must give to—

- (a) each relevant authority, and
- (b) each relevant operator,

a notice complying with subsection (3) below.

(3) The notice must—

- (a) identify the application and state that it has been made;
- (b) provide prescribed particulars of the application;
- (c) inform the persons to whom it is required to be sent of the right of each of them to make relevant representations to the traffic commissioner about the application.

(4) If no relevant representations are made, the application is to be accepted.

(5) If any relevant representations are made by a relevant authority or a relevant operator, the traffic commissioner must decide whether the effect of accepting the application would be detrimental to the provision of local services under the scheme.

(6) The traffic commissioner may decide that question only after—

- (a) considering those representations;
- (b) taking account of any other relevant applications and any relevant representations made in relation to those applications;
- (c) holding such inquiries under section 54 of the 1981 Act as the traffic commissioner may think fit; and
- (d) applying the registration criteria.

Status: Point in time view as at 06/04/2009.

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- (7) If the traffic commissioner decides that the effect of accepting the application would not be detrimental to the provision of such services, the application is to be accepted.
- (8) If subsection (7) above does not apply, the traffic commissioner may do any one or more of the following—
- (a) refuse to accept the application;
 - (b) require the applicant to amend the application in such respects as the traffic commissioner may require before submitting it again;
 - (c) if the applicant has not given a written undertaking under section 118(4) of the Transport Act 2000 in relation to the scheme, require the applicant to give such an undertaking before the application may be accepted.
- (9) An appeal against any decision of a traffic commissioner under this section may be made to the Transport Tribunal by any of the following persons—
- (a) the person who made the application;
 - (b) any relevant authority that made relevant representations against the application;
 - (c) any relevant operator who made relevant representations against the application.

As respects appeals to the Transport Tribunal, see Schedule 4 to this Act.

- (10) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in the paragraphs of subsection (9) above from a decision of the Transport Tribunal on an appeal under that subsection.
- (11) Regulations may be made for the purposes of carrying this section into effect; and the provision that may be made by any such regulations includes provision—
- (a) as to the procedure for giving notice under subsection (2) above;
 - (b) prescribing the particulars of the application that are to be provided in such a notice;
 - (c) as to the procedure for making relevant representations;
 - (d) as to the procedure to be followed in determining the application.
- (12) In this section—
- “quality partnership scheme” means a scheme under section 114 of the Transport Act 2000;
 - “registration criteria” means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;
 - “relevant application” means any application under section 6 of this Act—
 - (a) which is made in respect of a local service in relation to which the registration restrictions have effect, and
 - (b) which (whenever made) is awaiting the decision of the traffic commissioner;
 - “relevant authority” means the authority, or any of the authorities, that made the scheme;

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“relevant operator” means—

- (a) any operator of local services who has given an undertaking under section 118(4) of the Transport Act 2000 in respect of the scheme;
- (b) any other operator of local services which might be affected if the application were to be accepted;

“relevant representations” means representations that the effect of accepting the application would be detrimental to the provision of services under the scheme, having regard to the registration criteria.”.

Commencement Information

I3 S. 48 partly in force; s. 48 in force at Royal Assent for specified purposes, see s. 134(1)(c)

I4 S. 48 in force at 6.4.2009 in so far as not already in force by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

49 Applications for registration where quality contracts scheme in force E+W

(1) Section 6 of the TA 1985 (registration of local services) is amended as follows.

(2) After subsection (2A) (which is inserted by section 48) insert—

“(2B) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
- (b) an operator proposes to provide a local service which is to have one or more stopping places within the area to which the scheme relates,
- (c) the proposed service is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
- (d) the operator does not propose to provide the service under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to registration of that service.”.

(3) After subsection (7) (variation or revocation of registration) insert—

“(7A) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force,
- (b) the operator of a local service registered under this section proposes to vary the registration,
- (c) the service, as proposed to be varied, is to have one or more stopping places within the area to which the scheme relates,
- (d) the service, as proposed to be varied, is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
- (e) the operator does not propose to provide the service, as proposed to be varied, under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to the variation of the registration.”.

(4) In subsection (8) (time when variation etc becomes effective) after “Subject to regulations under this section” insert “ and, in the case of variation, to section 6B of this Act, ”.

Status: Point in time view as at 06/04/2009.

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(5) After section 6A of the TA 1985 (which is inserted by section 48) insert—

“6B Applications for registration where quality contracts scheme in force

- (1) This section applies—
- (a) by virtue of subsection (2B) of section 6 of this Act (“Case 1”), in relation to registration of the proposed local service mentioned in that subsection;
 - (b) by virtue of subsection (7A) of that section (“Case 2”), in relation to the proposed variation of the registration mentioned in that subsection.
- (2) Where this section applies, the operator may apply to a traffic commissioner—
- (a) in Case 1, for registration of the proposed service under section 6 of this Act, or
 - (b) in Case 2, for variation of the registration under that section, notwithstanding anything in section 129(1)(a) of the Transport Act 2000 (sections 6 to 9 of this Act not to apply).
- (3) The traffic commissioner must not accept the application except in accordance with subsections (4) to (6) below.
- (4) On receipt of the application, the traffic commissioner must consult the authority or authorities who made the quality contracts scheme.
- (5) If, within the prescribed time, the traffic commissioner receives from the authority or authorities a clearance certificate in respect of the application, the traffic commissioner must—
- (a) in Case 1, register the service under section 6 of this Act, or
 - (b) in Case 2, vary the registration under that section.
- (6) If the traffic commissioner does not receive such a certificate within that time, the application must be rejected.
- (7) In relation to Case 2, regulations may prescribe cases in which subsections (3) to (6) above do not apply.
- (8) In this section—
- “clearance certificate” means a certificate that the provision—
- (a) in Case 1, of the proposed local service, or
 - (b) in Case 2, of the local service as proposed to be varied,
- will not have an adverse effect on local services provided under quality contracts in the area to which the quality contracts scheme relates;
- “prescribed” means prescribed in regulations;
- “the relevant authority or authorities” means the authority or authorities—
- (a) who last continued the quality contracts scheme in force under section 131A of the Transport Act 2000, or
 - (b) if the scheme has not been so continued, who made it.”.

Status: Point in time view as at 06/04/2009.

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Commencement Information

I5 S. 49 partly in force; s. 49 in force at Royal Assent for specified purposes, see s. 134(1)(c)

50 Traffic regulation conditions for anticipated traffic problems E+W

- (1) Section 7 of the TA 1985 (application of traffic regulation conditions to local services subject to registration under section 6 of that Act) is amended as follows.
- (2) In subsection (1) (traffic authority requesting traffic commissioner to exercise powers in relation to a particular traffic problem) after “particular traffic problem” insert “which has arisen or which the authority reasonably foresees is likely to arise”.
- (3) In subsection (4) (traffic commissioner to be satisfied that the conditions are required for certain purposes) for “are required” substitute “are, or are likely to be, required”.

Commencement Information

I6 S. 50 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

51 Transport Tribunal to decide appeals against traffic regulation conditions E+W

- (1) Section 9 of the TA 1985 (appeals against traffic regulation conditions) is amended as follows.
- (2) In subsection (1) (appeals are to the Secretary of State) for “the Secretary of State” substitute “the Transport Tribunal”.
- (3) Omit subsections (3) and (4).
- (4) For subsection (5) (further appeal) substitute—
 - “(5) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in subsection (6) below from a decision of the Transport Tribunal on an appeal under this section.”
- (5) In subsection (6)—
 - (a) for “the Secretary of State” substitute “the Transport Tribunal”;
 - (b) for “him” (in both places) substitute “the tribunal”.
- (6) Omit subsections (7) to (9).

Commencement Information

I7 S. 51 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)

52 Fees for registration of services E+W

- (1) Section 126(1) of the TA 1985 (application of section 52 of the PPVA 1981, which relates to fees, to registration of local services etc) is amended as follows.

Status: Point in time view as at 06/04/2009.

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- (2) In paragraph (a) after “for the variation” insert “ or cancellation ”.
- (3) After paragraph (a) insert—
 - “(aa) the continuation in force of registrations under that section;”.

Commencement Information

18 S. 52 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Use of taxis and hire cars to provide local services

53 Use of private hire vehicles to provide local services **E+W+S**

- (1) Section 12 of the TA 1985 (use of taxis in providing local services) is amended as follows.
- (2) In subsection (1) (application by holder of taxi licence for special licence to provide local service by means of licensed taxis)—
 - (a) after “a taxi licence” insert “ or a private hire vehicle licence ”;
 - (b) in paragraph (b) after “licensed taxis” insert “ or licensed hire cars ”.
- (3) In subsection (5)—
 - (a) after “a taxi licence” insert “ or a private hire vehicle licence ”;
 - (b) for “the taxi licence of the vehicle in question” substitute “ the relevant licence for that vehicle ”.
- (4) In subsection (7) for “taxi licences” substitute “ relevant licences ”.
- (5) In subsection (8) after “a licensed taxi” insert “ or a licensed hire car ”.
- (6) In subsection (9) after “a licensed taxi” insert “ or a licensed hire car ”.
- (7) In subsection (10) for the words from “Such provisions” to “being so used;” substitute “ At any time when a licensed taxi or a licensed hire car is being so used the prescribed provisions of the taxi code or, as the case may be, the hire car code shall apply in relation to it; ”.
- (8) After subsection (10) insert—
 - “(10A) In subsections (9) and (10) “prescribed” means prescribed by the appropriate authority.”.
- (9) In consequence of the amendments made by this section, in the heading to section 12 after “taxis” there is inserted “ or hire cars ”.

Commencement Information

19 S. 53 in force at 6.4.2009 in so far as not already in force by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

Status: Point in time view as at 06/04/2009.

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54 Application of certain provisions about taxis and hire cars to London E+W+S

(1) Section 13 of the TA 1985 (provisions supplementary to sections 10 to 12) is amended as follows.

(2) In subsection (1) (power to modify codes for purposes of sections 10 to 12)—

- (a) for “The Secretary of State” substitute “ The appropriate authority ”;
- (b) for “he” substitute “ it ”.

(3) Subsection (3) (interpretation of terms used in sections 10 to 12) is amended as follows.

(4) Before the definition of “licensed taxi” insert the following definition—

““the appropriate authority” means—

(a) in relation to—

- (i) a taxi licensed under section 37 of the Town Police Clauses Act 1847 or any similar enactment which applies outside the London taxi area,
- (ii) a licensed hire car licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976, or
- (iii) a taxi or private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982,

the Secretary of State;

(b) in relation to—

- (i) a taxi licensed under section 6 of the Metropolitan Public Carriage Act 1869, or
- (ii) a licensed hire car licensed under section 7 of the Private Hire Vehicles (London) Act 1998,

Transport for London;”.

(5) For the definition of “licensed hire car” substitute—

““licensed hire car” means—

(a) in England and Wales—

- (i) for the purposes of section 11 of this Act, a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 or section 7 of the Private Hire Vehicles (London) Act 1998,
- (ii) for the purposes of section 12 of this Act, a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;

(b) in Scotland, a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;”.

(6) After the definition of “taxi licence” insert—

““relevant licence” means—

- (a) in relation to a licensed taxi, a taxi licence, and
- (b) in relation to a licensed hire car, a private hire vehicle licence;

“private hire vehicle licence” means—

Status: Point in time view as at 06/04/2009.

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- (a) in England and Wales, a licence under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) in Scotland, a private hire car licence under section 10 of the Civic Government (Scotland) Act 1982.”.
- (7) In the definition of “hire car code”, after “used as mentioned in section 11” insert “or 12”.
- (8) After section 13 of the TA 1985 insert—

“13A Application of sections 10 to 13 to London

- (1) Transport for London may by order provide that section 12 of this Act is to apply to vehicles licensed under section 7 of the Private Hire Vehicles (London) Act 1998 as it applies to vehicles licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976.
- (2) An order under subsection (1) of this section may amend the definitions of “licensed hire car” and “private hire vehicle licence” in section 13 of this Act accordingly.
- (3) Transport for London must consult such representative organisations as it thinks fit before making—
 - (a) regulations under section 12(9) or (10) of this Act;
 - (b) an order under section 13(1) of this Act or subsection (1) of this section.
- (4) Any power of Transport for London to make—
 - (a) regulations under section 12(9) or (10) of this Act, or
 - (b) an order under section 13(1) of this Act,includes a power to vary or revoke any previous such regulations or order (as the case may be).
- (5) Subsection (4) applies notwithstanding that the previous regulations were made, or the previous order was made, by the Secretary of State by statutory instrument.
- (6) Transport for London must print and publish—
 - (a) any regulations made by it under section 12(9) or (10) of this Act;
 - (b) any order made by it under section 13(1) of this Act or subsection (1) of this section.
- (7) Transport for London may charge a fee for the sale of copies of any regulations, or any order, printed under subsection (6).”.

Commencement Information

I10 S. 54 partly in force; s. 54(8) in force at Royal Assent for specified purposes, see s. 134(1)(c)

I11 S. 54(1)-(7) in force at 6.4.2009 by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

I12 S. 54(8) in force at 6.4.2009 in so far as not already in force by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

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55 **Carrying of passengers in wheelchairs in vehicles providing local services** **E+W** **+S**

- (1) Section 36 of the Disability Discrimination Act 1995 (c. 50) (carrying of passengers in wheelchairs) is amended as follows.
- (2) In subsection (1)(b) for “taxi” substitute “ vehicle ”.
- (3) After subsection (1) insert—
 - “(1A) This section also imposes duties on the driver of a designated vehicle other than a regulated taxi if—
 - (a) the designated vehicle is being used to provide a local service (within the meaning of section 2 of the Transport Act 1985), and
 - (b) a person falling within paragraph (a) or (b) of subsection (1) has indicated to the driver that he wishes to travel on the service.”.
- (4) In each of subsections (2), (3) and (4) for “taxi” (wherever occurring) substitute “ vehicle ”.
- (5) In subsection (5) after “a regulated taxi” insert “ or designated vehicle ”.
- (6) In subsection (6)—
 - (a) after “at the time of the alleged offence” insert—
 - “(a) in the case of a regulated taxi,”;
 - (b) after “it was required to conform,” insert—
 - “(b) in the case of a designated vehicle, the vehicle conformed to the accessibility requirements which applied to it,”;
 - (c) for the word “taxi” (in the last place where it appears) substitute “ vehicle ”.
- (7) After subsection (9) insert—
 - “(10) The driver of a designated vehicle is exempt from the duties imposed by this section if—
 - (a) a certificate of exemption issued to him under this section is in force; and
 - (b) he is carrying the certificate on the vehicle.
 - (11) The driver of a designated vehicle who is exempt under subsection (10) must show the certificate, on request, to a person falling within paragraph (a) or (b) of subsection (1).”.
- (8) After subsection (11) insert—
 - “(12) In this section—
 - “designated vehicle” means a vehicle which appears on a list maintained under section 36A;
 - “licensing authority” has the meaning given by section 36A.”.

56 **Carrying of passengers in wheelchairs: supplementary provisions** **E+W+S**

- (1) The Disability Discrimination Act 1995 (c. 50) is amended as follows.
- (2) After section 36 insert—

Status: Point in time view as at 06/04/2009.

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“36A List of wheelchair-accessible vehicles providing local services

- (1) A licensing authority may maintain a list of vehicles falling within subsection (2).
 - (2) A vehicle falls within this subsection if—
 - (a) it is either a taxi or a private hire vehicle,
 - (b) it is being used or is to be used by the holder of a special licence under that licence, and
 - (c) it conforms to such accessibility requirements as the licensing authority thinks fit.
 - (3) “Accessibility requirements” are any requirements for the purpose of securing that it is possible for disabled persons in wheelchairs—
 - (a) to get into and out of vehicles in safety, or to be conveyed in safety into and out of vehicles while remaining in their wheelchairs; and
 - (b) to be carried in vehicles in safety and reasonable comfort (whether or not they wish to remain in their wheelchairs).
 - (4) The Secretary of State may issue guidance to licensing authorities as to—
 - (a) the accessibility requirements which they should apply for the purposes of this section;
 - (b) any other aspect of their functions under or by virtue of this section.
 - (5) A licensing authority which maintains a list under subsection (1) must have regard to any guidance issued under subsection (4).
 - (6) In this section—

“licensing authority”, in relation to any area, means the authority responsible for licensing taxis or, as the case may be, private hire vehicles in that area;

“private hire vehicle” means—

 - (a) a vehicle licensed under section 48 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (b) a vehicle licensed under section 7 of the Private Hire Vehicles (London) Act 1998;
 - (c) a vehicle licensed under an equivalent provision of a local enactment;
 - (d) a private hire car licensed under section 10 of the Civic Government (Scotland) Act 1982;

“special licence” has the meaning given by section 12 of the Transport Act 1985 (use of taxis in providing local services);

“taxi” includes a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982.”.
- (3) Section 38 (appeal against refusal of exemption certificate) is amended as follows.
 - (4) In subsection (1) after “a magistrates' court” insert “ or, in Scotland, the sheriff court ”.
 - (5) In subsection (2) for “this section” substitute “ subsection (1) ”.
 - (6) At the end of the section insert—

Status: Point in time view as at 06/04/2009.

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- “(4) Any person who is aggrieved by the decision of a licensing authority to include a vehicle on a list maintained under section 36A may appeal to a magistrates' court or, in Scotland, the sheriff court before the end of the period of 28 days beginning with the date of the inclusion.
- (5) In this section “licensing authority” has the meaning given by section 36A.”.
- (7) In consequence of the amendments made by subsections (4) to (6), the heading to section 38 becomes “ Appeals ”.
- (8) In section 68(1) (interpretation), in the definition of “licensing authority”, for “section 37A” substitute “ sections 36, 36A, 37A and 38 ”.
- (9) In section 70 (commencement etc) after subsection (2) insert—
- “(2A) The following provisions of this Act—
- (a) section 36 so far as it applies to designated vehicles,
 - (b) section 36A, and
 - (c) section 38 (which has already been brought in force in England and Wales by an order under subsection (3)) so far as it extends to Scotland,
- come into force 2 months after the passing of the Local Transport Act 2008.”.

Vehicles used under permits

57 **Permits in relation to use of vehicles by educational and other bodies** E+W+S

- (1) Section 19 of the TA 1985 (permits in relation to the use of buses by educational and other bodies) is amended as follows.
- (2) In subsection (1) (definitions for sections 19 to 21) in the definition of “permit” for “a bus” substitute “ a public service vehicle ”.
- (3) In subsection (2) (requirements that must be met for use of a bus under a permit to be exempt from operator licensing)—
 - (a) for “a bus” substitute “ a public service vehicle ”;
 - (b) for “section 18(a)” substitute “ section 18(1)(a) ”;
 - (c) for “the bus” substitute “ the vehicle ”.
- (4) In subsection (3) (grant by designated body of permits relating to use of a small bus) for “a small bus” substitute “ a public service vehicle other than a large bus ”.
- (5) In subsection (4) (grant by traffic commissioner of permits relating to use of a small bus) for “a small bus” substitute “ a public service vehicle other than a large bus ”.
- (6) In subsection (7) (grant of permits by bodies designated by the Secretary of State) in paragraph (c)—
 - (a) after “may require the body to make returns” insert “ and keep records ”, and
 - (b) after “with regard to the permits granted” insert “ , varied or revoked ”.
- (7) In subsection (9) (only one bus to be used at one time under same permit) for “bus” substitute “ vehicle ”.

Status: Point in time view as at 06/04/2009.

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- (8) In consequence of the amendments made by this section, the heading to section 19 becomes “Permits in relation to use of public service vehicles by educational and other bodies”.

Commencement Information

I13 S. 57 in force at 6.4.2009 by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

58 Further provision with respect to such permits **E+W+S**

- (1) Section 20 of the TA 1985 (further provision with respect to permits under section 19) is amended as follows.
- (2) In subsection (4)(a) (attachment of conditions) for “bus” substitute “vehicle”.
- (3) In subsection (5)(b) (variation or revocation of permit) for “bus” substitute “vehicle”.
- (4) Section 21 of the TA 1985 (regulations with respect to permits under section 19) is amended as follows.
- (5) In subsection (1)—
- (a) in paragraph (a), for “a bus” substitute “a public service vehicle”;
 - (b) in paragraph (d), for “any bus” substitute “any vehicle”.
- (6) At the end of the section insert—
- “(4) See also section 23A of this Act (power to limit permits under section 19 or 22 to 5 years).”.

Commencement Information

I14 S. 58 in force at 6.4.2009 by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

59 Relaxation of rules relating to community bus services **E+W+S**

- (1) Section 22 of the TA 1985 (community bus permits) is amended as follows.
- (2) In subsection (1), in paragraph (c) of the definition of “community bus service” (service must be provided by means of vehicle adapted to carry more than 8 but not more than 16 passengers) omit the words “but not more than sixteen”.
- (3) Section 23 of the TA 1985 (further provisions with respect to community bus permits) is amended as follows.
- (4) In subsection (2) (requirements) omit paragraph (a) (no payment for driver except expenses and loss of earnings).
- (5) At the end of the section insert—
- “(9) See also section 23A of this Act (power to limit permits under section 19 or 22 to 5 years).”.

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

I15 S. 59 in force at 6.4.2009 by S.I. 2009/107, art. 4(1), **Sch. 4 Pt. 1** (with Sch. 4 para. 1)

60 Power to limit permits under section 19 or 22 of TA 1985 to 5 years **E+W+S**

- (1) After section 23 of the TA 1985 (further provision with respect to community bus permits) insert—

“23A Power to limit permits under section 19 or 22 to 5 years

- (1) Regulations may provide that any permit granted under section 19 or 22 of this Act on or after a date specified in the regulations is to be for such period not exceeding 5 years as may be identified in the permit by the person granting it.
- (2) Nothing in subsection (1) above or any regulations made by virtue of that subsection prevents the grant of subsequent permits under section 19 or 22 of this Act to any person for further such periods.”
- (2) The Secretary of State may by regulations provide that any permit granted under section 19 or 22 of the TA 1985 before the section 23A start date is revoked as from such later date (the “revocation date”) as may be specified in the regulations.
- (3) The revocation date in the case of any permit must be no more than 5 years after the section 23A start date.
- (4) In this section, “the section 23A start date” means the date mentioned in section 23A(1) of the TA 1985 (power to limit permits granted under section 19 or 22 on or after specified date to 5 years).
- (5) Sections 134 and 135 of the TA 1985 (which, among other things, apply sections 60 and 61 of the PPVA 1981 in relation to certain regulations under the TA 1985) shall have effect as if—
- subsections (2) to (4) above were contained in Part 1 of the 1985 Act, and
 - the matters specified in section 134(3) of the TA 1985 included the revocation of permits granted under section 19 or 22 of that Act.
- (6) Nothing in subsection (2), or in any regulations made under or by virtue of this section, prevents the grant of subsequent permits under section 19 or 22 of the TA 1985 to any person.
- (7) Any power to make regulations under or by virtue of this section includes power—
- to make different provision for different cases or for permits of different descriptions, and
 - to make incidental, consequential, supplemental or transitional provision or savings.

Commencement Information

I16 S. 60 partly in force; s. 60 in force at Royal Assent for certain purposes see s. 134

I17 S. 60 in force at 6.4.2009 in so far as not already in force by S.I. 2009/107, art. 4(1), **Sch. 4 Pt. 1**

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

61 Traffic commissioners to keep records about such permits **E+W+S**

- (1) In section 126 of the TA 1985 (application of sections 52 and 56 of the PPVA 1981) subsection (3) (section 56: records) is amended as follows.
- (2) In the opening words, after “shall apply in relation to” insert “ each of the following ”.
- (3) For the word “and” at the end of paragraph (b) substitute the following paragraphs—
 - “(bb) permits under section 19 or 22 of this Act granted, varied or revoked by a traffic commissioner;
 - “(bc) copies of permits submitted to a traffic commissioner by way of a return made pursuant to an order under section 19(7)(c) of this Act;”.

Commencement Information

118 S. 61 in force at 6.4.2009 by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

Services not operated as registered etc

62 Attachment of conditions to related licences **E+W**

- (1) Section 26 of the TA 1985 (conditions attached to PSV operator's licence) is amended as follows.
- (2) In subsection (1) (which sets out the cases in which the power is exercisable and the power)—
 - (a) for “Where” substitute “ Subsection (1A) below applies in any case where ”;
 - (b) for the words from “he may” to the end of subsection (1) substitute the subsections set out in subsection (3).
- (3) The subsections are—
 - “(1A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, a condition falling within subsection (1B) below to any one or more of the following PSV operator's licences (wherever granted)—
 - (a) the licence mentioned in subsection (1) above;
 - (b) any other licence held by the operator;
 - (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).
 - (1B) The conditions are—
 - (a) a condition prohibiting the holder of the licence from using vehicles under the licence to provide any local service of a description specified in the condition;
 - (b) a condition prohibiting the holder of the licence from so using vehicles to provide local services of any description.
 - (1C) A condition under subsection (1A) may be attached—
 - (a) indefinitely; or
 - (b) for a period of time specified by the traffic commissioner (which may commence immediately or on a date so specified).”.

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(4) In subsection (2)—

- (a) after “attach” insert “ (or direct another commissioner to attach) ”;
- (b) for “subsection (1)” substitute “ subsection (1A) ”;
- (c) for “that subsection” substitute “ subsection (1) above ”.

(5) After subsection (2) insert—

“(2A) Where a direction is given under subsection (1A) above to a traffic commissioner for another area, that traffic commissioner must either—

- (a) attach the condition to the licence; or
- (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.”.

(6) In subsection (3), for “subsection (1)” substitute “ subsection (1A) ”.

(7) In subsection (5) (power to impose conditions in certain cases relating to the use of vehicles)—

- (a) for “Where” substitute “ Subsection (5A) below applies in any case where ”;
- (b) for the words from “he may” to the end of subsection (5) substitute the subsections set out in subsection (8).

(8) The subsections are—

“(5A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, to any one or more of the licences mentioned in subsection (5B) below a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.

(5B) The licences are the following PSV operator's licences (wherever granted)—

- (a) the licence mentioned in subsection (5) above;
- (b) any other licence held by the operator;
- (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).

(5C) Where a direction is given under subsection (5A) above to a traffic commissioner for another area, that traffic commissioner must either—

- (a) attach the condition to the licence; or
- (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.”.

(9) In subsection (6)—

- (a) for “subsection (5)” substitute “ subsection (5A) ”;
- (b) in paragraph (a) after “the commissioner” insert “ who attached that condition ”.

(10) At the end of the section insert—

“(7) In this section “undertaking” and “group undertaking” have the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).”.

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

119 S. 62 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), **Sch. 1 Pt. 1** (with Sch. 1 para. 2(1))

63 **Powers of traffic commissioners where services not operated as registered** **E** **+W**

- (1) After section 27 of the TA 1985 (supplementary provisions with respect to conditions attached to a PSV operator's licence under section 26) insert—

“27A Additional powers where service not operated as registered

- (1) This section applies in any case where it appears to a traffic commissioner that a person (“the operator”)—
- (a) has, or may have, failed to operate a local service registered under section 6 of this Act; or
 - (b) has, or may have, failed to operate such a service in accordance with the particulars registered under that section.

- (2) The traffic commissioner may direct a local traffic authority to provide him, within a specified period, with specified information connected with any aspect of the performance of their duties under section 16 or 17 of the Traffic Management Act 2004 (the network management duty, and arrangements for network management).

This subsection is supplemented by provisions in section 27B of this Act.

- (3) If the traffic commissioner holds an inquiry in connection with deciding whether—
- (a) to attach a condition under section 26 of this Act, or
 - (b) to make an order under section 155 of the Transport Act 2000,
- subsections (2) and (3) of section 250 of the Local Government Act 1972 (attendance of witnesses etc) apply to the inquiry as they apply to an inquiry under that section.
- (4) If the traffic commissioner identifies any remedial measures (see subsection (5)) which, in the traffic commissioner's opinion, could be taken—
- (a) by the operator, or
 - (b) by a local traffic authority,
- the traffic commissioner may prepare a report recommending the implementation of those measures.
- (5) In this section “remedial measures” means measures which, in the opinion of the traffic commissioner, would enable or facilitate the operation of the service in accordance with the particulars registered under section 6 of this Act.
- (6) A traffic commissioner who prepares a report under subsection (4) above—
- (a) must send a copy of the report to the operator and, if any of the recommended remedial measures are for implementation by a local traffic authority, to that authority;

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) must, if the implementation of any of the measures in the report would affect the operation of bus services in an integrated transport area, send a copy of the report to the Integrated Transport Authority for that area;
 - (c) may send a copy of the report to any one or more of the persons in subsection (7) below;
 - (d) may publish the report.
- (7) The persons are—
- (a) the appropriate national authority,
 - (b) any local traffic authority or Integrated Transport Authority which the traffic commissioner considers appropriate,
- and any other persons whom the traffic commissioner considers appropriate.
- (8) See subsection (6) of section 27B of this Act for the meaning of some of the expressions used in this section.

27B Provisions supplementing section 27A

- (1) This section supplements section 27A of this Act.
 - (2) In this section “direction” means a direction under subsection (2) of that section.
 - (3) The information that may be specified in a direction must be information which the local traffic authority have in their possession or can reasonably be expected to acquire.
 - (4) The information that may be specified in a direction includes information relating to—
 - (a) the management of a local traffic authority's road network; or
 - (b) the use of their road network by different kinds of traffic or the effects of that use.
 - (5) A direction may be given—
 - (a) to one or more local traffic authorities; or
 - (b) to local traffic authorities of a description specified in the direction.
 - (6) In section 27A of this Act and in this section the following expressions have the same meaning as in Part 2 of the Traffic Management Act 2004 (network management by local traffic authorities)—
 - appropriate national authority,
 - local traffic authority,
 - road network,
 - traffic,

except that “local traffic authority” does not include Transport for London, a London borough council or the Common Council of the City of London.”
- (2) In section 155 of the TA 2000 (penalties) at the end insert—
- “(8) Other provisions that may need to be considered include the following provisions of the Transport Act 1985—

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) sections 26 and 27 (attachment of conditions to PSV operator's licence),
- (b) sections 27A and 27B (additional powers of traffic commissioner where services are not operated as registered etc).”.

Commencement Information

I20 S. 63 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(2))

64 Additional sanctions for failures by bus operators **E+W**

- (1) Section 155 of the TA 2000 (penalties) is amended as follows.
- (2) In subsection (1) (power to impose penalty for various failures) for “impose a penalty on the operator” substitute “ make one or more orders under subsection (1A) ”.
- (3) After subsection (1) insert—
 - “(1A) The orders are—
 - (a) an order that the operator pay a penalty of such amount as is determined in accordance with subsection (3);
 - (b) an order that the operator expend such sum of money as is determined in accordance with subsection (3) in the manner mentioned in subsection (1B);
 - (c) an order that the operator provide compensation (see subsection (1C)) to passengers of such description as is specified in the order;
 - (d) an order of such other description as the Secretary of State (as respects England) or the Welsh Ministers (as respects Wales) may by order prescribe for the purposes of this paragraph.
 - (1B) An order under subsection (1A)(b) may require the operator to expend money on or towards—
 - (a) the provision of specified local services or specified facilities to be used in connection with such services;
 - (b) specified improvements in such services or facilities.In this subsection “specified” means specified in the order.
 - (1C) Compensation under subsection (1A)(c)—
 - (a) may take the form of payments of money, or
 - (b) may take such other form (including the provision of free travel or travel at a reduced price) as is specified in the order;and shall be of such amount, or equivalent in value to such amount, as is determined in accordance with subsection (3).”.
- (4) Omit subsection (2).
- (5) In subsection (3) for “That amount is” substitute “ The amount mentioned in subsections (1A)(a) and (b) and (1C) is such amount as the traffic commissioner thinks fit in all the circumstances of the case, but must not exceed ”.
- (6) Omit subsection (4).

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) In subsection (5) for “imposing the penalty” substitute “ making an order under subsection (1A) ”.
- (8) In subsection (6) for “the imposition of the penalty” substitute “ the making of the order ”.
- (9) After subsection (6) insert—
- “(6A) If the operator fails to comply with an order under subsection (1A)(b), (c) or (d), the traffic commissioner may order the operator to pay a penalty of such amount as is determined in accordance with subsection (6B).
- (6B) That amount is such amount as the traffic commissioner thinks fit in all the circumstances of the case, but must not exceed 110% of the maximum amount which may be ordered in accordance with subsection (3).”.
- (10) For subsection (7) substitute—
- “(7) An amount ordered to be paid under subsection (1A)(a) or (6A) is—
- (a) payable to the Secretary of State (as respects England) or the Welsh Ministers (as respects Wales), and
- (b) recoverable as a civil debt.”.
- (11) In consequence of the amendments made by this section, the heading to section 155 becomes “ Sanctions ”.
- (12) Section 160 of the TA 2000 (Part 2: regulations and orders) is amended as follows.
- (13) In subsection (2) before the words “shall be subject to annulment” insert “ , other than an order under section 155(1A)(d), ”.
- (14) After subsection (2) insert—
- “(3) A statutory instrument containing an order under section 155(1A)(d) shall not be made—
- (a) as respects England, unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
- (b) as respects Wales, unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

Commencement Information

- I21** S. 64 partly in force; s. 64(3) in force at Royal Assent for specified purposes, see s. 134(1)(c)
- I22** S. 64 in force at 9.2.2009 for E. in so far as not already in force by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 4)
- I23** S. 64 in force at 1.4.2009 for W. in so far as not already in force by S.I. 2009/579, art. 2(e) (with Sch. para. 2)

65 Operational data **E+W**

- (1) In section 155(1) of the TA 2000 (penalties) after paragraph (a) insert—
- “(aa) failed to comply with the requirements of regulations made under section 6(9)(i), (j) or (k) of that Act.”.

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) Section 6 of the TA 1985 (registration of local services) is amended as follows.
- (3) In subsection (9) (regulations) after paragraph (k) insert—
 - “(ka) for imposing restrictions on the use that may be made of records made available as mentioned in paragraph (j) above or information given as mentioned in paragraph (k) above;”.
- (4) After subsection (9) insert—
 - “(10) Regulations made by virtue of paragraph (ka) of subsection (9) above—
 - (a) may create one or more criminal offences relating to the use of records or information in breach of the restrictions imposed by those regulations, but
 - (b) may not provide, in respect of any such offence, for a penalty greater than a fine not exceeding level 4 on the standard scale.”.

Commencement Information

- I24** S. 65(1) in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I25** S. 65(1) in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(f)
- I26** S. 65(2)-(4) in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Powers of Passenger Transport Executives

66 Revival of certain powers of PTEs E+W

- (1) Section 10 of the TA 1968 (powers of Passenger Transport Executives) is amended as follows.
- (2) For subsection (1)(viii) (power to let passenger vehicles on hire) substitute—
 - “(viii) to let passenger vehicles on hire (with or without trailers for the carriage of goods)—
 - (a) as part of, or in connection with, an agreement providing for service subsidies, to an operator of public passenger transport services within the meaning of section 9A;
 - (b) to a body holding a permit granted under section 19 of the Transport Act 1985 (permits in relation to the use of vehicles by educational and other bodies);”.
- (3) After subsection (2) insert—
 - “(2A) The reference in subsection (1)(viii) above to an agreement providing for service subsidies includes—
 - (a) an agreement for such subsidies under section 9A(4) above;
 - (b) provision included in a quality contract under section 124 of the Transport Act 2000 for the making of payments by the PTE (see subsection (5)(a) of that section).”.
- (4) Any order made under section 60(5) of the TA 1985 shall cease to have effect to the extent that it provides that a PTE shall cease to have the power under section 10(1)(viii) of the TA 1968.

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) In section 60 of the TA 1985 (exclusion of public sector co-operation requirements and bus operating powers), omit subsections (2) to (4), (7) and (8).
- (6) The following provisions of the TA 1968 shall cease to have effect—
- (a) section 10(1)(i) (power of PTE to carry passengers by road);
 - (b) section 24 (establishment and general duties of Bus Company and Scottish Group).

Commencement Information

I27 S. 66 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Subsidised services

67 **Subsidy to secure passenger transport services in integrated transport areas** **E** **+W**

- (1) Section 9A of the TA 1968 (general functions of Passenger Transport Authorities and Executives) is amended as follows.
- (2) In subsection (4)(a) (power to enter into agreements providing for service subsidies) after “would not be provided” insert “, or would not be provided to a particular standard,”.
- (3) After subsection (4) insert—
- “(4A) The reference in subsection (4)(a) of this section to the standard to which a service is provided includes—
- (a) the frequency or timing of the service;
 - (b) the days, or times of day, when the service is provided;
 - (c) the vehicles used to provide the service.”.

Commencement Information

I28 S. 67 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

68 **Subsidy to secure passenger transport services in other areas** **E+W+S**

- (1) Section 63 of the TA 1985 (functions of local councils with respect to passenger transport in areas other than passenger transport areas) is amended as follows.
- (2) In subsection (5) (power to enter into agreements providing for service subsidies) at the beginning of paragraph (a) insert “in England and Wales, shall be exercisable only where the service in question would not be provided, or would not be provided to a particular standard, without subsidy;
- (aa) in Scotland,”.
- (3) After subsection (5) insert—
- “(5A) The reference in subsection (5)(a) above to the standard to which a service is provided includes—

Status: Point in time view as at 06/04/2009.

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- (a) the frequency or timing of the service;
- (b) the days, or times of day, when the service is provided;
- (c) the vehicles used to provide the service.”.

Commencement Information

- I29** S. 68(1) in force at 9.2.2009 for specified purposes for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I30** S. 68(1) in force at 9.2.2009 for E. and S. for specified purposes by S.I. 2009/107, art. 2(3)
- I31** S. 68(1) in force at 1.4.2009 for specified purposes for W. by S.I. 2009/579, art. 2(g)
- I32** S. 68(2) in force at 9.2.2009 for E. and S. by S.I. 2009/107, art. 2(3)
- I33** S. 68(3) in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I34** S. 68(3) in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(g)

69 Subsidy to secure passenger transport services in Wales **E+W**

- (1) Section 7 of the Transport (Wales) Act 2006 (c. 5) (provision of public passenger transport services) is amended as follows.
- (2) In subsection (4) (circumstances in which agreements providing for service subsidies may be entered into) after “would not be provided” insert “, or would not be provided to a particular standard,”.
- (3) After subsection (4) insert—
 - “(4A) The reference in subsection (4) to the standard to which a service is provided includes—
 - (a) the frequency or timing of the service;
 - (b) the days, or times of day, when the service is provided;
 - (c) the vehicles used to provide the service.”.

Commencement Information

- I35** S. 69 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I36** S. 69 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(h)

70 Extension of maximum length of subsidised services agreements **E+W**

In section 90(1) of the TA 1985 (maximum period to be specified in invitation to tender for agreement providing for service subsidies) for “five years” substitute “ 8 years ”.

Commencement Information

- I37** S. 70 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I38** S. 70 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(h)

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Public transport companies etc

71 Removal of certain disabilities and requirements for consent **E+W**

- (1) Part 4 of the TA 1985 (which makes provision for the establishment of public transport companies and for the powers of Passenger Transport Authorities etc in relation to them) is amended as follows.
- (2) In section 74 (disabilities of directors of public transport companies), omit subsections (3) to (12).
- (3) Each of the following (which require the consent of the Secretary of State for the exercise of certain powers) is omitted—
 - (a) section 75(3) (subscription for, or acquisition or disposal of, certain shares, securities or other property or assets etc);
 - (b) section 79(3) (making or guaranteeing of certain loans);
 - (c) section 79(7) (guarantees etc in connection with disposals of certain shares, securities or other property or assets etc);
 - (d) in section 79(8) (provision of financial assistance by way of grants, loans, etc) the words “, with the consent of the Secretary of State,”.

Commencement Information

- I39** S. 71 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1 (with Sch. 2 para. 5)
I40 S. 71 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(h) (with Sch. para. 3)

Transport users' advisory committees etc

72 The Disabled Persons Transport Advisory Committee: remuneration **E+W+S**

- (1) Schedule 5 to the TA 1985 (the Disabled Persons Transport Advisory Committee) is amended as follows.
- (2) In paragraph 2—
 - (a) at the beginning insert “ (1) ”;
 - (b) after “to pay to their members” insert “ such remuneration, and ”.
- (3) At the end of paragraph 2 insert—
 - “(2) In relation to Scotland, the only remuneration that may be paid under this paragraph is remuneration for the performance of functions which relate to reserved matters (within the meaning of the Scotland Act 1998).”.

Commencement Information

- I41** S. 72 in force at 6.4.2009 by S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

73 The Public Transport Users' Committee for England **E+W**

- (1) After section 125 of the TA 1985 (the Disabled Persons Transport Advisory Committee) insert—

Status: Point in time view as at 06/04/2009.

Changes to legislation: Local Transport Act 2008, Part 4 is up to date with all changes known to be in force on or before 22 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“The Public Transport Users' Committee for England

125A The Public Transport Users' Committee for England

- (1) The Secretary of State may by order establish a body corporate, to be known as the Public Transport Users' Committee for England.

A body established under this subsection is referred to in this section and sections 125B and 125C as the Committee.

- (2) The Secretary of State may by order provide for a body established under subsection (1) to be known by a different name.

- (3) An order under subsection (1) may include provision—

- (a) about the status and membership of the Committee (including how members are to be appointed);
- (b) about the proceedings of the Committee;
- (c) about the declaration by members of any financial or other interests, and the recording of such interests;
- (d) about officers and staff of the Committee;
- (e) about the discharge of functions of the Committee (including provision for the discharge of functions by sub-committees with members who are not all members of the Committee);
- (f) about the making of reports by the Committee to—
 - (i) the Secretary of State, or
 - (ii) such other person as the Secretary of State may determine;
- (g) about the making of payments to or in respect of officers, staff and members of the Committee;
- (h) about the payment of pensions and the making of other payments to or in respect of former officers and staff of the Committee;
- (i) about the keeping of accounts by the Committee and their audit and submission to the Secretary of State;
- (j) about the acquisition and disposal by the Committee of property, rights and liabilities (including land);
- (k) authorising the Committee to charge for any services it provides in the discharge of any of its functions;
- (l) requiring the Committee to have regard to the policies and activities of such other persons or bodies as the Secretary of State may determine;
- (m) for the transfer of staff, property, rights and liabilities to the Committee.

- (4) The Secretary of State may make payments to the Committee of such amounts, at such times, and on such conditions (if any) as the Secretary of State considers appropriate.

- (5) The Secretary of State may by order make provision for the transfer of staff, property, rights and liabilities from the Committee to any other person.

- (6) An order made by virtue of subsection (2) may make such provision, including provision amending, repealing or revoking any provision of this Act or any

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other enactment (whenever passed or made), as appears to the Secretary of State to be necessary in consequence of the order.

In this subsection “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

- (7) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

125B Functions of the Committee

- (1) The Committee may consider and make recommendations or representations to the Secretary of State about any matter relating to—
- (a) prescribed public passenger transport services, or public passenger transport services that are of a prescribed description, to the extent that they operate in England; or
 - (b) prescribed public passenger transport facilities in England, or public passenger transport facilities in England that are of a prescribed description.
- (2) The Committee must consider and make recommendations to the Secretary of State about any such matter if asked to do so by the Secretary of State.
- (3) The Secretary of State may by order—
- (a) confer further functions on the Committee;
 - (b) remove functions from the Committee;
 - (c) make changes to any functions of the Committee;
 - (d) transfer any functions of the Committee to another person (including to the Secretary of State).
- (4) An order under subsection (3) may confer a function on the Committee, or make changes to a function of the Committee, only if the new function, or the function as changed, relates to—
- (a) public passenger transport services, so far as operating in England; or
 - (b) public passenger transport facilities in England.
- (5) The functions that may be conferred on the Committee under subsection (3)
- (a) include a power—
 - (a) to enter into arrangements with another body for discharging functions on behalf of that body in relation to England;
 - (b) to give effect to any such arrangements;
 - (c) to enter into arrangements with another body for that body to discharge any functions of the Committee on behalf of the Committee.
- (6) The discharge of a function by the Committee on behalf of another body does not affect the responsibility of the body for the discharge of the function.
- (7) The discharge of a function by another body on behalf of the Committee does not affect the responsibility of the Committee for the discharge of the function.
- (8) The provision that may be made in an order under subsection (3) includes provision amending or repealing any provision of this Act or any other enactment conferring functions on the Committee.

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- (9) The Committee may do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions.
- (10) In this section—
“prescribed” means prescribed by order made by the Secretary of State;
“public passenger transport facilities” means facilities for public passenger transport services.
- (11) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

125C Power to confer functions in relation to the Committee

- (1) This section applies where an order under section 125B(3) confers on the Committee power to make recommendations or representations to a body or person.
- (2) The Secretary of State may by order confer on the body or person functions in respect of such recommendations or representations.
- (3) An order under this section may confer a function on a body or person only if the new function relates to—
(a) public passenger transport services, so far as operating in England; or
(b) public passenger transport facilities in England.
- (4) The provision that may be made in an order under this section includes provision amending, repealing or revoking any provision of this Act or any other enactment (whenever passed or made) conferring functions on the body or person.
- (5) In this section “public passenger transport facilities” has the same meaning as in section 125B.
- (6) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.”
- (2) In section 135 of the TA 1985 (procedure for making regulations, rules and orders), in subsection (4), after “85” insert “, 125A, 125B, 125C ”.

Commencement Information

I42 S. 73 partly in force; s. 73 in force at Royal Assent for specified purposes, see s. 134(1)(c)

74 Power to confer non-rail functions on the Rail Passengers' Council **E+W+S**

In Part 3 of the Railways Act 2005 (c. 14), after section 19 insert—

“19A Power to confer non-rail functions on the Rail Passengers' Council

- (1) The Secretary of State may by order make provision conferring functions on the Rail Passengers' Council relating to—

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- (a) prescribed local services, or local services of a prescribed description, so far as operating in England;
 - (b) prescribed domestic coach services, or domestic coach services of a prescribed description, so far as operating in England;
 - (c) prescribed tramway passenger services, or tramway passenger services of a prescribed description, so far as operating in England;
 - (d) prescribed passenger transport facilities in England, or passenger transport facilities in England that are of a prescribed description.
- (2) The power conferred by subsection (1) includes power to amend any enactment (including this Act) for the purposes of making such provision.
 - (3) An order under this section may make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, such an order, or for giving full effect to such an order.
 - (4) The provision which may be included by virtue of subsection (3) in an order includes—
 - (a) provision for the body established by section 19 to be known by a different name;
 - (b) provision altering the number of persons that may be appointed as members of that body by the Secretary of State under section 19(1)(e);
 - (c) provision amending, repealing or revoking any provision of this Act or any other enactment, whenever passed or made.
 - (5) In a case where an order under this section confers on the Rail Passengers' Council power to make recommendations or representations to a body or person, the provision which may be included by virtue of subsection (3) in the order also includes provision conferring on the body or person functions in respect of such recommendations or representations.
 - (6) An order under this section may confer a function on a body or person by virtue of subsection (5) only if the new function relates to—
 - (a) services of a kind mentioned in paragraphs (a) to (c) of subsection (1), so far as operating in England, or
 - (b) passenger transport facilities in England.
 - (7) Nothing in this section provides power to alter the functions of the Rail Passengers' Council so far as relating to the provision of railway passenger services or station services.
 - (8) An order under this section is subject to the affirmative resolution procedure.
 - (9) In this section—

“domestic coach service” means a bus service which—

 - (a) carries passengers at separate fares, and
 - (b) is not a local service;

“enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);

“local service” has the meaning given by section 2 of the Transport Act 1985;

“passenger transport facilities” means facilities for services of a kind mentioned in paragraphs (a) to (c) of subsection (1);

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“prescribed” means prescribed by order made by the Secretary of State;

“tramway passenger service” means any service for the carriage of passengers by tramway.”.

Commencement Information

I43 S. 74 partly in force; s. 74 in force at Royal Assent for specified purposes, see s. 134(1)(c)

I44 S. 74 in force at 9.2.2009 in so far as not already in force by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Display of transport-related information

75 Power to require display of certain information **E+W**

- (1) The appropriate national authority may make regulations requiring prescribed persons, or persons of a prescribed description, to display, in such place or places and in such manner as may be prescribed, information falling within subsection (2).
- (2) The information referred to in subsection (1) is prescribed information, or information of a prescribed description, relating to persons or bodies with functions relating to public passenger transport services.
- (3) Regulations under this section may provide that a traffic commissioner may impose a financial penalty on any operator of a public service vehicle who, without reasonable excuse, fails to comply with a requirement imposed on the operator by regulations under this section.
- (4) Regulations made by virtue of subsection (3) may—
 - (a) specify the maximum penalty that may be imposed by virtue of that subsection;
 - (b) require a traffic commissioner who has imposed a penalty by virtue of that subsection to give notice in writing to such persons as may be prescribed.
- (5) A penalty imposed by virtue of subsection (3) is—
 - (a) payable to the appropriate national authority that made the regulations, and
 - (b) recoverable as a civil debt.
- (6) An operator on whom a penalty is imposed by virtue of subsection (3) may appeal to the Transport Tribunal against the imposition of the penalty.

As respects appeals to the Transport Tribunal, see Schedule 4 to the TA 1985.
- (7) The power to make regulations under this section is exercisable by statutory instrument.
- (8) A statutory instrument containing regulations made under this section by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) A statutory instrument containing regulations made under this section by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(10) In this section—

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- “the appropriate national authority” means—
- (a) in relation to public passenger transport services operating wholly or partly in England, the Secretary of State;
 - (b) in relation to public passenger transport services operating wholly or partly in Wales, the Welsh Ministers;
- “prescribed” means prescribed in regulations;
- “public passenger transport services” has the meaning given by section 63(10)(a) of the TA 1985;
- “public service vehicle” and “traffic commissioner” have the same meaning as in the PPVA 1981.

Commencement Information

I45 S. 75 partly in force; s. 75 in force at Royal Assent for certain purposes see s. 134

I46 S. 75 in force at 9.2.2009 for E. in so far as not already in force by S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**

I47 S. 75 in force at 1.4.2009 for W. by S.I. 2009/579, **art. 2(i)**

Appeals to the Transport Tribunal

76 Appeals to the Transport Tribunal E+W

- (1) In Schedule 4 to the TA 1985 (constitution, powers and proceedings of the Transport Tribunal) paragraph 9 (powers of tribunal on appeal from determination of traffic commissioner) is amended as follows.
- (2) In sub-paragraph (1), for the words from “under” to “1999” substitute “ under any of the enactments specified in sub-paragraph (1A) below ”.
- (3) After sub-paragraph (1) insert—
 - “(1A) The enactments are—
 - the 1981 Act;
 - this Act;
 - the Goods Vehicles (Licensing of Operators) Act 1995;
 - the Road Transport (Passenger Vehicles Cabotage) Regulations 1999;
 - section 155 of the Transport Act 2000;
 - section 75 of the Local Transport Act 2008.”.

Commencement Information

I48 S. 76 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), **Sch. 1 Pt. 1**

Status:

Point in time view as at 06/04/2009.

Changes to legislation:

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