



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 3

#### BUS SERVICES

##### *Making and duration of quality contracts schemes*

## 26 Making of scheme

- (1) Section 127 of the TA 2000 (making of scheme) is amended as follows.
- (2) For subsection (1) (making of scheme to be not later than 6 months after approval by appropriate national authority) substitute—

- “(1) The authority or authorities who proposed the scheme may make it—
- (a) in the case of a scheme for an area in England, in accordance with the requirements of subsection (1A);
  - (b) in the case of a scheme for an area in Wales, in accordance with the requirements of subsection (1B).

- (1A) If the scheme is for an area in England, the authority or authorities who proposed it—

- (a) must not make the scheme until they publish a response prepared by them to the report published by the QCS board under section 126D(5) in relation to the scheme, but
- (b) subject to that, may make the scheme at any time not later than 6 months after the publication of that report.

Any such response must state the actions (if any) which the authority or authorities have taken in relation to each of the board's recommendations (if any) under section 126D(2) or (3).

- (1B) If—

- (a) the scheme is for an area in Wales, and

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(b) the Welsh Ministers approve the scheme under section 126, the authority or authorities who proposed it may make it, as approved, at any time not later than 6 months after the date of the approval.”.

(3) In subsection (2) (what the scheme must specify) for paragraph (b) (date on which scheme comes into operation etc) substitute—

“(b) the date on which it is to come into operation or, if the scheme provides for different provisions to come into operation on different dates, or on different dates for different purposes, those dates in the case of each provision, and”.

(4) In subsection (2), in paragraph (c) (maximum period for which scheme to remain in operation) after “ten years” insert “ from the earliest date on which the scheme or any of its provisions comes into operation. ”.

(5) After subsection (2) insert—

“(2A) No date that is to be specified under subsection (2)(b) may be earlier than 6 months after the scheme is made.”.

(6) After subsection (3) insert—

“(3A) The scheme must specify the date or dates on which it is proposed that the authority or authorities will issue invitations to tender for the provision of any services to which the scheme relates (see section 130).”.

(7) In subsection (9) (contents of notice under subsection (8)) for paragraph (c) (date on which scheme comes into operation) substitute—

“(c) the date or dates on which the scheme, or the different provisions of the scheme, are to come into operation.”.

(8) For subsection (10) (power by order to vary the period mentioned in subsection (2)(b)) substitute—

“(10) The appropriate national authority may by order vary any of the periods mentioned in subsection (1A), (1B) or (2A).”.

(9) In section 162(4) of the TA 2000 (provisions where references to Passenger Transport Authorities or Integrated Transport Authorities are to be read as references to Passenger Transport Executives) insert at the appropriate place in the list of provisions — “ section 127(3A), ”.

**Commencement Information**

- I1** S. 26 partly in force; s. 26(8) in force at Royal Assent for specified purposes, see s. 134(1)(c)
- I2** S. 26(1)-(7) (9) in force at 11.1.2010 for E. by [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)
- I3** S. 26(8) in force at 11.1.2010 for E. in so far as not already in force by [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)

<sup>F1</sup>27 **Appeals against the making of schemes for areas in England**

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### Textual Amendments

- F1** S. 27 omitted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by virtue of [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), [Sch. 2 para. 26](#)

## 28 Postponement of scheme in part

In section 128 of the TA 2000 (postponement of scheme) in subsection (1)—

- (a) after “the scheme”, in the second place where those words occur, insert “, or any particular provision of the scheme,”;
- (b) after “would otherwise come into operation” insert “, or come into operation for any particular purpose or purposes,”.

### Commencement Information

- I4** S. 28 in force at 11.1.2010 for E. by [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)

## 29 Effect of scheme: different operational dates and excepted services

(1) Section 129 of the TA 2000 (effect of scheme) is amended as follows.

(2) In subsection (1) (consequences for period during which scheme is in operation)—

- (a) after “the scheme” insert “, or (in the case of a scheme which provides for different provisions to come into operation on different dates) any provision of the scheme,”;
- (b) in paragraph (a), for “the area to which it relates” substitute “ the area to which the scheme, or that provision, relates ”;
- (c) in paragraph (b), after “under a quality contract” insert “ or is an interim service (see section 132C) ”.

(3) In subsection (2) (exception for services excluded from the scheme by virtue of section 127(4)) after “But subsection (1) does not apply” insert “—

- (a) so as to prevent the application of sections 6 to 9 of the Transport Act 1985 in relation to any service by virtue or in consequence of section 6B of that Act (application for registration or variation where quality contracts scheme in force),
- (b) so as to prevent the provision of any service registered under section 6 of the Transport Act 1985 by virtue of section 6B of that Act, or
- (c) ”.

(4) Subsection (4) (tenders to be invited not later than 3 months after the scheme has been made) shall cease to have effect.

### Commencement Information

- I5** S. 29 in force at 11.1.2010 for E. by [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)

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### **30 Extension of maximum period of quality contracts**

- (1) Section 130 of the TA 2000 (tendering for quality contracts) is amended as follows.
- (2) In subsection (1) (authority to tender for provision of services) after “services to which the scheme” insert “, or each provision of the scheme, ”.
- (3) In subsection (2) (period of contract not to exceed five years) for “five” substitute “10”.

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#### **Commencement Information**

**I6** S. 30 in force at 11.1.2010 for E. by [S.I. 2009/3242](#), [art. 2\(1\)\(a\)](#)

**Changes to legislation:**

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**Commencement Orders yet to be applied to the Local Transport Act 2008**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/579 art. 2](#) commences (2008 c. 26)
- [S.I. 2009/3294 art. 2](#) commences (2008 c. 26)