



# Local Transport Act 2008

## 2008 CHAPTER 26

### <sup>F1</sup><sup>F1</sup>PART 5A

#### SUB-NATIONAL TRANSPORT BODIES

##### *Establishment and constitution of STBs*

#### <sup>F1</sup>102G Constitution of STBs

- (1) The Secretary of State may by regulations make provision about the constitutional arrangements in relation to an STB.
- (2) “Constitutional arrangements”, in relation to an STB, include arrangements in respect of—
  - (a) the membership of the STB (including the number and appointment of members of the STB),
  - (b) the voting powers of members of the STB (including provision for different weight to be given to the vote of different descriptions of member),
  - (c) the executive arrangements of the STB, and
  - (d) the functions of any executive body of the STB.
- (3) Regulations made by virtue of subsection (2)(a) which include provision about the number and appointment of members of the STB must provide—
  - (a) for the members of the STB to be appointed by the STB's constituent authorities, and
  - (b) for those members to be appointed from among the elected members of the constituent authorities.
- (4) Regulations made by virtue of subsection (2)(a) may provide for persons, who are not elected members of the constituent authorities, to be appointed as co-opted members of an STB; but such regulations must provide (by virtue of subsection (2)(b)) for those co-opted members to be non-voting members of the STB.

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*Changes to legislation: Local Transport Act 2008, Section 102G is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) The voting members of an STB may resolve that provision made in accordance with subsection (4) is not to apply (generally or in relation to particular matters) in the case of the STB.
- (6) In subsection (2)(c) “executive arrangements” means—
- (a) the appointment of an executive;
  - (b) the functions of the STB which are the responsibility of an executive;
  - (c) the functions of the STB which are the responsibility of an executive and which may be discharged by a committee of the STB, by an officer of the STB or by a body other than the STB;
  - (d) arrangements relating to the review and scrutiny of the discharge of functions;
  - (e) access to information on the proceedings of an executive of the STB;
  - (f) the keeping of a record of any arrangements relating to the STB and falling within any of paragraphs (a) to (e).
- (7) The provision which may be made by regulations by virtue of subsection (2)(d) includes—
- (a) provision setting up or dissolving an executive body of an STB, or merging two or more executive bodies of an STB;
  - (b) provision conferring functions on, or removing functions from, an executive body of an STB;
  - (c) provision transferring functions of an STB to an executive body of the STB, and transferring functions of an executive body of an STB to the STB.
- (8) Regulations under this section may authorise an STB to delegate any of its functions to one or more of its constituent authorities (and any such delegation may be made subject to conditions or limitations).
- (9) Regulations under this section may not provide for the budget of an STB to be agreed otherwise than by the STB.
- (10) For the purposes of subsections (3) and (4), the “elected members” of a constituent authority—
- (a) in the case of a combined authority, are the mayor for the area of the combined authority (if there is one) and those members of the authority who are appointed from among the elected members of the authority's constituent councils (see section 85(1)(b) above as applied by section 104(2) of the Local Democracy, Economic Development and Construction Act 2009);
  - <sup>F2</sup>(aa) [ in the case of a combined county authority, are the mayor for the area of the combined county authority (if there is one) and those members of the authority who are appointed from among the elected members of the authority's constituent councils (see section 10(4)(b) of the Levelling-up and Regeneration Act 2023);]
  - (b) in the case of an ITA, are those members of the ITA who are appointed from among the elected members of the ITA's constituent councils (see section 85(1)(b) above);
  - (c) in the case of a county council, a unitary district council or the Council of the Isles of Scilly, are the elected members of the council.]

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#### Textual Amendments

- F1** Pt. 5A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\)](#), [ss. 21, 25\(2\)](#)
- F2** [S. 102G\(10\)\(aa\)](#) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), [s. 255\(2\)\(c\)](#), [Sch. 4 para. 182](#) (with [s. 247](#))

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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)