

*These notes refer to the Local Transport Act 2008 (c.26)
which received Royal Assent on 26 November 2008*

LOCAL TRANSPORT ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

35. Provisions in the Act extend to England and Wales, with certain specified provisions also extending, in whole or in part, to Scotland and Northern Ireland.
36. The provisions extending to Scotland are:
- sections 1 to 6, which amend provisions in the PPVA 1981 relating to traffic areas and traffic commissioners, and create a statutory post of senior traffic commissioner; their application to Scotland is limited to matters which are not devolved;
 - section 47 and Schedule 3, which facilitate the detention of certain public service vehicles (“PSVs”) used without valid PSV operators’ licences;
 - sections 53 and 54(1) to (7), which enable the holders of private hire vehicle (“PHV”) licences to operate local bus services; these provisions are drafted so as to extend this provision to holders of PHV licences in Scotland;
 - sections 55 and 56, which make provision relating to the carrying of disabled persons in wheelchairs in designated taxis and PHVs that are being used to operate local bus services;
 - sections 57 to 61, which make provision relating to permits issued under sections 19 and 22 of the TA 1985 (which exempt the operators of particular community services from certain licensing requirements);
 - section 68(1) and (2), which makes provision relating to the payment by local councils of subsidy to secure passenger transport services;
 - section 72, which provides for remuneration to be paid to members of the Disabled Persons Transport Advisory Committee; in relation to Scotland, the provision applies only to matters that are not devolved;
 - section 74, which provides a power for the Secretary of State to confer certain non-rail functions on the Rail Passengers’ Council;
 - section 119, which provides a power for the Secretary of State to charge a reasonable fee for the provision of information obtained by the Secretary of State in the exercise of any function that relates to reserved matters to charging authorities in relation to a charging scheme made under Part 3 of the Transport (Scotland) Act 2001;
 - section 122, which inserts a new matter into Schedule 5 to the Government of Wales Act 2006;
 - section 125, which amends certain requirements relating to goods vehicle operator licensing;

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- section 126, which amends existing provision relating to the detention of certain goods vehicles;
 - section 128, which amends the Road Traffic Offenders Act 1998 so as to enable financial deposit requirements to be imposed on those who are issued with conditional offers in Scotland by vehicle examiners;
 - sections 129 and 130, which make provision about the disclosure and use of information obtained by the Secretary of State in relation to foreign registered vehicles;
 - sections 132 (interpretation), 133 (extent), 134 (commencement) and 135 (short title); and
 - the repeals in Part 3 of Schedule 7 (repeals) relating to sections 22 and 23 of the TA 1985, and section 131 so far as relating to those repeals.
37. The Act does not contain any provisions that triggered the Sewel Convention in Scotland.
38. The provisions extending to Northern Ireland are:
- section 122, which inserts a new matter into Schedule 5 to the Government of Wales Act 2006;
 - sections 129 and 130, which relate to the disclosure of information relating to foreign-registered vehicles; and
 - sections 132 (interpretation), 133 (extent), 134 (commencement) and 135 (short title).