



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 3

#### BUS SERVICES

##### *Variation or revocation of quality contracts schemes*

#### **37 Variation or revocation of scheme**

- (1) Section 132 of the TA 2000 (variation or revocation of scheme) is amended as follows.
- (2) In subsection (2) (which refers to the conditions in certain provisions of section 124) for “subsection (1)(a) and (b)” substitute “subsection (1)(a) to (e)”.
- (3) In subsection (4) (grounds for revocation) for “or” at the end of paragraph (a) substitute—
  - “(aa) if they consider that those conditions would no longer be met with respect to it if they were to act in accordance with a direction given by the Transport Tribunal under this Part, or”.
- (4) In subsection (4A) (which defines the “relevant conditions” according to whether the scheme has been varied or not)—
  - (a) in paragraph (a), before “varied” insert “continued in operation under section 131A or”,
  - (b) also in paragraph (a), for “124(1)(a) and (b)” substitute “124(1)(a) to (e)”,
  - (c) in paragraph (b), before “varied” insert “continued in operation under section 131A or”,
  - (d) in paragraph (c), before “varied”, in the first place where it occurs, insert “continued in operation under section 131A or”,
  - (e) also in paragraph (c), before “varied”, in the second place where it occurs, insert “continued in operation or”.
- (5) For subsection (5) (procedure for varying or revoking a scheme etc) substitute—

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*Status: Point in time view as at 11/01/2010.*

*Changes to legislation: Local Transport Act 2008, Section 37 is up to date with all changes known to be in force on or before 29 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)*

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“(5) The variation or revocation of a scheme under subsection (1) or (4) is subject to the provisions of—

- (a) subsection (6) (revocation: areas in England),
- (b) subsection (7) (non-exempt variation: areas in England),
- (c) subsection (8) (exempt variation: areas in England), or
- (d) subsection (9) (areas in Wales),

except to the extent that section 132B (exemption for specific variations directed by Transport Tribunal on appeal) otherwise provides.

(6) The revocation of a scheme for an area in England is subject to the following requirements—

- (a) before deciding to revoke the scheme, the authority or authorities must consult the persons mentioned in section 125(3) and each relevant traffic commissioner,
- (b) as soon as reasonably practicable after deciding to revoke the scheme, the authority or authorities must give notice of the decision to each relevant traffic commissioner and must publish the notice in at least one newspaper circulating in the area to which the scheme relates,
- (c) the notice must state that the decision has been taken and specify the date on which the revocation is to take effect,

except to the extent that those requirements are modified or excluded by regulations made by the Secretary of State under section 133.

For the purposes of this subsection “relevant traffic commissioner” means the traffic commissioner for any traffic area which consists of or includes the whole or any part of the area to which the scheme relates.

(7) The non-exempt variation of a scheme for an area in England is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified or excluded by regulations made by the Secretary of State under section 133.

(8) The exempt variation of a scheme for an area in England is subject to the same procedure as the making of a scheme, except to the extent that that procedure is modified or excluded by regulations made by the Secretary of State under section 133, but for the purposes of this subsection—

- (a) sections 124(2)(c) and (2A), 126A to 126E and 127(1)(a) and (1A) (the QCS board provisions) do not apply;
- (b) there is no requirement to give notice to the senior traffic commissioner under section 125(1)(d);
- (c) the authority or authorities must consult any traffic commissioner falling within section 125(3)(e) (which accordingly has effect for this purpose with the omission of the words “if the proposed scheme relates to an area in Wales,”);
- (d) sections 127A and 127B (appeals to the Transport Tribunal) do not apply;
- (e) section 132A (appeals where proposed variation considered exempt) has effect in those cases for which it makes provision.

(9) The variation or revocation of a scheme for an area in Wales—

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- (a) requires the approval of the Welsh Ministers, except in the case of a variation which is an exempt variation, and
  - (b) is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified or excluded by regulations made by the Welsh Ministers under section 133.
- (10) Section 130 (tendering) applies to a varied scheme (whether or not the variation is an exempt variation) but subject to regulations made by the appropriate national authority under section 133(3).
- (11) A variation of a scheme is an exempt variation for the purposes of this section if the variation is—
- (a) a reduction in the area to which the scheme relates,
  - (b) a reduction in the descriptions of services which are to be provided under quality contracts, or
  - (c) the provision of new exclusions from the scheme,
- and a “non-exempt variation” is any other variation of a scheme.”
- (6) In consequence of the amendments made by subsection (5), renumber subsection (6) (regulations about revoking schemes before they come into operation) as subsection (12).

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**Commencement Information**

**II** S. 37 in force at 11.1.2010 for E. by S.I. 2009/3242, art. 2(1)(a)

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