



Local Transport Act 2008

2008 CHAPTER 26

PART 5

INTEGRATED TRANSPORT AUTHORITIES ETC

CHAPTER 2

ARRANGEMENTS RELATING TO INTEGRATED TRANSPORT AUTHORITIES

Other powers to make orders about arrangements relating to an ITA

88 Conferral of a power to direct

- (1) The Secretary of State may by order confer on—
 - (a) an ITA, or
 - (b) an authority which has been designated as a local transport authority by an order under section 90 or 91^[F1] of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009],
a power to give a direction about the exercise of an eligible power.
- (2) An “eligible power” means a power of a council for a county, metropolitan district or non-metropolitan district comprised in an area for which there is no county council, which the council has—
 - (a) as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66),
or
 - (b) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).
- (3) In this section references to a power do not include references to a duty.
- (4) A power of direction under this section must relate only to the exercise of an eligible power in—

Changes to legislation: *Local Transport Act 2008, Section 88 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*

- (a) the area of the directing authority, and
 - (b) the area of the authority subject to the direction.
- (5) Where an authority has been designated as a local transport authority by an order under section 91 (dissolution of an integrated transport area), the reference in subsection (4) to the area of the authority is a reference to the territory previously comprised in the integrated transport area.
- (6) A power of direction under this section must relate only to the exercise of an eligible power in respect of—
- (a) a particular road (whether or not specified in the order), or
 - (b) a description of road (whether or not specified in the order).
- (7) In subsection (6) “road”—
- (a) has the meaning given by section 142(1) of the Road Traffic Regulation Act 1984, and
 - (b) does not include any road which is the subject of a concession agreement under Part 1 of the New Roads and Street Works Act 1991 (c. 22).
- (8) A power of direction under this section must relate only to any one or more of—
- (a) the provision of information about the exercise of an eligible power which the authority subject to the direction has or might reasonably be expected to acquire,
 - (b) the imposition on such an authority of requirements relating to procedures to be followed prior to the exercise of an eligible power,
 - (c) the imposition on such an authority of requirements relating to the obtaining of consent prior to the exercise of an eligible power,
 - (d) the imposition on such an authority of conditions subject to which an eligible power may be exercised (including conditions relating to the times at which, and the manner in which, an eligible power may be exercised),
 - (e) a requirement to exercise an eligible power (including a requirement to exercise an eligible power subject to conditions),
 - (f) a prohibition on the exercise of an eligible power.
- (9) A power of direction under this section may be conferred subject to conditions.
- (10) Any direction given by virtue of this section—
- (a) must be given in writing and may be varied or revoked by a further direction in writing, and
 - (b) may make different provision for different cases and different provision for different areas.
- (11) If an order makes provision for a direction by virtue of subsection (8)(e), the order must make provision for the direction not to have effect unless the directing authority meets the cost of complying with the direction.
- (12) An order under this section must not provide that an authority is subject to concurrent directions given by more than one directing authority about the exercise of the same eligible power.

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Textual Amendments

- F1** Words in s. 88(1)(b) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 126](#); S.I. 2009/3318, art. 2(c)

Modifications etc. (not altering text)

- C1** S. 88(10) applied (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 104\(3\)\(a\)](#), 148(6); S.I. 2009/3318, art. 2(a)

Commencement Information

- I1** S. 88 partly in force; s. 88 in force at Royal Assent for certain purposes see s. 134
- I2** S. 88 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:

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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)