



Local Transport Act 2008

2008 CHAPTER 26

PART 4

GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

Transport users' advisory committees etc

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

In Part 3 of the Railways Act 2005 (c. 14), after section 19 insert—

“19A Power to confer non-rail functions on the Rail Passengers' Council

- (1) The Secretary of State may by order make provision conferring functions on the Rail Passengers' Council relating to—
 - (a) prescribed local services, or local services of a prescribed description, so far as operating in England;
 - (b) prescribed domestic coach services, or domestic coach services of a prescribed description, so far as operating in England;
 - (c) prescribed tramway passenger services, or tramway passenger services of a prescribed description, so far as operating in England;
 - (d) prescribed passenger transport facilities in England, or passenger transport facilities in England that are of a prescribed description.
- (2) The power conferred by subsection (1) includes power to amend any enactment (including this Act) for the purposes of making such provision.
- (3) An order under this section may make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, such an order, or for giving full effect to such an order.
- (4) The provision which may be included by virtue of subsection (3) in an order includes—

Changes to legislation: *Local Transport Act 2008, Section 74 is up to date with all changes known to be in force on or before 22 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*

- (a) provision for the body established by section 19 to be known by a different name;
 - (b) provision altering the number of persons that may be appointed as members of that body by the Secretary of State under section 19(1)(e);
 - (c) provision amending, repealing or revoking any provision of this Act or any other enactment, whenever passed or made.
- (5) In a case where an order under this section confers on the Rail Passengers' Council power to make recommendations or representations to a body or person, the provision which may be included by virtue of subsection (3) in the order also includes provision conferring on the body or person functions in respect of such recommendations or representations.
- (6) An order under this section may confer a function on a body or person by virtue of subsection (5) only if the new function relates to—
- (a) services of a kind mentioned in paragraphs (a) to (c) of subsection (1), so far as operating in England, or
 - (b) passenger transport facilities in England.
- (7) Nothing in this section provides power to alter the functions of the Rail Passengers' Council so far as relating to the provision of railway passenger services or station services.
- (8) An order under this section is subject to the affirmative resolution procedure.
- (9) In this section—
- “domestic coach service” means a bus service which—
 - (a) carries passengers at separate fares, and
 - (b) is not a local service;
 - “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
 - “local service” has the meaning given by section 2 of the Transport Act 1985;
 - “passenger transport facilities” means facilities for services of a kind mentioned in paragraphs (a) to (c) of subsection (1);
 - “prescribed” means prescribed by order made by the Secretary of State;
 - “tramway passenger service” means any service for the carriage of passengers by tramway.”.

Commencement Information

11 S. 74 partly in force; s. 74 in force at Royal Assent for specified purposes, see s. 134(1)(c)

12 S. 74 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

Changes to legislation:

Local Transport Act 2008, Section 74 is up to date with all changes known to be in force on or before 22 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.

[View outstanding changes](#)

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)