

SCHEDULE 2

Article 2(2)

PART 1

PROVISIONS COMING INTO FORCE ON 9TH FEBRUARY 2009 AS RESPECTS ENGLAND

Section 7, and accordingly Schedule 1.

Section 8.

Section 9(2) (in so far as it relates to section 9(4) and (5)), and section 9(4) and (5).

Sections 10 to 12.

Section 13(1) (in so far as it relates to section 13(2)) and section 13(2).

Section 46, and accordingly Schedule 2.

Section 64.

Section 65(1).

Section 68(1) (in so far as it relates to section 68(3)) and section 68(3).

Sections 69 to 71.

Section 75, in so far as it is not already in force.

Sections 103 to 111, and accordingly Schedule 5, in so far as they are not already in force.

Section 112(1).

Section 113(1) to (4), in so far as it is not already in force.

Section 114.

Section 115(1) and (2), in so far as it is not already in force.

Section 116(1) to (3), in so far as it is not already in force.

Section 117(1).

Section 118(1) to (5).

Section 121 (in so far as it relates to Part 1 of Schedule 6), and accordingly Part 1 of Schedule 6.

Section 131, in so far as it relates to the following entries in Parts 1, 2, 3 and 5 of Schedule 7—

section 9A(7) of the TA 1968,

entries for the TA 1985 relating to—

section 63(8) and (8A),

sections 74(3) to (12), 75(3) and 79(3), (7) and (8), and

section 89(7)(b) and (8) of,

that Act,

entries for the TA 2000 relating to Part 2 of the Act,

entries for the TA 2000 relating to—

section 155(2) and (4) of, and

Schedule 10 and paragraph 13 of Schedule 11 to,

that Act,

entries for the TA 2000 relating to Part 6 of the Act, and

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the Enterprise Act 2002(1),
and accordingly those repeals.

PART 2

TRANSITIONAL PROVISIONS IN RELATION TO CERTAIN PROVISIONS COMING INTO FORCE ON 9TH FEBRUARY 2009 AS RESPECTS ENGLAND

1.—(1) Subject to paragraph (2), notwithstanding the coming into force of section 8 of the Act, local transport policies developed, and local transport plans prepared and published, by a local transport authority before 9th February 2009 shall continue to have effect until 1st April 2011 as though section 108 of the TA 2000 (local transport plans) had not been amended by section 8.

(2) Paragraph (1) shall not apply to the extent that the local transport policies and plans of a local transport authority are altered by that authority before 1st April 2011.

2. Notwithstanding the coming into force of section 10 of the Act, a bus strategy prepared by a local transport authority in accordance with section 110 of the TA 2000 (bus strategies) shall continue to have effect as respects section 124(1)(a) of that Act (quality contracts schemes).

3. Local transport policies and plans developed and prepared jointly for an integrated transport area by an Integrated Transport Authority and the councils for the metropolitan districts comprised in the area, in accordance with section 108(1)(a) and (3) and section 113(1) of the TA 2000 (role of metropolitan district councils), shall on and after 9th February 2009 be treated as local transport policies and plans developed and prepared by the Integrated Transport Authority in accordance with section 108(1)(a) of the TA 2000, including for the purposes of this Order.

4. Notwithstanding the coming into force of section 64 of the Act, section 155 of the TA 2000 (penalties) shall continue to apply in England without the amendments made by section 64 of the Act in respect of penalties imposed by a traffic commissioner against an operator of a local service where that traffic commissioner is satisfied that the operator had, before 9th February 2009—

- (a) failed to operate a local service registered under section 6 of the TA 1985,
- (b) operated a local service in contravention of that section or section 118(4) or 129(1)(b) of the TA 2000, or
- (c) failed to comply with section 138 or 140(3) of the TA 2000.

5.—(1) Notwithstanding the coming into force of section 71 of the Act, any application which is made before 9th February 2009 and which seeks the consent of the Secretary of State under any of the provisions of the TA 1985 listed in sub-paragraph (2), but which has not been determined by that date, is to be dealt with as if that application had been made on a date on or after 9th February 2009.

(2) The provisions are—

- (a) section 75(3) (subscription for, or acquisition or disposal of, certain shares, securities or other property or assets etc);
- (b) section 79(3) (making or guaranteeing of certain loans);
- (c) section 79(7) (guarantees etc in connection with disposals of certain shares, securities or other property or assets etc); and
- (d) section 79(8) (provision of financial assistance by way of grants, loans, etc).

(1) 2002 c. 40.

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6. Notwithstanding the coming into force of sections 110 and 111 of the Act, sections 169 and 170 of the TA 2000 (charging schemes) shall continue to apply without the amendments made by sections 110 and 111 in respect of any charging scheme under Part 3 of the TA 2000 which was submitted to the Secretary of State in accordance with section 169 of that Act before 9th February 2009.