Local Transport Act 2008

2008 CHAPTER 26

[F1][F1]PART 5A

SUB-NATIONAL TRANSPORT BODIES

General powers etc

[F1]102N Boundaries of power under section 102M

(1) Section 102M(1) does not enable an STB to do anything which it is unable to do by virtue of a post-commencement limitation which is expressed to apply—

(a) to its power under section 102M(1),

(b) to all of its powers, or

(c) to all of its powers but with exceptions that do not include its power under section 102M(1).

(2) Section 102M(1) does not authorise an STB to borrow money.

(3) Section 102M(1)(a) to (c) do not authorise an STB to charge a person for anything it does otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of STBs and other best value authorities to charge for discretionary services)).

(4) Section 102M(1)(d) does not authorise an STB to do things for a commercial purpose in relation to a person if a statutory provision requires the STB to do those things in relation to the person.

(5) Where under section 102M(1)(d) an STB does things for a commercial purpose, it must do them through—

(a) a company within the meaning given by section 1(1) of the Companies Act 2006, or

(b) a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014.

Changes to legislation: *Local Transport Act 2008, Section 102N is up to date with all changes known to be in force on or before 18 July 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) View outstanding changes*

(6) In this section—

"post-commencement limitation" means a prohibition, restriction or other limitation imposed by a statutory provision that—

(a) is contained in an Act passed after the end of the Session in which the Cities and Local Government Devolution Act 2016 is passed, or

(b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 21 of that 2016 Act;

"statutory provision" means a provision of an Act or of an instrument made under an Act.**]**

Textual Amendments

F1 Pt. 5A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by Cities and Local Government Devolution Act 2016 (c. 1), **ss. 21**, 25(2)

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Commencement Orders yet to be applied to the Local Transport Act 2008
Commencement Orders bringing provisions within this Act into force:

– S.I. 2009/579 art. 2 commences (2008 c. 26)
– S.I. 2009/3294 art. 2 commences (2008 c. 26)