

LOCAL TRANSPORT ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 4: General provisions relating to passenger transport

Section 47: Detention of certain PSVs used without PSV operators' licences

140. Schedule 1A to the Goods Vehicles (Licensing of Operators) Act 1995 enables regulations to be made permitting an authorised person to detain a goods vehicle and its contents in circumstances where the person using that vehicle did so in contravention of the requirement to have an operator's licence for that or any other vehicle. The Goods Vehicles (Enforcement Powers) Regulations 2001 came into force on 4 January 2002.
141. *Subsection (1)* makes a corresponding provision for the unauthorised use of passenger vehicles adapted to carry more than eight passengers as public service vehicles ("PSVs"). It inserts a new section 12A into the PPVA 1981, which gives effect to a new Schedule 2A to that Act (inserted by *subsection (2)*). The content of new Schedule 2A to the PPVA 1981 is contained in Schedule 3 to the Act. The purpose of new Schedule 2A is to empower the Secretary of State to make regulations to facilitate the detention of certain PSVs used in contravention of the requirement to hold a valid PSV operator's licence. These provisions are based on the ones which already apply to goods vehicles, as described above.
142. This section and the Schedule extend to Great Britain.

Sections 48 to 51: Registration of local services

143. These sections amend provisions in the TA 1985 relating to the registration of local services (as defined in section 2 of that Act) and the determination of traffic regulation conditions. They extend to England and Wales.

Section 48: Determination of applications for registration where restrictions in force

144. **Section 48** amends section 6 of the TA 1985 (registration of local services) to give effect to new section 6A of that Act which it inserts. That section makes provision in respect of applications to register local services in areas where a quality partnership scheme has been made, and that scheme includes restrictions on the registration of local services (see the note in respect of sections 13 and 14 in paragraphs 69ff. above).
145. The new section 6A prescribes the procedure to be followed when such an application is received. The traffic commissioner is required to give notice of the application to relevant local authorities and operators. Where authorities or operators make representations in response to that notice the traffic commissioner must decide, after following the prescribed procedure, whether the effect of accepting the application would be detrimental to the quality partnership scheme. In so doing, he must apply the registration criteria contained in the scheme. Where the traffic commissioner decides that such a registration would be detrimental, he may refuse the application, require

the applicant to amend it or, where the applicant has not already done so, require the applicant to give an undertaking under section 118(4) of the TA 2000 (effect of scheme) that he will provide services in accordance with standards specified in the scheme. The provisions provide a right of appeal to the Transport Tribunal against the decision of the traffic commissioner.

Section 49: Applications for registration where quality contracts scheme in force

146. This section amends section 6 of the TA 1985 (registration of local services) to give effect to new section 6B of that Act which it inserts. That new section provides for the registration of services within the area of a quality contracts scheme in certain circumstances, as an exception to the general rule (contained in section 129(1)(a) of the TA 2000) that such services cannot be registered in those areas.
147. New section 6B provides that where an operator wishes to provide, in the area of a quality contracts scheme, a service otherwise than under a quality contract he may apply to register that service with the traffic commissioner. The traffic commissioner on receiving the application must consult the authority or authorities that made the quality contracts scheme. The traffic commissioner may not accept the registration unless, within a prescribed time, the authority certifies that the provision of the proposed service will not have an adverse effect on the services provided under quality contracts. A similar procedure is to operate in relation to an application to vary an existing registration of a service provided otherwise than under a quality contract.

Section 50: Traffic regulation conditions for anticipated traffic problems

148. **Section 50** amends section 7 of the TA 1985 (application of traffic regulation conditions to local services subject to registration under section 6). Under the existing legislation a traffic commissioner can impose traffic regulation conditions on the providers of local services when asked to do so by the traffic authority in relation to a particular traffic problem. Such conditions can be imposed only where the traffic commissioner is satisfied that they are necessary in order to prevent danger to road users, reduce severe traffic congestion, or to reduce or limit noise or air pollution.
149. The effect of the amendment is to extend the circumstances in which a traffic authority may ask the traffic commissioner to exercise those powers to situations where that authority reasonably foresees that a traffic problem is likely to arise.

Section 51: Transport Tribunal to decide appeals against traffic regulation conditions

150. This section amends section 9 of the TA 1985, which provides for a right of appeal against actions by a traffic commissioner in determining, or refusing to determine, traffic regulation conditions under section 7 of the TA 1985. The appeal currently lies to the Secretary of State and the effect of this amendment is to transfer it to the Transport Tribunal. This is consistent with the appeal process in respect of other decisions of traffic commissioners. The provisions in Schedule 4 to the TA 1985 (constitution, powers and proceedings of the Transport Tribunal) will apply to such appeals, including the right of appeal against a decision of the Transport Tribunal to the Court of Appeal on a point of law.

Section 52: Fees for registration of services

151. Section 126 of the TA 1985 contains a power for the Secretary of State to prescribe fees to be paid by bus operators in connection with the registration of local bus services. Section 52 extends the scope of that power. Currently the Secretary of State may prescribe fees chargeable by the traffic commissioners for applications to register a local service, and to vary such registrations. This section, in addition, enables fees to be prescribed for the cancellation of a particular registered service, and for the continuation in force of registrations.

152. **Section 52** extends to England and Wales. The power to make regulations to prescribe the new fees will be exercisable by the Secretary of State.

Section 53: Use of private hire vehicles to provide local services

153. This section amends section 12 of the TA 1985, which currently enables holders of a taxi licence to apply to the traffic commissioner for a restricted Public Service Vehicle (“PSV”) operator’s licence – referred to as a “special licence”. A special licence entitles the operator to use taxis to provide local bus services – which have to be registered with the traffic commissioner. The effect of the amendment is to enable the holders of private hire vehicle (“PHV”) licences similarly to apply for a special licence in order to use PHVs to provide local bus services – which also have to be registered with the traffic commissioner. The amendment allows PHVs operating in this way to pick up passengers at bus stops as provided for in the route registration, rather than having to be pre-booked through an operator.
154. **Section 53** extends to Great Britain. However it will apply (i.e. have effect) in London only if Transport for London (“TfL”) makes a decision that it should do so and makes an order under new section 13A (inserted by section 54).

*A *taxi licence* is a licence granted under section 6 of the Metropolitan Public Carriage Act 1869 (in London), or section 37 of the Town Police Clauses Act 1847 (in the rest of England and Wales), or section 10 of the Civic Government (Scotland) Act 1982 (in Scotland). The driver can accept immediate hirings by standing at ranks or by being hailed in the street; pre-bookings can also be arranged.

*A *private hire vehicle licence* is a licence granted under section 7 of the Private Hire Vehicles (London) Act 1998, or section 48 of the Local Government (Miscellaneous Provisions) Act 1976 (in the rest of England and Wales), or section 10 of the Civic Government (Scotland) Act 1982 (in Scotland). Private hire vehicles must be pre-booked.

Section 54: Application of certain provisions about taxis and hire cars to London

155. This section amends section 13 of the TA 1985 (provisions supplementary to sections 10 to 12) and inserts a new section 13A (application of sections 10 to 13 to London). This allows for differentiation between the section 12 provision as it applies in London and as it applies in the rest of Great Britain.
156. Section 13 of the TA 1985 is amended to include a definition of “appropriate authority”. This is to identify TfL as being responsible in London for making regulations under section 12 of the TA 1985 and amending the codes in respect of both taxis and PHVs for the purposes of sections 10 to 13 of the TA 1985, and the Secretary of State as being responsible for the same elsewhere in Great Britain.
157. Section 13A contains a power for TfL to, by order, apply section 12 of the TA 1985 to PHVs in London should it so wish.
158. *Subsections (1) to (7)* of this section extend to Great Britain (although sections 10 and 11 of the TA 1985, which are referred to, do not extend to Scotland).

Sections 55 and 56: Carrying of passengers in wheelchairs

159. These two sections amend the Disability Discrimination Act 1995 (“the DDA 1995”). Section 36 of that Act imposes certain duties which relate to the carrying of disabled persons who are in wheelchairs. The duties apply to any driver of a “regulated taxi” who does not hold a valid exemption certificate issued by the relevant taxi licensing authority. The term “regulated taxi” in this section carries the meaning given to it in regulations made under section 32 of the DDA 1995. No regulations have been made under section 32, and sections 32 to 36 have not been brought into force.

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

160. **Section 55** amends section 36 of the DDA 1995 so as to apply the duties to the drivers of “designated vehicles” that are being used to provide a local service within the meaning of section 2 of the TA 1985. It also makes provision for licensing authorities to exempt drivers on medical or physical grounds. “Designated vehicles” are defined as vehicles appearing on a list maintained by a licensing authority under the new section 36A of the DDA 1995, inserted by *subsection (2)* of section 56. Only vehicles meeting the conditions set out in subsection (2) of new section 36A may be included in such a list. These conditions include that the vehicle must be either a taxi or a PHV.
161. *Subsections (3) to (7)* of section 56 amend section 38 of the DDA 1995, so as to provide a right of appeal against the decision of a licensing authority to include a vehicle on such a list. *Subsection (8)* amends section 68(1) of that Act (interpretation), to provide that (for the purposes of sections 36, 36A and 38) the phrase “licensing authority” is to carry the meaning given in section 36A(6).
162. Section 70(3) of the DDA 1995 (commencement) provided for most provisions of that Act to come into force on a date or dates to be appointed by the Secretary of State. *Subsection (9)* of section 56 inserts a new subsection (2A), which provides that section 36 as it applies to designated vehicles, section 36A and section 38 as it extends to Scotland (section 38 is already in force in England and Wales) will instead come into force two months after the Local Transport Act 2008 receives Royal Assent. (This reflects the provision made by virtue of section 132 of the Act.)
163. The provisions of sections 55 and 56 extend to Great Britain.

Sections 57 to 61: Vehicles used under permits

164. These sections amend sections 19 to 23 of the TA 1985, which enable certain voluntary bodies to operate public service vehicles without a PSV operator’s licence (which would otherwise be required under section 12 of the PPVA 1981).
165. Section 19 of the TA 1985 enables permits to be granted to educational, religious, social welfare and other bodies. The effect of a permit is that the body does not need a PSV operator’s licence to operate passenger-carrying services for members of the body. Members of the general public may not be carried on such services. Section 22 of the same Act enables permits to be granted, under certain conditions, for the provision of local services for the general public.
166. Permits for “small buses” (as defined in section 19(1) of the TA 1985) may be granted either by the traffic commissioners or by bodies designated by order under section 19(7) of that Act. Bodies so designated include local authorities and a number of national non-Governmental organisations.
167. These sections extend to Great Britain.

Sections 57 and 58: Permits in relation to use of vehicles by educational and other bodies

168. The effect of section 57 is to remove the current restriction which prevents the use of PSVs with fewer than nine seats under a permit issued under section 19 of the TA 1985. It also makes a small change to the order-making power for designated bodies so that an order may require them to keep records of permits as well as make returns. Section 58 makes consequential changes to sections 20 and 21 of the TA 1985.

Section 59: Relaxation of rules relating to community bus services

169. This section amends sections 22 and 23 of the TA 1985. The effect of *subsections (1) and (2)* is to enable large buses (defined as those capable of carrying in excess of 16 passengers) to be used to provide community transport services. The effect of *subsections (3) and (4)* is to remove the current prohibition on the drivers of such services from being paid.

Section 60: Power to limit permits under section 19 or 22 of TA 1985 to 5 years

170. Under the TA 1985, permits granted under section 19 or 22 remain in force indefinitely until surrendered or revoked. The effect of *subsection (1)* (which inserts a new section 23A into the TA 1985) is to enable a date to be specified in regulations after which all such permits will be granted for a specified period, not exceeding 5 years. *Subsection (2)* enables regulations to provide for all permits granted before that date, and which were therefore issued on an indefinite basis, to be revoked. Holders of such permits would be able to apply for new time-limited permits to replace those revoked.

Section 61: Traffic commissioners to keep records about such permits

171. This section amends section 126 of the TA 1985 (application of sections 52 and 56 (records of licences) of the PPVA 1981) to require traffic commissioners to keep records both of permits granted by them and copies of permits submitted to them by designated bodies. It amends provisions already requiring them to keep records of other documents issued under the TA 1985.

Sections 62 to 65: Services not operated as registered etc.

172. The effect of these sections is to strengthen the enforcement powers of the traffic commissioners with particular reference to punctuality of registered local bus services. These sections extend to England and Wales.

Section 62: Attachment of conditions to related licences

173. This section amends section 26 of the TA 1985 (conditions attached to PSV operator's licence) which empowers a traffic commissioner to attach conditions to the licences of operators who engage in certain conduct, such as failing to comply with particular requirements applying to local bus services or failing to take the necessary steps to maintain their vehicles in a fit and serviceable condition. Such conditions may prohibit the operator from using vehicles to provide specified local services, or prevent him from providing any local services.

*The *requirements applying to local bus services* (outside London) include that a local service has been registered under section 6 of the TA 1985, that the registered particulars (including the route and timetable) have been complied with and that, where applicable, the standards required under a quality partnership scheme have been complied with.

174. The amendments in *subsections (1) to (6)* of section 62 would enable a traffic commissioner to attach such conditions to any other licence held by that operator (by directing the traffic commissioner for the traffic area in which that licence is held to do so), or to the licence of another operator that is connected with the operator in default (for example, a subsidiary of the same holding company). A traffic commissioner who is given a direction by another commissioner must attach the condition unless he considers there is a good reason not to do so. The amendments also enable a condition to be attached either indefinitely or for a specified period of time.
175. *Subsections (7) to (9)* amend subsections (5) and (6) of section 26 of the TA 1985, which allow a traffic commissioner to attach a condition to a licence to restrict the vehicles which a PSV operator may use under that licence to particular vehicles specified in a condition. This provision may be used where the commissioner is of the view that vehicles have not been maintained in a fit and serviceable condition, and applies to PSV operators generally, not just to operators of local services. These amendments also enable such conditions to be attached to licences held in other traffic areas by the same operator and to licences of other subsidiary companies.

Section 63: Powers of traffic commissioners where services not operated as registered

176. This section introduces a new power to enable a traffic commissioner, when investigating the poor performance of a bus operator, also to investigate and take into account the effect of action taken, or not taken, by the local authority on bus punctuality, and to make recommendations to try to improve punctuality.
177. The section inserts new sections 27A and 27B into the TA 1985 to give new powers to the traffic commissioners to investigate poor punctuality. In particular a commissioner may require a local traffic authority to provide any specified information connected with any aspect of their network management duty under Part 2 of the Traffic Management Act 2004 and to attend any inquiry into an operator's performance. (Section 27 of the TA 1985 requires the traffic commissioner to hold an inquiry, if so requested by the operator, before attaching any conditions to the operator's licence under section 26 of that Act.) The commissioner may prepare a report recommending such remedial measures (for implementation by either operators or the local traffic authority) as he considers necessary to improve performance. The new section 27A(6) places an obligation on the traffic commissioner to send a copy of the report to the operator and, in certain circumstances, to the local authority or Integrated Transport Authority. It also enables him to send the report to relevant persons and authorities (in particular the appropriate national authority) and, if he sees fit, to publish the report.

*The *appropriate national authority* is the Secretary of State (in England) or the Welsh Ministers (in Wales).

Section 64: Additional sanctions for failures by bus operators

178. This section amends section 155 of the TA 2000, which enables the traffic commissioner to impose financial penalties on operators who fail to operate local services satisfactorily. The amendments would empower the traffic commissioner, either as an alternative or in addition to a fine, to make an order requiring the operator to spend a specified sum of money on providing, or making specified improvements to, specified local services or facilities, or requiring the operator to compensate the passengers on such services. Compensation could take the form of free or reduced price travel for a period of time. There is a provision for further sanctions to be prescribed by regulations, and such regulations would be made by statutory instrument subject to affirmative resolution by both Houses of Parliament (or, as respects Wales, by the National Assembly for Wales).

Section 65: Operational data

179. This section amends section 155 of the TA 2000 to enable a traffic commissioner to impose sanctions for a failure to comply with requirements about the provision of information in accordance with regulations made under section 6 of the TA 1985. *Subsections (3) and (4)* amend the regulation-making powers in section 6 of the TA 1985 (registration of local services) so that regulations requiring operators to keep records or provide information may impose restrictions to prevent the misuse of such records or information. The regulations may make failure to observe the restrictions a criminal offence with a maximum penalty not exceeding level 4 on the standard scale.

Section 66: Revival of certain powers of PTEs

180. This section amends section 10(1) of the TA 1968, which specifies the powers of PTEs. The section originally included powers for PTEs to carry passengers by road (paragraph (i)) and to let passenger vehicles on hire (paragraph (viii)). These two powers were disappplied (along with section 24(2) of the TA 1968) by orders made under section 60(5) of the TA 1985.

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

181. **Section 66** would revive the power in an amended paragraph (viii) for the specific purpose of enabling PTEs to purchase buses to hire out to operators who provide local services by contract, either in pursuance of section 9A of the TA 1968 (see note on section 67 below) or under a quality contract. It would also enable a PTE to hire out vehicles to a community transport body holding a permit under section 19 of the TA 1985 (permits in relation to the use of vehicles by educational and other bodies). Section 66 revokes the existing orders so far as they disapply paragraph (viii) of section 10(1) of the TA 1968. It also repeals paragraph (i) of section 10(1) of the TA 1968, section 24 of the TA 1968 and provisions in section 60 of the TA 1985 which are now spent.
182. This section extends to England and Wales, but since there are no passenger transport areas in Wales, it has no effect there.

Section 67: Subsidy to secure passenger transport services in integrated transport areas

183. This section amends section 9A of the TA 1968, which sets out the general functions of Passenger Transport Authorities (to be renamed “Integrated Transport Authorities” by the Act) and Passenger Transport Executives (“PTEs”). Section 9A(4) empowers a PTE to enter into agreements in order to secure the provision of passenger transport services where the service would not otherwise be provided. The effect of this section is to empower a PTE to enter into such agreements also in cases where the service would not otherwise be provided “to a particular standard”. *Subsection (3)* provides that the term “standard” includes the frequency or timing of the service, the days or times of day when the service may be provided, and the vehicles used to provide the service.
184. This section extends to England and Wales, but since there are no passenger transport areas in Wales, it has no effect there.

Section 68: Subsidy to secure passenger transport services in other areas

185. This section amends section 63 of the TA 1985 to empower authorities other than PTEs in the way described above under section 67. It extends to England and Wales.

Section 69: Subsidy to secure passenger transport services in Wales

186. This section amends section 7 of the Transport (Wales) Act 2006, which enables the Welsh Ministers to secure the provision of any public passenger transport service which they consider appropriate for the purpose of meeting any public transport requirements within Wales which would not otherwise be met. It empowers the Welsh Ministers in the way described under section 67 above.

Section 70: Extension of maximum length of subsidised services agreements

187. This section amends section 90(1) of the TA 1985 to increase the maximum length of a service subsidy agreement which is made in accordance with section 89 of that Act from five to eight years. It extends to England and Wales.

Section 71: Removal of certain disabilities and requirements for consent

188. This section repeals various provisions in Part 4 of the TA 1985 which relate to public transport companies and their directors.

*A *public transport company* is defined in section 72 of the TA 1985.

189. *Subsection (2)* repeals the provisions in section 74 of the TA 1985 which require a director of a public transport company who is a councillor of the authority that owns the company to obtain dispensation from the Secretary of State (in England) or Welsh Ministers (in Wales) in order to take part in, or vote on, matters relating to the activities of the company.

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

190. *Subsection (3)* repeals sections 75(3), 79(3) and 79(7), and some words in section 79(8), of the TA 1985 so as to remove the requirement for local authorities to seek consent of the Secretary of State before exercising the powers contained within these sections. These are powers to dispose of public transport companies owned by the authorities, or shares or significant assets of the companies, as well as the power to provide financial backing for the establishment and operations of public transport companies.
191. The repeal of these requirements extends to England and Wales.

Section 72: The Disabled Persons Transport Advisory Committee: remuneration

192. The Disabled Persons Transport Advisory Committee (“DPTAC”) was established under section 125 of the TA 1985 to consider any matter relating to the needs of disabled persons in connection with public passenger transport and to give advice to the Secretary of State on such matters where appropriate.
193. The original terms of the TA 1985 restricted payments to DPTAC members to travelling and other allowances and payments to defray other expenses incurred in connection with DPTAC functions.
194. *Subsection (2)* of section 72 amends paragraph 2 of Schedule 5 to the TA 1985 to enable the Secretary of State to provide DPTAC with funds to remunerate its members for carrying out Committee work.
195. DPTAC is a cross-border public authority within the meaning of section 88(5) of the Scotland Act 1998. *Subsection (3)* of section 72 ensures that DPTAC members are not remunerated for performing functions relating to devolved matters.

Section 73: The Public Transport Users’ Committee for England

196. This section inserts three new sections into the TA 1985. The new provisions are inserted after section 125 of that Act, which already provides for the establishment of the Disabled Persons Transport Advisory Committee.
197. New section 125A empowers the Secretary of State by order to establish a body to be known as the Public Transport Users’ Committee for England. Section 125A(3) provides that the order may make provision about the status and membership of the Committee and prescribe other details about its proceedings and conduct of business.
198. New section 125B sets out the functions of the Committee. In particular it provides that the Committee may consider and make recommendations or representations to the Secretary of State about any matter relating to such public passenger transport services or facilities in England as may be prescribed by the Secretary of State. This will enable the Secretary of State to determine the scope of the powers of the Committee by prescribing the services and facilities, or the description of services and facilities, in relation to which the Committee is to exercise its functions.
199. If, under new section 125B(3), the Secretary of State has conferred powers on the Committee to make recommendations or representations to certain people or bodies, such as bus operators, local authorities, and traffic commissioners, new section 125C would enable the Secretary of State, by order, to confer functions on those persons in respect of such recommendations or representations. The power could, for example, be used to provide that where the Committee makes representations to a particular person, that person must consider those representations and send a written response to the Committee.
200. Orders made under these new sections are subject to the affirmative resolution procedure. Following the close of the consultation on strengthening bus passenger representation, the Secretary of State announced on 8 April 2008 that, subject to further consultation, the remit of the Rail Passengers’ Council (Passenger Focus) would be

widened to take on the role of the bus passenger representative body. Therefore there are no immediate plans to establish a Public Transport Users' Committee for England.

Section 74: Power to confer non-rail functions on the Rail Passengers' Council

201. This section inserts a new section 19A into the Railways Act 2005. Section 19A(1) empowers the Secretary of State by order to confer functions on the Rail Passengers' Council relating to local bus services, domestic coach services and tramway passenger services to the extent that they operate in England, and relating to passenger transport facilities in England. Subsection (2) enables such amendments to be made to provisions of the Railways Act 2005 and any other Act as may be needed as a consequence of making such provision. Subsection (4)(b) empowers the Secretary of State to alter the number of members which can be appointed by the Secretary of State to the Rail Passengers' Council so as to enable members to be appointed to represent bus and coach passengers. This will not affect members appointed by the Scottish Ministers, the Welsh Ministers or the London Assembly.
202. Subsections (5) and (6) make provision corresponding to that made in relation to the Public Transport Users' Committee for England by inserted section 125C of the TA 1985. Those subsections provide that, where a function of making representations or recommendations to a body or person has been conferred on the Rail Passengers' Council, the relevant order may also place an obligation on that body or person to respond to such representations or recommendations in a specified manner, so long as that new obligation relates to local services, domestic coach services or tramway services operating in England, and passenger transport facilities in England.
203. Subsection (7) provides that the power does not extend to altering the functions of the Rail Passengers' Council so far as they relate to the provision of railway passenger services or station services.
204. Orders made under the new section are subject to the affirmative resolution procedure.

Section 75: Power to require display of certain information

205. This section empowers the appropriate national authority (the Secretary of State in relation to England and the Welsh Ministers in relation to Wales) to make regulations imposing obligations on prescribed persons to display certain information relating to public transport. The information could, for example, relate to the Rail Passengers' Council, the Bus Appeals Body (a non-statutory body), the customer complaints manager of the transport operator concerned, or travel information services like Traveline or Transport Direct. Any regulations would be subject to the negative resolution procedure.
206. This section also enables the appropriate national authority to empower traffic commissioners to impose financial penalties on any operator of a public service vehicle (which could include buses providing local services or long-distance coach services) who does not comply with regulations made under this section. The regulations would specify the maximum penalty that may be imposed. Operators would have a right of appeal to the Transport Tribunal against any decision by a traffic commissioner to impose a financial penalty.

Section 76: Appeals to the Transport Tribunal

207. This section amends Schedule 4 to the TA 1985, which prescribes the constitution, powers and proceedings of the Transport Tribunal. Paragraph 9 of that Schedule sets out the Tribunal's powers in relation to appeals against various decisions of the traffic commissioners. The Tribunal, when hearing an appeal against any determination of a traffic commissioner, has the power to make any order they think fit, or where appropriate to remit a matter to the traffic commissioner for a rehearing.

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

208. [Section 76](#) amends paragraph 9 so that these powers apply in relation to appeals under section 75 of this Act, and also to appeals under section 155 of the TA 2000. Section 155 empowers traffic commissioners to impose financial penalties on bus operators in certain circumstances and is amended by section 64 of this Act to make additional sanctions available.