



Local Transport Act 2008

2008 CHAPTER 26

PART 4

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Services not operated as registered etc

63 Powers of traffic commissioners where services not operated as registered

- (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,

Status: This is the original version (as it was originally enacted).

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;
 - (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—
- (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).”.