



Transport Act 2000

2000 CHAPTER 38

PART II

LOCAL TRANSPORT

Local transport plans and bus strategies

108 Local transport plans

- (1) Each local transport authority must—
 - (a) develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within their area, and
 - (b) carry out their functions so as to implement those policies.
- (2) The transport facilities and services mentioned in subsection (1) are—
 - (a) those required to meet the needs of persons living or working in the authority's area, or visiting or travelling through that area, and
 - (b) those required for the transportation of freight;and include facilities and services for pedestrians.
- (3) Each local transport authority must prepare a document to be known as the local transport plan containing their policies under subsection (1).
- (4) In this Part “local transport authority” means—
 - (a) a county council in England,
 - (b) a council of a non-metropolitan district in England comprised in an area for which there is no county council,
 - (c) a Passenger Transport Authority for a passenger transport area in England, or
 - (d) a county council or county borough council in Wales.

Status: This is the original version (as it was originally enacted).

109 Further provision about plans

- (1) A local transport authority must keep their local transport plan under review and alter it if they consider it appropriate to do so.
- (2) The authority must replace the plan not later than five years after the date on which it was made.
- (3) As soon as practicable after any occasion when they prepare a new plan or alter their plan, the authority must—
 - (a) publish the plan or the plan as altered in such manner as they think fit, and
 - (b) send a copy of it to the Secretary of State (in the case of an authority whose area is in England) or the National Assembly for Wales (in the case of an authority whose area is in Wales) and to such other persons (if any) as may be specified in guidance under section 112(1).
- (4) The authority must also—
 - (a) cause a copy of their local transport plan to be made available for inspection (at all reasonable hours) at such places as they think fit,
 - (b) give notice, by such means as they think expedient for bringing it to the attention of the public, as to the places at which a copy of it may be inspected, and
 - (c) supply a copy of it (or any part of it) to any person on request, either free of charge or at a charge representing no more than the cost of providing the copy.
- (5) Where a local transport authority have, before the coming into force of section 108, prepared and published a document which—
 - (a) contains policies developed by them for the purposes described in subsection (1)(a) of that section, and
 - (b) was prepared and published in accordance with guidance issued by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales),that document shall be taken to be the authority's local transport plan.
- (6) But, in the case of a document which is a local transport plan by virtue of subsection (5), subsection (2) requires its replacement not later than—
 - (a) 31st March 2006, if it relates to an area in England, or
 - (b) such date as is specified in an order made by the National Assembly for Wales, if it relates to an area in Wales,(rather than not later than five years after the date on which it was made).

110 Bus strategies

- (1) Each local transport authority must prepare a document to be known as the bus strategy containing their general policies as to how best to carry out their functions (or, in the case of a Passenger Transport Authority for a passenger transport area, as to how the functions of the Passenger Transport Executive for their area would be best carried out) in order to secure that—
 - (a) bus services meet such of the transport requirements of persons within the authority's area as the authority consider should be met by such services,
 - (b) bus services meeting such requirements are provided to the standards to which the authority consider that they should be provided, and

- (c) such additional facilities and services connected with bus services are provided as the authority consider should be provided.
- (2) The bus strategy is to form part of the authority's local transport plan.
- (3) In developing their bus strategy, the authority must have regard to any measures the authority are required or propose to take for meeting transport requirements in carrying out any functions of theirs as a local education authority or any social services functions (within the meaning of the Local Authority Social Services Act 1970) of theirs.
- (4) In developing their bus strategy, a Passenger Transport Authority must seek and have regard to the advice of the Passenger Transport Executive for their area.
- (5) In this Part "bus services" means services using public service vehicles.

111 Consultation and publicity about bus strategies

- (1) In complying with section 110, a local transport authority must consult—
 - (a) any other relevant local authority whose area may, in the opinion of the authority, be affected by the bus strategy developed by them,
 - (b) if the authority is a county council in England, the councils of the districts in the county (if any),
 - (c) either operators of bus services which are provided within the authority's area or organisations appearing to the authority to be representative of such operators, and
 - (d) organisations appearing to the authority to be representative of users of such services.
- (2) For the purpose of subsection (1)(a) the following are relevant local authorities—
 - (a) local transport authorities,
 - (b) metropolitan district councils,
 - (c) London transport authorities, and
 - (d) councils in Scotland;

(except that, in the case of consultation by a Passenger Transport Authority for a passenger transport area, a council for a metropolitan district comprised in the area is not a relevant local authority).
- (3) When an authority publish a statement of a new bus strategy or their strategy as altered in accordance with section 109(3)(a), they must send a copy of it to each authority, council, operator or organisation consulted under subsection (1) on the occasion in question.

112 Plans and strategies: supplementary

- (1) In carrying out their functions under sections 108 to 111, a local transport authority must have regard to any guidance concerning—
 - (a) the content of local transport plans (and bus strategies),
 - (b) the preparation of such plans (and strategies),
 - (c) the alteration and replacement of such plans (and strategies), and
 - (d) the publication and making available of such plans (and strategies) as originally made and as altered or replaced,

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

which is issued from time to time by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).

- (2) In developing their policies under section 108(1) and their bus strategy, a local transport authority must have regard to the transport needs of persons who are elderly or have mobility problems.

113 Role of metropolitan district councils

- (1) The duties imposed on a Passenger Transport Authority for a passenger transport area by sections 108(1)(a) and (3), 109(1) to (3), 110(1) and 111(3) shall be performed by—
- (a) that Authority, and
 - (b) the councils for the metropolitan districts comprised in the area, acting jointly.
- (2) The duties imposed on a Passenger Transport Authority for a passenger transport area by sections 108(1)(b), 109(4), 110(3) and 112 are also duties of each of the councils for the metropolitan districts comprised in the area.
- (3) Section 109(5) applies in the case of a Passenger Transport Authority for a passenger transport area only if the document to which it refers has been prepared and published by—
- (a) that Authority, and
 - (b) the councils for the metropolitan districts comprised in the area, acting jointly.

Bus services: quality partnership schemes

114 Quality partnership schemes

- (1) A local transport authority, or two or more such authorities acting jointly, may make a quality partnership scheme if they are satisfied that the scheme will to any extent implement the policies set out in their bus strategy or strategies.
- (2) A quality partnership scheme is a scheme under which—
- (a) the authority or authorities provide particular facilities in the whole or part of their area, or combined area, and
 - (b) operators of local services who wish to use the facilities must undertake to provide local services of a particular standard when using them.
- (3) The authority or authorities must be satisfied that both the provision of those facilities and the provision of local services of that standard will—
- (a) improve the quality of local services provided in the whole or any part of their area, or combined area, by bringing benefits to persons using those services, or
 - (b) reduce or limit traffic congestion, noise or air pollution.
- (4) A quality partnership scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 115.
- (5) The facilities which may be specified in a scheme—

- (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but
 - (b) may not be facilities which are required to be provided as a result of section 139 or 140.
- (6) The standard of services which may be specified in a scheme—
 - (a) include requirements which the vehicles being used to provide the services must meet, but
 - (b) do not include requirements as to frequency or timing of the services.
- (7) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road or other place in a metropolitan district (other than a road for which the Secretary of State or the National Assembly for Wales is the traffic authority), the scheme may not be made unless it is made by—
 - (a) the local transport authority or authorities, and
 - (b) the metropolitan district council for the district,
acting jointly.
- (8) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road for which the Secretary of State or the National Assembly for Wales is the traffic authority, the scheme may not be made unless it is made by—
 - (a) the local transport authority or authorities, and
 - (b) the Secretary of State or the National Assembly for Wales,
acting jointly.
- (9) Where subsection (7) or (8) applies so that a metropolitan district council, the Secretary of State or the National Assembly for Wales is a maker of the scheme, then (subject to section 121) the relevant references to the authority or authorities include (as well as the local transport authority or authorities) the metropolitan district council, the Secretary of State or the National Assembly for Wales.
- (10) For the purpose of subsection (9) the relevant references are those in—
 - (a) subsections (2) and (4),
 - (b) sections 115 to 120, and
 - (c) section 127(7),and paragraph 27(3) of Schedule 9 to the Road Traffic Regulation Act 1984.
- (11) In carrying out their functions under this Part in relation to quality partnership schemes, local transport authorities must co-operate with one another.
- (12) In considering whether to make a quality partnership scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another such authority.

115 Notice and consultation requirements

- (1) If an authority or authorities propose to make a quality partnership scheme, they must give notice of the proposed scheme in at least one newspaper circulating in the area to which it relates.
- (2) The notice must either contain full details of the facilities and standards of services or state where such details may be inspected.

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

- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
- (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
 - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
 - (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
 - (d) the traffic commissioner for each traffic area covering the whole or part of the area to which it relates,
 - (e) the chief officer of police for each police area covering the whole or part of that area, and
 - (f) such other persons as the authority or authorities think fit.
- (4) For the purpose of subsection (3)(c) the following are relevant local authorities—
- (a) local transport authorities,
 - (b) metropolitan district councils,
 - (c) London transport authorities, and
 - (d) councils in Scotland.

116 Making of scheme

- (1) If the authority or authorities decide that it is appropriate to make the scheme, they may make it as proposed or with modifications.
- (2) The scheme must specify—
- (a) the facilities to be provided under it by the authority or authorities,
 - (b) the standard of services to be provided under it by operators of local services,
 - (c) the date on which it is to come into operation, and
 - (d) the period for which it is to remain in operation, which must not be less than five years.
- (3) The scheme may provide that—
- (a) local services specified in it, or
 - (b) local services of a class specified in it,
- are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.
- (4) The date specified in the scheme as that on which it is to come into operation must not be earlier than the date by which, in the opinion of the authority or authorities, it will be reasonably practicable—
- (a) for the authority or authorities to provide the specified facilities, and
 - (b) for operators of local services to provide the specified standard of services,
- and, in any event, must not be earlier than the date provided by subsection (5).
- (5) The date referred to in subsection (4) is three months after—
- (a) the date on which the scheme is made, or
 - (b) if later, the date on which any traffic regulation order required for the provision of any of the specified facilities is made or, if more than one such order is required for that purpose, the date on which the last of them is made.

- (6) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice—
- (a) in at least one newspaper circulating in the area to which the scheme relates, and
 - (b) to all operators of local services who would, in the opinion of the authority or authorities, be affected by the scheme and the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates.
- (7) The notice must—
- (a) either contain full details of the scheme or state where such details may be inspected, and
 - (b) if the scheme made is a modified version of that proposed, state that fact.

117 Postponement of scheme

- (1) If it appears to the authority or authorities appropriate to do so, they may decide that the date on which the scheme would otherwise come into operation shall be postponed by such period, not exceeding 12 months, as they think fit.
- (2) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the scheme.
- (3) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—
- (a) in at least one newspaper circulating in the area to which the scheme relates, and
 - (b) to all operators of local services who would, in their opinion, be affected by the scheme and the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates.

118 Effect of scheme

- (1) The authority or authorities must—
- (a) provide the specified facilities not later than the date on which the scheme is to come into operation, and
 - (b) continue to provide them throughout the period during which it remains in operation.
- (2) But subsection (1) does not apply in relation to any period during which the authority or authorities are temporarily unable to provide the facilities owing to circumstances beyond their control.
- (3) Nor does it apply in the case of the Secretary of State or the National Assembly for Wales if he or it is unable to provide the facilities owing to the variation or revocation of a traffic regulation order.
- (4) The operator of a local service may not use facilities provided under a quality partnership scheme unless—
- (a) he has given a written undertaking to the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates that he will provide the service to the standard specified in the scheme when using the facilities, and

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

- (b) he provides the service to that standard when using the facilities, except in relation to any period during which he is temporarily unable to do so owing to circumstances beyond his control.
- (5) But subsection (4) does not apply in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 116(3).
- (6) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the Transport Act 1985 (registration of local services) of the service concerned.

119 Regulations about schemes involving existing facilities

- (1) The appropriate national authority may by regulations make provision about the specifying in quality partnership schemes of facilities which are already being provided before the schemes are proposed (“existing facilities”).
- (2) The regulations may in particular—
 - (a) provide that existing facilities may not be specified if they were being provided before a date prescribed by, or determined in accordance with, the regulations,
 - (b) provide that particular existing facilities or classes of existing facilities may not be specified (whenever they were first provided),
 - (c) provide that particular existing facilities or classes of existing facilities may be specified only in circumstances prescribed by the regulations,
 - (d) provide that, in circumstances prescribed by the regulations, particular existing facilities or classes of existing facilities may be specified only with the consent of a person prescribed by, or determined in accordance with, the regulations, and
 - (e) make provision modifying any provision of sections 115 to 117 in relation to schemes which specify existing facilities.

120 Variation or revocation of schemes

- (1) The authority or authorities who made a quality partnership scheme may vary the scheme if they decide that it is appropriate to do so.
- (2) The authority or authorities who made a scheme may revoke it before the end of the period for which it would otherwise remain in operation if all persons who have given an undertaking to provide a service to the standard specified in the scheme consent to the revocation of the scheme; and such consent must not be unreasonably withheld.
- (3) If the variation of a scheme under subsection (1) would require the making of a traffic regulation order, the variation is subject to the same procedure as the making of a scheme.
- (4) Any other variation of a scheme under subsection (1), or the revocation of a scheme under subsection (2), is subject to that procedure, except to the extent that the procedure is modified by regulations made under section 122.

121 Variation: supplementary

- (1) The relevant references to the authority or authorities in relation to a quality partnership scheme—
 - (a) include a local transport authority if it has been varied so that it relates to that authority’s area, but
 - (b) do not include a local transport authority if it has been varied so that it no longer relates to that authority’s area.
- (2) But if (although the scheme does not relate to a local transport authority’s area) it would do by reason of a proposed variation, those references (apart from those in section 118) include that authority.
- (3) The relevant references (apart from those in section 114(1) and (3)) to the authority or authorities in relation to a quality partnership scheme—
 - (a) include a traffic regulation authority if it has been varied so that it specifies traffic regulation facilities, but
 - (b) do not include a traffic regulation authority if it has been varied so that it no longer specifies such facilities.
- (4) But if (although the scheme does not specify facilities which are traffic regulation facilities in relation to a traffic regulation authority) it would do by reason of a proposed variation, those references (apart from those in section 118) include that authority.
- (5) And if (although the scheme specifies facilities which are traffic regulation facilities in relation to a traffic regulation authority)—
 - (a) the traffic regulation order, or (where more than one) each of the traffic regulation orders, required to be made by that authority for the provision of those facilities has been revoked, and
 - (b) the scheme is proposed to be varied (but not so that it specifies other facilities which are traffic regulation facilities in relation to that authority),the relevant references (apart from those in section 118) do not include that authority.
- (6) For the purposes of this section the relevant references are those in—
 - (a) section 114(1) to (4),
 - (b) sections 115 to 120, and
 - (c) section 127(7),and paragraph 27(3) of Schedule 9 to the Road Traffic Regulation Act 1984.
- (7) In this section “traffic regulation authority” means—
 - (a) a metropolitan district council,
 - (b) the Secretary of State, or
 - (c) the National Assembly for Wales.
- (8) For the purposes of this section facilities are traffic regulation facilities, in relation to a traffic regulation authority and a quality partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those facilities or would have been required to be a maker of it had it done so.

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

122 Regulations about schemes

- (1) The appropriate national authority may by regulations make further provision with respect to—
 - (a) the procedure to be followed when making, varying or revoking quality partnership schemes,
 - (b) the local services or classes of local services which must be, or may be, excluded from schemes,
 - (c) the conditions which must be, or may be, attached to such exclusions,
 - (d) the form and manner in which undertakings are to be given to the traffic commissioner in connection with schemes,
 - (e) the making of traffic regulation orders in connection with schemes, and
 - (f) such other incidental matters in connection with quality partnership schemes as the appropriate national authority thinks fit.
- (2) The regulations may in particular make provision with respect to—
 - (a) giving notice of proposed schemes or proposed variations or revocation of schemes,
 - (b) objections to such proposals,
 - (c) the holding of inquiries or hearings into objections,
 - (d) modifications of such proposals,
 - (e) the form of schemes or variations, and
 - (f) giving notice of schemes which have been made or of the variation or revocation of schemes.

123 Guidance about schemes

- (1) The appropriate national authority may issue guidance concerning the carrying out by local transport authorities and metropolitan district councils of their functions under this Part in relation to quality partnership schemes.
- (2) Those authorities and councils must have regard to any such guidance.

Bus services: quality contracts schemes

124 Quality contracts schemes

- (1) A local transport authority, or two or more such authorities acting jointly, may make a quality contracts scheme covering the whole or any part of their area, or combined area, if they are satisfied that—
 - (a) making a quality contracts scheme is the only practicable way of implementing the policies set out in their bus strategy or strategies in the area to which the proposed scheme relates, and
 - (b) the proposed scheme will implement those policies in a way which is economic, efficient and effective.
- (2) A quality contracts scheme may not be made unless the authority or authorities—
 - (a) have complied with the notice and consultation requirements imposed by section 125, and
 - (b) have obtained the approval of the appropriate national authority in accordance with section 126.

- (3) A quality contracts scheme is a scheme under which—
 - (a) the authority or authorities determine what local services should be provided in the area to which the scheme relates and any additional facilities or services which should be provided in that area, and
 - (b) local services may only be provided in that area in accordance with quality contracts (subject to section 127(4)).
- (4) In this Part “quality contract”, in relation to a quality contracts scheme, means an agreement entered into under section 130 or 131 under which—
 - (a) the authority or authorities grant to another person the exclusive right to operate the local services to which the contract relates, and
 - (b) that person undertakes to provide the services on such terms (including in particular as to frequency, fares and standard of service) as may be specified in the agreement.
- (5) A quality contract may be made on terms—
 - (a) which include provision for the making of payments by the authority or authorities to the person undertaking to provide the local service, and
 - (b) requiring one or more of the parties to provide additional facilities or services.
- (6) Section 88(1) of the Transport Act 1985 (application to subsidy agreements of sections 89 to 92 of that Act) does not apply in relation to quality contracts.
- (7) The authority or authorities must keep under review the extent to which quality contracts entered into by them are complied with.
- (8) In carrying out their functions under this Part in relation to quality contracts schemes, local transport authorities must co-operate with one another.
- (9) In considering whether to make a quality contracts scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority.

125 Notice and consultation requirements

- (1) If an authority or authorities propose to make a quality contracts scheme, they must give notice of the proposed scheme in at least one newspaper circulating in the area to which it relates.
- (2) The notice must—
 - (a) describe the proposed scheme,
 - (b) state where a copy of the scheme may be inspected, and
 - (c) state their reasons for wishing to make the scheme.
- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
 - (a) all persons operating local services in the area to which it relates,
 - (b) all other persons holding a PSV operator’s licence or a community bus permit who would, in the opinion of the authority or authorities, be affected by it,
 - (c) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
 - (d) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,

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

- (e) the traffic commissioner for each traffic area covering the whole or part of the area to which it relates,
 - (f) the chief officer of police for each police area covering the whole or part of that area, and
 - (g) such other persons as the authority or authorities think fit.
- (4) For the purpose of subsection (3)(d) the following are relevant local authorities—
- (a) local transport authorities,
 - (b) district councils in England,
 - (c) London transport authorities, and
 - (d) councils in Scotland.
- (5) The authority or authorities may modify the proposed scheme following those consultations.

126 Approval of proposed scheme

- (1) If, having complied with section 125, the authority or authorities wish to proceed with the proposed scheme, they must apply to the appropriate national authority for its approval.
- (2) The application must include—
- (a) their reasons for wishing to make the scheme, and
 - (b) such other information as the appropriate national authority may reasonably require.
- (3) Any person consulted under section 125(3) may make written representations to the appropriate national authority about the scheme.
- (4) The appropriate national authority may approve the proposed scheme, with or without modifications, if it is satisfied that—
- (a) the conditions set out in paragraphs (a) and (b) of section 124(1) are met, and
 - (b) it is in the interests of the public that the scheme is made.
- (5) If the appropriate national authority proposes to approve the scheme with modifications, it must first inform the authority or authorities and they must—
- (a) consult such of the persons they consulted under section 125(3) as would, in their opinion, be affected by those modifications, and
 - (b) inform the appropriate national authority as to the outcome of that consultation.
- (6) After being informed of that outcome the appropriate national authority may approve the scheme either with those modifications or without modifications.

127 Making of scheme

- (1) If the appropriate national authority approves the scheme, the authority or authorities who proposed it may make it as approved at any time not later than six months after the date of the approval.
- (2) The scheme must specify—
- (a) the area to which it relates,

- (b) the date on which it is to come into operation, which must not be earlier than 21 months after the date on which it is made, and
 - (c) the period for which it is to remain in operation, which must not be more than ten years.
- (3) The scheme must outline—
 - (a) the local services which are to be provided under quality contracts, and
 - (b) the features of the proposed invitations to tender for quality contracts.
- (4) The scheme may provide that—
 - (a) local services specified in it, or
 - (b) local services of a class specified in it,are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.
- (5) The scheme may contain such ancillary provisions as the authority or authorities think fit.
- (6) The scheme may include provision—
 - (a) varying or revoking any quality partnership scheme which only relates to the area of the authority, or combined area of the authorities, by which the scheme is made, or
 - (b) varying any other quality partnership scheme to the extent that it so relates.
- (7) If provision is made under subsection (6)(b) to vary the quality partnership scheme so that it no longer so relates, such of the authorities by which it was made as did not make the quality contracts scheme—
 - (a) may (subject to the provision so made) vary it if they decide that it is appropriate to do so, or
 - (b) may revoke it if all persons who have given an undertaking to provide a service to a standard specified in the scheme consent to the revocation of the scheme (which consent must not be unreasonably withheld);and subsections (3) and (4) of section 120 apply to a variation or revocation under this subsection.
- (8) Not later than 14 days after the date on which the scheme is made, the authority or authorities must—
 - (a) give notice in at least one newspaper circulating in the area to which the scheme relates, and
 - (b) send a copy of the scheme to the traffic commissioner for each traffic area covering the whole or part of that area.
- (9) The notice must state—
 - (a) that the scheme has been made,
 - (b) where a copy of the scheme may be inspected, and
 - (c) the date on which the scheme is to come into operation.
- (10) The appropriate national authority may by order vary the period mentioned in subsection (2)(b).

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

128 Postponement of scheme

- (1) If it appears to the authority or authorities who made the scheme appropriate to do so, they may decide that the date on which the scheme would otherwise come into operation shall be postponed by such period as they think fit (subject to any provision of regulations made under subsection (4)).
- (2) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the decision.
- (3) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—
 - (a) in at least one newspaper circulating in the area to which the scheme relates, and
 - (b) to all operators of local services who would, in their opinion, be affected by the decision and the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates.
- (4) The appropriate national authority may by regulations make provision with respect to postponements under subsection (1).
- (5) The regulations may in particular make provision—
 - (a) as to the maximum period of postponements, and
 - (b) requiring authorities to re-issue invitations to tender in accordance with section 130.

129 Effect of scheme

- (1) During any period in which the scheme is in operation—
 - (a) sections 6 to 9 of the Transport Act 1985 (registration of local services) do not have effect in relation to the area to which it relates, and
 - (b) no local service shall be provided in that area (if there is a stopping place for the service in that area) unless it is provided under a quality contract.
- (2) But subsection (1) does not apply in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 127(4).
- (3) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the Transport Act 1985 of the service concerned.
- (4) The authority or authorities must invite tenders in accordance with section 130 not later than—
 - (a) three months, or
 - (b) such other period as the appropriate national authority may by order specify, after the scheme has been made.

130 Tendering for quality contracts

- (1) The authority, or the authorities acting jointly, must invite tenders for the provision of services to which the scheme relates for such period and on such basis as may be specified in the invitation to tender.

- (2) The period specified must not exceed five years.
- (3) Subject to subsection (4), such an invitation—
 - (a) must be issued generally, in such manner as the authority or authorities consider appropriate for bringing it to the attention of persons who may be interested, and
 - (b) must also be issued individually to all persons who have given to that authority or any of those authorities a written notice indicating that they wish to receive invitations to tender for the provision of local services of a description to which the invitation relates.
- (4) Such a notice must specify the address to which such an invitation is to be directed, and it shall be sufficient for the purposes of subsection (3)(b) if the authority or authorities send the invitation to the person giving such a notice at the address so specified.
- (5) The authority or authorities may only accept a tender submitted by a person who is the holder of either—
 - (a) a PSV operator's licence, or
 - (b) a community bus permit.
- (6) But subsection (5)(a) does not include a licence to which a condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licences) prohibiting the holder from using vehicles under the licence to provide local services of all descriptions or of any description to which the invitation relates.
- (7) After entering into a quality contract, the authority or authorities must give notice to the traffic commissioner for each traffic area covering the whole or part of the area to which the scheme relates of—
 - (a) the local services to be provided in accordance with the contract, and
 - (b) the duration of the contract.
- (8) The appropriate national authority may by regulations make provision requiring authorities to publish prescribed information about tenders submitted to them in accordance with this section or about their reasons for entering into particular quality contracts.

131 Exceptions from section 130

- (1) Section 130 does not apply in any case where it appears to the authority or authorities that action is urgently required for the purpose of—
 - (a) maintaining an existing service,
 - (b) securing the provision of a service in place of a service which has ceased to operate, or
 - (c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly and ought in the opinion of the authority to be met without delay.
- (2) The appropriate national authority may by regulations make provision for further exceptions from section 130, including in particular with respect to—
 - (a) cases in which no tender, or no acceptable tender, is submitted in response to an invitation to tender issued under section 130(1) or under any provision made by virtue of subsection (5)(a), and

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

- (b) agreements of a prescribed description.
- (3) The appropriate national authority may make regulations fixing the maximum duration of a quality contract entered into under subsection (1) or under any provision made by virtue of subsection (2).
- (4) The appropriate national authority may by regulations make further provision with respect to exceptions from section 130.
- (5) Regulations under subsection (4) may in particular—
 - (a) require authorities to invite tenders for the provision of a service which is the subject of a quality contract made under subsection (1) or under any provision made by virtue of subsection (2), and
 - (b) require authorities to publish prescribed information (including as to their reasons for entering into particular quality contracts) or to give notices.

132 Variation or revocation of scheme

- (1) The authority or authorities who made the scheme (other than any to whose area the scheme no longer relates) may vary it by—
 - (a) increasing the area to which it relates (to no greater than the whole of their area or combined area) or adding to the description of local services which are to be provided under quality contracts,
 - (b) reducing that area or reducing the description of services, or
 - (c) providing for new exclusions from the scheme or for the variation or revocation of existing exclusions.
- (2) The scheme may not be varied under subsection (1)(a) unless the conditions set out in paragraphs (a) and (b) of section 124(1) are met with respect to the scheme as varied.
- (3) The scheme may not be varied under subsection (1)(b) unless those conditions—
 - (a) are no longer met with respect to it, but
 - (b) are met with respect to the scheme as varied.
- (4) The authority or authorities who made the scheme (other than any to whose area the scheme no longer relates) may revoke the scheme—
 - (a) if those conditions are no longer met with respect to it, or
 - (b) if they and one or more other authorities make a quality contracts scheme covering the whole or part of the area to which it relates.
- (5) The variation or revocation of the scheme under subsection (1) or (4)—
 - (a) requires the approval of the authority which approved the making of the scheme, and
 - (b) is subject to the same procedure as the making of a scheme, except to the extent that that procedure is modified by regulations made by the appropriate national authority;

and section 130 applies to a varied scheme but subject to regulations so made.
- (6) The appropriate national authority may by regulations provide that in prescribed circumstances quality contracts schemes may be revoked by that authority before coming into operation.

133 Regulations about schemes

- (1) The appropriate national authority may by regulations make further provision with respect to—
 - (a) the procedure to be followed when making, varying or revoking quality contracts schemes,
 - (b) the approval of schemes,
 - (c) the local services or classes of local services which are to be, or may be, excluded from schemes,
 - (d) the conditions which must be, or may be, attached to such exclusions, and
 - (e) such other incidental matters in connection with quality contracts schemes as the appropriate national authority thinks fit.
- (2) The regulations may in particular make provision with respect to—
 - (a) giving notice of proposed schemes or proposed variations or revocation of schemes,
 - (b) objections to such proposals,
 - (c) the holding of inquiries or hearings into objections,
 - (d) modifications of such proposals,
 - (e) the form and manner of applications for approval of such proposals,
 - (f) the form of schemes or variations, and
 - (g) giving notice of schemes which have been made or of the variation or revocation of schemes.

134 Transitional provision about schemes

- (1) The appropriate national authority may by regulations make such transitional provision as it considers appropriate in connection with—
 - (a) the coming into operation of quality contracts schemes,
 - (b) the variation of such schemes, and
 - (c) the ending of such schemes (whether or not as a result of their revocation).
- (2) The regulations may in particular provide that in prescribed circumstances—
 - (a) any provision of sections 6 to 9 of the Transport Act 1985 (registration of local services) which would otherwise have effect is not to have effect or is to have effect with such modifications as may be prescribed, or
 - (b) any such provision which would not otherwise have effect is to have effect or is to have effect with such modifications as may be prescribed,in relation to the whole or any part of the area to which the scheme relates.

Bus services: ticketing schemes

135 Joint and through ticketing schemes

- (1) A local transport authority, or two or more such authorities acting jointly, may make a ticketing scheme covering the whole or any part of their area, or combined area, if they consider that the proposed scheme—
 - (a) would be in the interests of the public, and
 - (b) would to any extent implement the policies set out in their bus strategy.

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

- (2) A ticketing scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 136.
- (3) A ticketing scheme is a scheme under which operators of local services of a class specified in it are required to make and implement arrangements under which persons may purchase, in a single transaction, a ticket (or tickets) of any of the descriptions which may be covered by a ticketing scheme and to which the scheme applies.
- (4) The descriptions of tickets which may be covered by a ticketing scheme are—
 - (a) tickets entitling the holder to make more than one journey on particular local services or on local services of a class specified in the scheme (whether or not operated by the same person),
 - (b) tickets entitling the holder to make a particular journey on two or more local services (whether or not operated by the same person),
 - (c) where a particular journey could be made on local services provided by any of two or more operators, tickets entitling the holder to make the journey on whichever service the holder chooses, and
 - (d) tickets entitling the holder to make a journey, or more than one journey, involving both travel on one or more local services and travel by one or more connecting rail or tram services.
- (5) A connecting rail or tram service, in relation to a ticketing scheme, is a service for the carriage of passengers by railway or by tramway (or by both) which runs between—
 - (a) a station or stopping place at or in the vicinity of which local services stop and which serves any part of the area to which the ticketing scheme relates, and
 - (b) any other place.
- (6) Different arrangements may be specified in a ticketing scheme for different cases.
- (7) In carrying out their functions under this Part in relation to ticketing schemes, local transport authorities must co-operate with one another.
- (8) In considering whether to make a ticketing scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority.

136 Notice and consultation requirements

- (1) If an authority or authorities propose to make a ticketing scheme, they must give notice of the proposed scheme in at least one newspaper circulating in the area to which it relates.
- (2) The notice must specify the date on which the scheme is proposed to come into operation.
- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
 - (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
 - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit, and
 - (c) the traffic commissioner for each traffic area covering the whole or part of the area to which it relates.

137 Making of scheme

- (1) If the authority or authorities decide that it is appropriate to make the scheme, they may make it as proposed or with modifications.
- (2) If the scheme applies to tickets within section 135(4)(d), it may only be made with the agreement of the operators of the connecting rail or tram services concerned.
- (3) The scheme must specify the date on which it is to come into operation, which must not be earlier than three months after the date on which it is made.
- (4) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice of it—
 - (a) in at least one newspaper circulating in the area to which it relates,
 - (b) to the traffic commissioner for each traffic area covering the whole or part of that area,
 - (c) to all operators of local services or services for the carriage of passengers by railway or by tramway (or by both) who would, in the opinion of the authority or authorities, be affected by it,
 - (d) to the Strategic Rail Authority if it applies to tickets within section 135(4)(d), and
 - (e) in such other manner, or to such other persons or class of person, (if any) as the appropriate national authority may prescribe by regulations.
- (5) The notice must set out the terms of the scheme and the date on which it is to come into operation.
- (6) The authority or authorities may vary or revoke the scheme; and the variation or revocation is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified by regulations made by the appropriate national authority.

138 Effect of scheme

During any period in which a ticketing scheme is in operation, operators of local services to which the scheme relates must make and implement the arrangements required by the scheme.

Bus services: provision of information

139 Information about bus services

- (1) Each local transport authority must from time to time determine, having regard to their local transport plan—
 - (a) what local bus information should be made available to the public (“the required information”), and
 - (b) the way in which it should be made available (“the appropriate way”).
- (2) Before making such a determination, the authority must consult—
 - (a) such organisations appearing to the authority to be representative of users of local services as they think fit, and
 - (b) the traffic commissioner for the traffic area covering their area.

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

- (3) Each authority must from time to time ascertain whether the required information is being made available to the public in the appropriate way.
- (4) Subsection (5) applies if an authority consider that—
 - (a) the required information is not being made available to the public to any extent, or
 - (b) that information is not being made available to the public in the appropriate way.
- (5) If this subsection applies, the authority must seek to make arrangements with the operators of the local services concerned under which those operators agree to make the information available (or to make it available in that way).
- (6) In this section “local bus information”, in relation to a local transport authority, means—
 - (a) information about routes and timetabling of local services to, from and within the authority’s area,
 - (b) information about fares for journeys on such local services, and
 - (c) such other information about facilities for disabled persons, travel concessions, connections with other public passenger transport services or other matters of value to the public as the authority consider appropriate in relation to their area.

140 Duty of authority to make information available

- (1) If the authority are unable to make satisfactory arrangements with one or more of those operators, they—
 - (a) must make available, or secure that there is made available, in the appropriate way such of the required information as is not being made available or is not being made available in that way (whether by virtue of arrangements made under section 139(5) or otherwise), and
 - (b) may recover from that operator or those operators the reasonable costs incurred by them in doing so as a civil debt due to them.
- (2) In determining for the purposes of subsection (1)(b) what is reasonable in relation to a particular operator, the authority must have regard to—
 - (a) the amount of information which has to be made available, and
 - (b) the way in which that information has to be made available,
 in respect of the local services provided by that operator.
- (3) If the authority require an operator to provide information to them or to another person in order to perform their duty under subsection (1)(a), the operator must provide the information at such times and in such manner as is specified by the authority.
- (4) The authority must give notice of any requirement imposed under subsection (3) to the traffic commissioner for the traffic area covering their area.

141 Bus information: supplementary

- (1) In considering how they should carry out their functions under sections 139 and 140, a local transport authority must have regard to a combination of economy, efficiency and effectiveness.

- (2) In carrying out those functions, local transport authorities—
 - (a) must not act in such a way as to discriminate (whether directly or indirectly) against any operator, or class of operator, of local services, and
 - (b) must co-operate with one another.
- (3) A local transport authority must have regard to the desirability, in appropriate cases, of carrying out those functions jointly with another authority (whether as respects the whole or any part of their combined area).

Bus services: miscellaneous

142 Traffic regulation conditions to reduce or limit pollution

In section 7 of the Transport Act 1985 (traffic regulation conditions to be met in provision of local services subject to registration), in subsection (4) (reasons for which conditions may be determined), insert at the end “; or

- (c) reduce or limit noise or air pollution.”

143 Power to obtain information about local services

- (1) A local transport authority may, in connection with the exercise of any of their functions relating to public transport, require an operator of local services to provide them with any information relating to the matters specified in subsection (2) which is in his possession or control.
- (2) The matters referred to in subsection (1) are—
 - (a) the total number of journeys undertaken by passengers on the local services operated by the operator in the authority’s area or any part of its area,
 - (b) the structure of fares for those journeys, and
 - (c) the total distance covered by vehicles used by him in operating those local services.
- (3) The operator may be required to provide the information in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect him to provide it.
- (4) No information which—
 - (a) has been provided under this section, or provided together with information so provided, and
 - (b) relates to the affairs of an individual or to a particular business,shall be disclosed during the lifetime of the individual or while the business continues to be carried on.
- (5) But subsection (4) does not apply to a disclosure made—
 - (a) with the consent of the individual or the person for the time being carrying on the business,
 - (b) in connection with the investigation of crime or for the purposes of criminal proceedings,
 - (c) for the purposes of civil proceedings brought by virtue of this Act or the Transport Act 1985, or
 - (d) in order to comply with the order of a court or tribunal.

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

- (6) A person who discloses information in contravention of subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

144 Civil penalties for bus lane contraventions

- (1) The relevant national authority may by regulations make provision for or in connection with—
- (a) the imposition of penalty charges in respect of bus lane contraventions, and
 - (b) the payment of such penalty charges.
- (2) Regulations under subsection (1) may provide for the imposition of penalty charges—
- (a) by approved local authorities, or
 - (b) both by approved local authorities and by Transport for London or London local authorities or both.
- (3) An authority is an approved local authority if—
- (a) an order designating the whole or any part of its area has been made under paragraph 1(1) or 2(1) of Schedule 3 to the Road Traffic Act 1991 (permitted and special parking areas outside Greater London), and
 - (b) the relevant national authority has made an order specifying it as an approved local authority for the purposes of this section.
- (4) A bus lane contravention is a contravention of any such provision of—
- (a) a traffic regulation order,
 - (b) an experimental traffic order, or
 - (c) a temporary traffic restriction order,
- as relates to the use of an area of road which is or forms part of a bus lane.
- (5) And an area of road is or forms part of a bus lane if the order provides that it may be used—
- (a) only by buses (or a particular description of bus), or
 - (b) only by buses (or a particular description of bus) and some other class or classes of vehicular traffic.
- (6) The roads in relation to which regulations under subsection (1) may authorise the imposition of penalty charges are—
- (a) in the case of an approved local authority, roads in its area,
 - (b) in the case of Transport for London, roads in Greater London of a description prescribed by such regulations or all roads in Greater London, and
 - (c) in the case of a London local authority, roads in its area of a description prescribed by such regulations or all roads in its area.
- (7) Before making any regulations by virtue of subsection (6)(b) or (c) the Secretary of State shall consult—
- (a) Transport for London, and
 - (b) the London local authorities affected by the regulations.
- (8) Regulations under subsection (1) shall include provision—
- (a) specifying the person by whom a penalty charge in respect of any contravention is to be paid (who may be the registered keeper of the

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

- motor vehicle involved in the contravention, its driver at the time of the contravention or any other appropriate person),
- (b) permitting the imposition of a penalty charge only on the basis of a record produced by an approved device,
 - (c) securing that a penalty charge in respect of a contravention is not required to be paid, or is refunded, where the conduct constituting the contravention is the subject of criminal proceedings or where a fixed penalty notice has been given in respect of that conduct, and
 - (d) as to the application of sums paid by way of penalty charges.
- (9) Regulations under subsection (1) shall include provision for the level of penalty charges in the case of approved local authorities to be set by the authorities subject to the approval of the relevant national authority; and sections 74 and 74A of the Road Traffic Act 1991 apply to penalty charges in the case of Transport for London and London local authorities as they apply to additional parking charges.
- (10) Regulations under subsection (1) may—
- (a) specify exemptions from penalty charges,
 - (b) make provision for discounts or surcharges (or both), and
 - (c) make provision about the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of penalty charges.
- (11) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.
- (12) Regulations under subsection (11) may include—
- (a) provision creating criminal offences to be triable summarily and punishable with a fine not exceeding level 5 on the standard scale or such lower amount as is prescribed by the regulations, and
 - (b) provision for or in connection with permitting evidence of a fact to be given by the production of a record produced by an approved device with a certificate as to the circumstances in which the record was produced,
- but may not confer power to stop motor vehicles.
- (13) Regulations under this section made by the Secretary of State or the Lord Chancellor may make provision in respect of Greater London different from that in respect of the rest of England.
- (14) In this section—
- “approved device” means a device of a description specified in an order made by the relevant national authority,
 - “bus” includes a tramcar (within the meaning of section 141A of the Road Traffic Regulation Act 1984) and a trolley vehicle (within the meaning of that section),
 - “experimental traffic order” means an order under section 9 of that Act,
 - “fixed penalty notice” has the same meaning as in Part III of the Road Traffic Offenders Act 1988,
 - “London local authority” means a London borough council or the Common Council of the City of London,
 - “motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian

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

controlled vehicles and electrically assisted pedal cycles) shall apply as it applies for the purposes of the Road Traffic Acts,

“registered keeper”, in relation to a contravention involving a motor vehicle, means the person in whose name the motor vehicle was registered under the Vehicle Registration and Excise Act 1994 at the time of the contravention,

“relevant national authority” means—

- (a) the Secretary of State as respects England, or
- (b) the National Assembly for Wales as respects Wales,

“road” has the same meaning as in the Road Traffic Regulation Act 1984,

“temporary traffic restriction order” means an order under section 14 or 16A of that Act, and

“traffic regulation order” means an order under section 1 or 6 of that Act.

Mandatory travel concessions outside Greater London

145 Mandatory concessions outside Greater London

- (1) Any person to whom a current statutory travel concession permit has been issued by a travel concession authority and who travels on an eligible service on a journey—
 - (a) between places in the authority’s area, and
 - (b) beginning at a relevant time,
 is entitled, on production of the permit, to be provided with a half-price travel concession by the operator of the service.
- (2) A travel concession authority must, on an application made to it by any person who appears to the authority to be an elderly or disabled person residing in its area, issue to the person free of charge a permit, in such form and for such period as the authority considers appropriate, indicating that he is entitled to the concession specified in subsection (1).
- (3) In this section “statutory travel concession permit” means a permit issued pursuant to subsection (2).
- (4) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may issue guidance to travel concession authorities to which they must have regard in determining for the purposes of subsection (2) whether a person is a disabled person.
- (5) Before issuing guidance under subsection (4) the Secretary of State or the National Assembly for Wales shall consult—
 - (a) the Disabled Persons Transport Advisory Committee,
 - (b) associations representative of travel concession authorities, and
 - (c) such other persons as he or it thinks fit.
- (6) A person entitled to be issued with a statutory travel concession permit by a travel concession authority may agree with the authority that he is not to be entitled to the concession specified in subsection (1) for a period in return for being entitled during that period to receive travel concessions under a scheme under section 93 of the Transport Act 1985 (if the scheme provides that a person may not receive travel concessions under the scheme unless he so agrees).

- (7) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations make provision about agreements within subsection (6).
- (8) The regulations may in particular make provision—
- (a) requiring the serving of notices before an agreement is made,
 - (b) about the form of agreements, and
 - (c) as to the period for which a person may agree not to be entitled to the concession specified in subsection (1).

146 Mandatory concessions: supplementary

In this Part—

“disabled person” means a person who—

- (a) is blind or partially sighted,
- (b) is profoundly or severely deaf,
- (c) is without speech,
- (d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk,
- (e) does not have arms or has long-term loss of the use of both arms,
- (f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
- (g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol,

“elderly person” means a person who has attained pensionable age (within the meaning given by the rules in paragraph 1 of Schedule 4 to the Pensions Act 1995),

“eligible service” means—

- (a) until section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) ceases to have effect as a result of section 154(6), a service in relation to which fuel used in operating the service falls to be taken into account for the purpose of calculating grant payable to the operator of the service under section 92 of that Act, and
- (b) after that time, a bus service of a class specified in an order made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales),

“a half-price travel concession”, in relation to a journey, means reduction of the fare for the journey to not more than one-half of that applicable to an adult who is not entitled to any reduction,

“relevant time” means—

- (a) any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971, or
- (b) a time during the period from 9.30 a.m. to 11 p.m. on any other day, and

“travel concession authority” means—

- (a) a non-metropolitan district council in England,

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

- (b) a council of a county in England so far as they are the council for an area for which there are no district councils,
- (c) a Passenger Transport Executive for a passenger transport area in England, or
- (d) a county council or county borough council in Wales.

147 Variation of mandatory concessions

The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order amend either or both of sections 145 and 146 for or in connection with securing that section 145(1)—

- (a) applies to any person for the time being eligible to receive travel concessions under a scheme under section 93 of the Transport Act 1985 or to any such person of a specified description (as well as to any elderly person and any disabled person),
- (b) applies to travel on any public passenger transport service or to travel on any such service of a specified description (as well as to travel on an eligible service),
- (c) applies to a journey between a place in a travel concession authority's area and a place outside but in the vicinity of that area or to a journey between places outside but in the vicinity of that area (as well as to a journey between places in that area),
- (d) provides for the reduction of fares to less than one-half of those applicable to adults who are not entitled to any reduction or for waiver of fares, or
- (e) applies, or does not apply, to a journey beginning at a specified time.

148 Enforcement

- (1) An operator commits an offence if he systematically fails to comply with the obligation under section 145(1) during any period.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Proceedings for an offence under this section shall not be instituted except—
 - (a) by a travel concession authority, or
 - (b) by or with the consent of the Director of Public Prosecutions;and any authority who would not otherwise have power to bring such proceedings shall accordingly have that power.

149 Reimbursement of operators

- (1) Where an operator provides concessions under section 145(1) for persons who reside in a travel concession authority's area, the authority shall reimburse the operator for providing the concessions.
- (2) Subject to regulations under subsection (3), the arrangements with respect to reimbursement shall be—
 - (a) such as the travel concession authority may agree with the operators who provide concessions for persons who reside in their area, or

- (b) in the absence of agreement, such as may be determined by the authority (being the same in the case of all of those operators) not later than 28 days before the date on which the arrangements, or any variations of the arrangements, are to come into operation.
- (3) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations make provision—
- (a) with respect to the determination by travel concession authorities of the amounts to be paid to individual operators, or to any class of operators, by way of reimbursement,
 - (b) as to the manner of making any payments due to operators by way of reimbursement, and
 - (c) about the terms on which, and the extent to which, travel concession authorities may employ any person as their agent for the purpose of making payments due to operators by way of reimbursement and the descriptions of persons who may be so employed.

150 Procedure for reimbursement arrangements determined by authority

- (1) At least four months before the coming into operation of, or of any variations of, any arrangements with respect to reimbursement determined by a travel concession authority in accordance with section 149(2)(b), the authority shall publish the proposed arrangements, or the proposed variations, in such manner as they consider appropriate.
- (2) Following publication—
- (a) copies of the published material shall be made available at the principal office of the authority,
 - (b) a copy of it shall be supplied to every operator of local services who would, in the opinion of the authority, be affected by the proposals, and
 - (c) a copy of it shall be supplied to any person on request (whether at the principal office or by post), either free of charge or at a charge representing no more than the cost of providing the copy.
- (3) An operator who considers that he may be prejudicially affected by the proposals may apply to—
- (a) the Secretary of State (in the case of arrangements determined by a travel concession authority in England), or
 - (b) the National Assembly of Wales (in the case of arrangements determined by such an authority in Wales),
- for a modification of the proposed arrangements, or proposed variations, on the grounds that there are special reasons why they would be inappropriate with respect to one or more local services provided by him.
- (4) An application under subsection (3) shall be made by notice in writing given not later than 28 days after the date on which the arrangements, or the variations, come into operation.
- (5) An application under subsection (3) may not be made unless the applicant has previously given notice in writing of his intention to make the application to the travel concession authority by which the arrangements, or varied arrangements, are being, or have been, determined.

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

- (6) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales)—
- (a) may make regulations as to the form and content of notices under this section and the manner in which they are to be given,
 - (b) may appoint a person to determine an application under subsection (3) on his or its behalf, and
 - (c) may by regulations make provision as to the procedure to be followed in connection with applications under subsection (3).
- (7) Regulations made under subsection (6)(c) may in particular make provision—
- (a) as to the conduct of any proceedings held in connection with applications under subsection (3), and
 - (b) for applicants or travel concession authorities, or both, to make payments towards the expenses incurred in connection with the determination of such applications.
- (8) On an application under subsection (3) the Secretary of State or the National Assembly for Wales, or (if a person is appointed under subsection (6)(b) to determine the application) the person so appointed, may direct—
- (a) that the arrangements, or varied arrangements, are to have effect with such modifications as are specified in the direction from the time so specified, and
 - (b) that the authority shall make a payment of an amount specified in the direction to the applicant.

Travel concessions in Greater London

151 Concessions in Greater London

- (1) Chapter VIII of Part IV of the Greater London Authority Act 1999 (travel concessions on journeys in and around Greater London) has effect subject to the following amendments.
- (2) Section 240 (travel concessions on journeys in and around Greater London) is amended as follows.
- (3) In subsections (1) and (2), for “any persons eligible to receive them in accordance with subsection (5) below” substitute “such of the persons eligible to receive them in accordance with subsection (5) below as are specified in the arrangements”.
- (4) In subsection (5), for “are persons, or any description of persons,” substitute “by an authority are persons appearing to the authority to be persons” and for paragraphs (b) and (c) substitute—
 - “(b) who are blind;
 - (c) who are partially sighted;
 - (d) who are profoundly or severely deaf;
 - (e) who are without speech;
 - (f) who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
 - (g) who do not have arms or have long-term loss of the use of both arms;

- (h) who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning; or
 - (i) who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.”
- (5) After that subsection insert—
 - “(5A) The Secretary of State may issue guidance to local authorities to which they must have regard in determining whether a person falls within subsection (5) (b) to (i) above.
 - (5B) Before issuing guidance under subsection (5A) above the Secretary of State shall consult—
 - (a) the Disabled Persons Transport Advisory Committee;
 - (b) associations representative of local authorities; and
 - (c) such other persons as he thinks fit.”
- (6) In section 241(1) (reserve free travel scheme), after “provided for” insert “all”.
- (7) Section 242 (requirements as to scope of concessions which must be given if free travel scheme is not to have effect) is amended as follows.
- (8) In subsection (1), after “provide” insert “(a)” and insert at the end “; and
 - (b) for the travel concessions granted to them to include the concession specified in subsection (8) below.”
- (9) In subsection (2), for “Those journeys” substitute “The journeys referred to in subsection (1)(a) above”.
- (10) In subsection (5), for “The requirements of this section as to scope do” substitute “Subsection (1)(a) above does”.
- (11) In subsection (7), for “the categories of such residents mentioned in paragraphs (a), (b) and (c)” substitute “a category specified in any one of the paragraphs”.
- (12) After that subsection insert—
 - “(8) The travel concession which must be included is a half-price concession for each journey on the London bus network which begins—
 - (a) at any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971; or
 - (b) in the period from midnight to 4.30 a.m. or the period from 9.30 a.m. to midnight, on any other day.
 - (9) In subsection (8) above “half-price concession”, in relation to a journey, means the reduction of the fare for the journey to not more than one-half of that applicable to an adult who is not entitled to any reduction.
 - (10) The Secretary of State may by order amend this section for or in connection with securing that subsection (8) above provides for the reduction of fares to

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

less than one-half of those applicable to adults who are not entitled to any reduction or for waiver of fares.”

(13) In section 243 (requirements as to uniformity), after subsection (5) insert—

“(6) No charge may be made for the issue to an eligible London resident of a travel concession permit relating to the travel concession specified in section 242(8) above.”

Financial and competition provisions

152 Agreements providing for service subsidies

(1) Part V of the Transport Act 1985 (expenditure on public passenger transport services) is amended as follows.

(2) In section 89 (obligation to invite tenders for subsidised services), for subsections (7) and (8) substitute—

“(7) An authority issuing an invitation to tender under this section shall, in determining whether to accept a tender submitted in response to the invitation or which (if any) of several such tenders to accept, have regard in particular to—

- (a) a combination of economy, efficiency and effectiveness;
- (b) the implementation of the policies set out in the appropriate bus strategy; and
- (c) the reduction or limitation of traffic congestion, noise or air pollution.

(8) In subsection (7)(b) above “the appropriate bus strategy” means—

- (a) in the case of a local transport authority (within the meaning of section 108(4) of the Transport Act 2000), their bus strategy;
- (b) in the case of a district council which is not such an authority, the bus strategy of the council for the county in which the district is situated; and
- (c) in the case of a Passenger Transport Executive for a passenger transport area, the bus strategy made jointly by the Passenger Transport Authority for the area and the councils for the metropolitan districts comprised in the area.”

(3) In section 90(3) (duty of authority to publish reasons for considering that payment of subsidies to secure service in accordance with accepted tender is conducive to achieving most effective and economic application of funds), for the words from “is conducive” to the end substitute “accords with section 89(7) of this Act.”

(4) In section 92(1) (authorities subsidising public passenger transport services not to inhibit competition between persons providing or seeking to provide such services in their area), for the words from “so conduct” to the end substitute “have regard to the interests of the public and of persons providing public passenger transport services in their area.”

153 Competition test for exercise of bus functions

Schedule 10 contains provision applying a competition test in relation to the exercise of functions relating to quality partnership schemes, ticketing schemes and subsidised local services.

154 Grants to bus service operators

- (1) The Secretary of State with the approval of the Treasury (as respects England) or the National Assembly for Wales (as respects Wales) may make grants to operators of eligible bus services towards their costs in operating those services.
- (2) The Secretary of State with the approval of the Treasury (as respects England) or the National Assembly for Wales (as respects Wales) may make provision by regulations as to the method of calculation of grants.
- (3) Subject to the provisions of any such regulations, grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by—
 - (a) the Secretary of State with the approval of the Treasury (as respects England),
or
 - (b) the National Assembly for Wales (as respects Wales).
- (4) A determination under subsection (3) may be made either generally or in relation to particular cases or classes of case.
- (5) In this section “eligible bus services” means bus services of a class (or using vehicles of a class) prescribed by regulations made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).
- (6) Section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) and section 111 of the Transport Act 1985 (unregistered and unreliable local services: reduction of fuel duty grant) cease to have effect.

155 Penalties

- (1) Where the traffic commissioner for any traffic area is satisfied that the operator of a local service has, without reasonable excuse—
 - (a) failed to operate a local service registered under section 6 of the Transport Act 1985,
 - (b) operated a local service in contravention of that section or section 118(4) or 129(1)(b) of this Act, or
 - (c) failed to comply with section 138 or 140(3) of this Act,he may impose a penalty on the operator.
- (2) The amount of the penalty shall be such amount as the traffic commissioner thinks fit in all the circumstances of the case, not exceeding the amount determined in accordance with subsection (3).
- (3) That amount is—
 - (a) £550, or
 - (b) such other amount as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order specify,

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

multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator's licences held by him.

- (4) The penalty is payable to the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).
- (5) After imposing the penalty, the traffic commissioner must at once give notice in writing to—
 - (a) the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales), and
 - (b) the operator.
- (6) The operator may appeal to the Transport Tribunal against the imposition of the penalty.
- (7) An amount due under this section is recoverable as a civil debt.

156 Non-metropolitan transport grants

- (1) The Secretary of State with the approval of the Treasury (as respects England) or the National Assembly for Wales (as respects Wales) may make grants to non-metropolitan transport authorities for the purpose of—
 - (a) securing the establishment, continuance or improvement of any public passenger transport service which in his or its opinion is or will be for the benefit of persons residing in their area, or
 - (b) securing the provision of new facilities for, or new services ancillary to, any such service which in his or its opinion are or will be for the benefit of such persons.
- (2) Grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by—
 - (a) the Secretary of State with the approval of the Treasury (as respects England), or
 - (b) the National Assembly for Wales (as respects Wales).
- (3) A determination under subsection (2) may be made either generally or in relation to particular cases or classes of case.
- (4) In this section “non-metropolitan transport authority” means—
 - (a) a county council in England,
 - (b) a council of a non-metropolitan district in England comprised in an area for which there is no county council, or
 - (c) a county council or county borough council in Wales.

157 Grants to Passenger Transport Authorities

- (1) The Secretary of State may, with the approval of the Treasury, make grants to the Passenger Transport Authority for a passenger transport area in England for the purpose of enabling the Authority, or the Passenger Transport Executive for the area, to carry out any of their functions.

- (2) Grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Secretary of State may, with the approval of the Treasury, determine.
- (3) A determination under subsection (2) may be made either generally or in relation to particular cases or classes of case.

158 Repayment of grants towards bus fuel duty

- (1) Section 111 of the Transport Act 1985 (unregistered and unreliable local services: requirement to repay twenty per cent. of bus fuel duty grants) is amended as follows (until it ceases to have effect as a result of section 154(6)).
- (2) For subsections (2) to (4) substitute—
 - “(2) If any amount has been paid to the operator by way of grant under section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) in respect of any services operated during the period of three months ending with the day on which the determination under subsection (1) above is made, there is due from the operator—
 - (a) to the Secretary of State (as respects England); or
 - (b) to the National Assembly for Wales (as respects Wales),such percentage of that amount as the traffic commissioner thinks fit in all the circumstances of the case.
 - (3) The percentage determined shall be at least one per cent. but not more than twenty per cent.
 - (4) A traffic commissioner who makes a determination under this section shall at once give notice in writing to—
 - (a) the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales); and
 - (b) the operator;and the operator may appeal to the Transport Tribunal against the determination.”
- (3) In subsection (5), omit—
 - (a) “to the Secretary of State”, and
 - (b) the words from “and any amount” to the end.

159 Abolition of financial plans of Passenger Transport Executives

Sections 3 to 5 of the Transport Act 1983 (duty of Passenger Transport Executives to prepare three-year financial plans and determination of revenue grants) shall cease to have effect.

Supplementary

160 Part II: regulations and orders

- (1) Any power to make regulations or orders under this Part—

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

- (a) is exercisable by statutory instrument,
 - (b) includes power to make different provision for different cases, and
 - (c) may be exercised so as to make incidental, consequential, supplementary or transitional provision or savings.
- (2) A statutory instrument containing regulations or an order made by a Minister of the Crown under this Part (whether alone or jointly with the National Assembly for Wales) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

161 Part II: minor and consequential amendments

Schedule 11 makes minor and consequential amendments relating to this Part.

162 Interpretation of Part II

(1) In this Part—

“appropriate national authority”, in relation to a quality partnership scheme, a quality contracts scheme or a ticketing scheme, means—

- (a) the Secretary of State, as respects a scheme relating to an area in England,
- (b) the National Assembly for Wales, as respects a scheme relating to an area in Wales, or
- (c) the Secretary of State and the National Assembly for Wales acting jointly, as respects a scheme relating to an area in England and Wales,

“bus services” has the meaning given in section 110(5),

“community bus permit” means a permit under section 22 of the Transport Act 1985,

“connecting rail or tram service” has the meaning given in section 135(5),

“disabled person” has the meaning given in section 146,

“elderly person” has the meaning given in section 146,

“eligible service” has the meaning given in section 146,

“half-price travel concession” has the meaning given in section 146,

“local transport authority” has the meaning given in section 108(4),

“London transport authority” means the Greater London Authority, a London borough council or the Common Council of the City of London,

“quality contract” has the meaning given in section 124(4),

“quality contracts scheme” is to be construed in accordance with section 124(3),

“quality partnership scheme” is to be construed in accordance with section 114(2),

“railway” and “tramway” have the meanings given in section 67(1) of the Transport and Works Act 1992,

“relevant time” has the meaning given in section 146,

“ticketing scheme” is to be construed in accordance with section 135(3),

“traffic regulation order” means an order under the Road Traffic Regulation Act 1984 or any other enactment (other than this Act) regulating the use of roads or other places by public service vehicles, and

“travel concession authority” has the meaning given in section 146.

- (2) In this Part the expressions listed below have the same meaning as in the Public Passenger Vehicles Act 1981—
- “fares”,
 - “modification”,
 - “public service vehicle”,
 - “PSV operator’s licence”,
 - “road”, and
 - “traffic commissioner”.
- (3) In this Part the expressions listed below have the same meaning as in the Transport Act 1985—
- “local service”,
 - “public passenger transport services”,
 - “stopping place”, and
 - “traffic area”.
- (4) Where a reference to an authority in any of the following provisions is to a Passenger Transport Authority, it is to be construed as a reference to the Passenger Transport Executive for the passenger transport area concerned; and where a reference to authorities in any of those provisions is to one or more Passenger Transport Authorities, it is to be construed as a reference to the Passenger Transport Executive or Executives for the passenger transport area or areas concerned—
- section 114(2)(a),
 - section 116(2)(a) and (4)(a),
 - section 118(1) and (2),
 - section 124(4)(a), (5) and (7),
 - section 129(4),
 - section 130,
 - section 131,
 - section 139(5), and
 - section 140.
- (5) References in this Part to Passenger Transport Authorities and Executives and to passenger transport areas are references respectively to the Passenger Transport Authorities and Executives, and to passenger transport areas, for the purposes of Part II of the Transport Act 1968.
- (6) References in this Part to the local transport plan or bus strategy of a Passenger Transport Authority for a passenger transport area are to the local transport plan or bus strategy made jointly by the Passenger Transport Authority and the councils for the metropolitan districts comprised in the area.
- (7) References in this Part to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the Transport Act 1985.