



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 5

#### INTEGRATED TRANSPORT AUTHORITIES ETC

#### [<sup>F1</sup>CHAPTER 4

#### GENERAL POWERS

#### Textual Amendments

**F1** Pt. 5 Ch. 4 inserted (18.2.2012) by [Localism Act 2011 \(c. 20\)](#), ss. 11, 240(2); S.I. 2012/411, art. 2(e)

#### **102B Powers of Integrated Transport Authorities**

- (1) An ITA may do—
  - (a) anything the ITA considers appropriate for the purposes of the carrying-out of any of the ITA's functions (the ITA's “functional purposes”),
  - (b) anything the ITA considers appropriate for purposes incidental to the ITA's functional purposes,
  - (c) anything the ITA considers appropriate for purposes indirectly incidental to the ITA's functional purposes through any number of removes,
  - (d) anything the ITA considers to be connected with—
    - (i) any of the ITA's functions, or
    - (ii) anything the ITA may do under paragraph (a), (b) or (c), and
  - (e) for a commercial purpose anything which the ITA may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an ITA to do something, it confers power (subject to section 102C) to do it anywhere in the United Kingdom or elsewhere.

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- (3) An ITA's power under subsection (1) is in addition to, and is not limited by, the other powers of the ITA.
- (4) Subsection (5) applies if there is, in relation to an ITA—
  - (a) a Passenger Transport Executive established under section 9 of the TA 1968 for the integrated transport area of the ITA, or
  - (b) an executive body established by virtue of section 79(1)(a) or 84(2)(d).
- (5) The ITA may delegate to the Executive or body the ITA's function of taking action under subsection (1) (but not the function of determining what action to take).

### **102C Boundaries of power under section 102B**

- (1) Section 102B(1) does not enable an ITA to do—
  - (a) anything which the ITA is unable to do by virtue of a pre-commencement limitation, or
  - (b) anything which the ITA is unable to do by virtue of a post-commencement limitation which is expressed to apply—
    - (i) to the ITA's power under section 102B(1),
    - (ii) to all of the ITA's powers, or
    - (iii) to all of the ITA's powers but with exceptions that do not include the ITA's power under section 102B(1).
- (2) If exercise of a pre-commencement power of an ITA is subject to restrictions, those restrictions apply also to exercise of the power conferred on the ITA by section 102B(1) so far as it is overlapped by the pre-commencement power.
- (3) Section 102B(1) does not authorise an ITA to borrow money.
- (4) Section 102B(1)(a) to (d) do not authorise an ITA to charge a person for anything done by the ITA otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of ITAs and other best value authorities to charge for discretionary services)).
- (5) Section 102B(1)(e) does not authorise an ITA to do things for a commercial purpose in relation to a person if a statutory provision requires the ITA to do those things in relation to the person.
- (6) Where under section 102B(1)(e) an ITA does things for a commercial purpose, it must do them through—
  - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
  - (b) [<sup>F2</sup> a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered or deemed to be registered under] the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—
  - “post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—
    - (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or

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- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 11 of that Act;
  - “ pre-commencement limitation ” means a prohibition, restriction or other limitation imposed by a statutory provision that—
    - (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
    - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;
  - “ pre-commencement power ” means power conferred by a statutory provision that—
    - (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
    - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;
  - “ statutory provision ” means a provision of an Act or of an instrument made under an Act.

#### Textual Amendments

- F2** Words in s. 102C(6)(b) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 138](#) (with [Sch. 5](#))

### 102D Power to make provision supplemental to section 102B

- (1) The Secretary of State may by order made by statutory instrument make provision preventing ITAs from doing under section 102B(1) anything which is specified, or is of a description specified, in the order.
- (2) The Secretary of State may by order made by statutory instrument provide for the exercise by ITAs of power conferred by section 102B(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.
- (3) The power under subsection (1) or (2) may be exercised in relation to—
  - (a) all ITAs,
  - (b) particular ITAs, or
  - (c) particular descriptions of ITAs.
- (4) Before making an order under subsection (1) or (2) the Secretary of State must consult—
  - (a) such representatives of ITAs,
  - (b) such representatives of local government, and
  - (c) such other persons (if any),as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order—
  - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or

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- (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.
- (6) Power to make an order under this section includes—
  - (a) power to make different provision for different cases, circumstances or areas, and
  - (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (7) The Secretary of State may not make an order to which subsection (8) applies unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (8) This subsection applies to—
  - (a) an order under subsection (1), other than one that is made only for the purpose mentioned in subsection (5)(b);
  - (b) an order under subsection (2), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose.
- (9) A statutory instrument that—
  - (a) contains an order made under this section, and
  - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,is subject to annulment in pursuance of a resolution of either House of Parliament.]

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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)