



Local Transport Act 2008

2008 CHAPTER 26

PART 4

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Services not operated as registered etc

64 Additional sanctions for failures by bus operators

- (1) Section 155 of the TA 2000 (penalties) is amended as follows.
- (2) In subsection (1) (power to impose penalty for various failures) for “impose a penalty on the operator” substitute “ make one or more orders under subsection (1A) ”.
- (3) After subsection (1) insert—
 - “(1A) The orders are—
 - (a) an order that the operator pay a penalty of such amount as is determined in accordance with subsection (3);
 - (b) an order that the operator expend such sum of money as is determined in accordance with subsection (3) in the manner mentioned in subsection (1B);
 - (c) an order that the operator provide compensation (see subsection (1C)) to passengers of such description as is specified in the order;
 - (d) an order of such other description as the Secretary of State (as respects England) or the Welsh Ministers (as respects Wales) may by order prescribe for the purposes of this paragraph.
 - (1B) An order under subsection (1A)(b) may require the operator to expend money on or towards—
 - (a) the provision of specified local services or specified facilities to be used in connection with such services;
 - (b) specified improvements in such services or facilities.

Changes to legislation: *Local Transport Act 2008, Section 64 is up to date with all changes known to be in force on or before 28 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*

In this subsection “specified” means specified in the order.

(1C) Compensation under subsection (1A)(c)—

- (a) may take the form of payments of money, or
 - (b) may take such other form (including the provision of free travel or travel at a reduced price) as is specified in the order;
- and shall be of such amount, or equivalent in value to such amount, as is determined in accordance with subsection (3).”.

(4) Omit subsection (2).

(5) In subsection (3) for “That amount is” substitute “ The amount mentioned in subsections (1A)(a) and (b) and (1C) is such amount as the traffic commissioner thinks fit in all the circumstances of the case, but must not exceed ”.

(6) Omit subsection (4).

(7) In subsection (5) for “imposing the penalty” substitute “ making an order under subsection (1A) ”.

(8) In subsection (6) for “the imposition of the penalty” substitute “ the making of the order ”.

(9) After subsection (6) insert—

“(6A) If the operator fails to comply with an order under subsection (1A)(b), (c) or (d), the traffic commissioner may order the operator to pay a penalty of such amount as is determined in accordance with subsection (6B).

(6B) That amount is such amount as the traffic commissioner thinks fit in all the circumstances of the case, but must not exceed 110% of the maximum amount which may be ordered in accordance with subsection (3).”.

(10) For subsection (7) substitute—

“(7) An amount ordered to be paid under subsection (1A)(a) or (6A) is—

- (a) payable to the Secretary of State (as respects England) or the Welsh Ministers (as respects Wales), and
- (b) recoverable as a civil debt.”.

(11) In consequence of the amendments made by this section, the heading to section 155 becomes “ Sanctions ”.

(12) Section 160 of the TA 2000 (Part 2: regulations and orders) is amended as follows.

(13) In subsection (2) before the words “shall be subject to annulment” insert “ , other than an order under section 155(1A)(d), ”.

(14) After subsection (2) insert—

“(3) A statutory instrument containing an order under section 155(1A)(d) shall not be made—

- (a) as respects England, unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament;
- (b) as respects Wales, unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.”.

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Commencement Information

- I1** S. 64 partly in force; s. 64(3) in force at Royal Assent for specified purposes, see s. 134(1)(c)
- I2** S. 64 in force at 9.2.2009 for E. in so far as not already in force by [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 4](#))
- I3** S. 64 in force at 1.4.2009 for W. in so far as not already in force by [S.I. 2009/579](#), [art. 2\(e\)](#) (with [Sch. para. 2](#))

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)