

Transport Act 2000

2000 CHAPTER 38

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An Act to make provision about transport.

[30th November 2000]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Extent

Preamble: United Kingdom

PART I

AIR TRAFFIC

CHAPTER I

AIR TRAFFIC SERVICES

General duties

 Law In Force

1.— Secretary of State's general duty.

(1) The Secretary of State must exercise his functions under this Chapter so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (2) to (5).

(2) The Secretary of State must exercise his functions under this Chapter in the manner he thinks best calculated—

- (a) to further the interests of operators and owners of aircraft, owners and managers of aerodromes, persons travelling in aircraft and persons with rights in property carried in them;
- (b) to promote efficiency and economy on the part of licence holders;
- (c) to secure that licence holders will not find it unduly difficult to finance activities authorised by their licences.

(3) The only interests to be considered under subsection (2)(a) are interests regarding the range, availability, continuity, cost and quality of air traffic services.

(4) The reference in subsection (2)(a) to furthering interests includes a reference to furthering them (where the Secretary of State thinks it appropriate) by promoting competition in the provision of air traffic services.

(5) If in a particular case there is a conflict in the application of the provisions of subsections (2) to (4), in relation to that case the Secretary of State must apply them in the manner he thinks is reasonable having regard to them as a whole.

(6) The Secretary of State must exercise his functions under this Chapter so as to impose on licence holders the minimum restrictions which are consistent with the exercise of those functions.

(7) This section does not apply to the exercise of the Secretary of State's functions under section 38.

Commencement

Pt I c. I s. 1(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 1(1)-(7): United Kingdom

✓ Law In Force

2.— CAA's general duty.

(1) The CAA must exercise its functions under this Chapter so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (2) to (5).

(2) The CAA must exercise its functions under this Chapter in the manner it thinks best calculated—

- (a) to further the interests of operators and owners of aircraft, owners and managers of aerodromes, persons travelling in aircraft and persons with rights in property carried in them;
- (b) to promote efficiency and economy on the part of licence holders;
- (c) to secure that licence holders will not find it unduly difficult to finance activities authorised by their licences;
- (d) to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State (whatever the time or purpose of the notification);

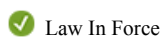
- (e) to take account of any guidance on environmental objectives given to the CAA by the Secretary of State after the coming into force of this section.
- (3) The only interests to be considered under subsection (2)(a) are interests regarding the range, availability, continuity, cost and quality of air traffic services.
- (4) The reference in subsection (2)(a) to furthering interests includes a reference to furthering them (where the CAA thinks it appropriate) by promoting competition in the provision of air traffic services.
- (5) If in a particular case there is a conflict in the application of the provisions of subsections (2) to (4), in relation to that case the CAA must apply them in the manner it thinks is reasonable having regard to them as a whole.
- (6) The CAA must exercise its functions under this Chapter so as to impose on licence holders the minimum restrictions which are consistent with the exercise of those functions.
- (7) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the performance by the CAA of its functions under this Chapter.

Commencement

Pt I c. I s. 2(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 2(1)-(7): United Kingdom

Restrictions

Law In Force

3.— Restrictions on providing services.

- (1) A person commits an offence if he provides air traffic services in respect of a managed area.
- (2) But subsection (1) is subject to subsections (3) to (5).
- (3) Subsection (1) does not apply if the person—
- (a) is authorised by an exemption to provide the services, or
 - (b) acts as an employee or agent of a person who is authorised by an exemption to provide the services.
- (4) Subsection (1) does not apply if the person—
- (a) holds a licence authorising him to provide the services, or
 - (b) acts as an employee or agent of a person who is authorised by a licence to provide the services.
- (5) Subsection (1) does not apply if the services are provided by the CAA in pursuance of directions under section 66(1).
- (6) For the purposes of this section—

- (a) air traffic services are to be treated as provided at the place from which they are provided;
 - (b) air traffic services may be provided in respect of a managed area whether or not the aircraft concerned is in that area when they are provided.
- (7) A person who commits an offence under this section is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (8) No proceedings may be started in England and Wales or Northern Ireland for an offence under this section except by or on behalf of—
- (a) the Secretary of State, or
 - (b) the CAA acting with his consent.

Commencement

Pt I c. I s. 3(1)-(8)(b): May 1, 2001 (SI 2001/1498 art. 2)

Extent

Pt I c. I s. 3(1)-(8)(b): United Kingdom

 Law In Force

4.— Exemptions.

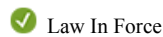
- (1) The Secretary of State may by order grant an exemption authorising the provision of air traffic services in respect of a managed area.
- (2) An exemption—
- (a) may be granted to a particular person or to persons of a specified description or to all persons;
 - (b) may be granted in respect of air traffic services of one or more specified descriptions;
 - (c) may be granted in respect of air traffic services provided in specified circumstances;
 - (d) may be granted in respect of one or more specified areas (any of which may consist of all or part of a managed area);
 - (e) may be granted subject to such conditions as may be specified.
- (3) An exemption granted to persons of a specified description must be published in such manner as the Secretary of State thinks appropriate for bringing it to the attention of persons of that description.
- (4) An exemption continues in force for the period specified in or determined by or under it, unless it previously ceases to have effect in accordance with its provisions.

Commencement

Pt I c. I s. 4(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 4(1)-(4): United Kingdom



5.— Licences: general.

- (1) A licence may be granted to a company authorising it to provide air traffic services in respect of a managed area.
- (2) A licence—
 - (a) may be granted in respect of air traffic services of one or more specified descriptions;
 - (b) may be granted in respect of one or more specified areas (any of which may consist of all or part of a managed area).
- (3) A licence is not valid unless it is in writing.
- (4) A licence is not valid unless it is granted to [a company [...]]² that is limited by shares.]¹
(a)-(b) [...]]¹
- (5) A licence continues in force for the period specified in it or determined by or under it, unless it previously ceases to have effect in accordance with its provisions.
- (6) A licence may not be transferred.

Notes

- ¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(2) (October 1, 2009)
- ² Words repealed by Transport Act 2000 (Amendment of section 5(4)) Regulations 2011/205 reg.2 (April 6, 2011)

Commencement

Pt I c. I s. 5(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 5(1)-(6): United Kingdom



6.— Licences: grant.

- (1) A licence may be granted by—
 - (a) the Secretary of State after consulting the CAA,
 - (b) the CAA with the consent of the Secretary of State, or
 - (c) the CAA in accordance with a general authority given by the Secretary of State.
- (2) A general authority may be given on condition that the CAA complies with specified requirements (whether as to consulting the Secretary of State or obtaining his consent before granting a licence, as to the provisions to be included in a licence, or otherwise).
- (3) An application for a licence—
 - (a) must be made in the prescribed manner;
 - (b) must contain or be accompanied by prescribed information;
 - (c) must be accompanied by the application fee (if any);
 - (d) must, if the licence authority requires, be published by the applicant in the prescribed manner and within a period notified to it by the licence authority.

- (4) On an application the licence authority may grant or refuse the licence.
- (5) Before granting or refusing a licence the licence authority must—
- (a) publish a notice in such manner as the authority thinks appropriate for bringing it to the attention of persons likely to be affected by the grant or refusal,
 - (b) serve a copy of the notice on the applicant, and
 - (c) consider any representations made in accordance with the notice (and not withdrawn).
- (6) The notice must—
- (a) state either that the licence authority proposes to grant the licence or that it proposes to refuse it and (in either case) the reasons for so proposing, and
 - (b) state the period (not less than 28 days starting with the date of publication of the notice) within which representations may be made regarding the proposed grant or refusal.
- (7) As soon as practicable after granting a licence the grantor must send a copy—
- (a) to the CAA, if the grantor is the Secretary of State;
 - (b) to the Secretary of State, if the grantor is the CAA.
- (8) The following requirements do not apply in relation to licences which need to be granted before the coming into force of section 3—
- (a) the requirement to consult imposed by subsection (1)(a);
 - (b) the requirements imposed by subsection (3);
 - (c) the requirements imposed by subsections (5) and (6).
- (9) The licence authority is the Secretary of State or the CAA (depending on the person to whom it falls to grant the licence).
- (10) The application fee is—
- (a) the prescribed fee, if the licence authority is the Secretary of State;
 - (b) the charge determined under a scheme or regulations made under section 11 of the Civil Aviation Act 1982, if the licence authority is the CAA.
- (11) “Prescribed” means prescribed by regulations made by the Secretary of State.

Commencement

Pt I c. I s. 6(1)-(11): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 6(1)-(11): United Kingdom



Law In Force

7.— Licences: provisions.

- (1) A licence may include such provisions as the licence authority thinks are necessary or expedient; and a provision need not relate to services authorised by the licence.
- (2) In particular, provision of the following kinds may be included—
- (a) provision requiring the licence holder to enter into an agreement for a purpose specified in the licence and provision for determining the terms of the agreement;

- (b) provision requiring the licence holder to comply with any requirements imposed at any time (by directions or otherwise) by a person with respect to any matter specified, or of a description specified, in the licence;
 - (c) provision requiring the licence holder, except in so far as a person consents to its doing or not doing them, not to do or to do such things as may be specified, or of a description specified, in the licence;
 - (d) provision requiring the licence holder to refer to a person for approval or determination such matters as may be specified, or of a description specified, in the licence.
- (3) A reference in subsection (2) to a person is to—
- (a) a person specified, or of a description specified, in the licence for the purpose concerned, or
 - (b) if the licence so provides, a person nominated for the purpose concerned by a person falling within paragraph (a);
- and any of those persons may be the licence authority or some other person.
- (4) A licence may include provisions requiring a payment on its grant or payments during its currency (or both)—
- (a) of an amount or amounts specified in the licence or determined by or under it;
 - (b) to a person or persons specified in the licence or determined by or under it.
- (5) [...] ¹
- (6) Such provisions as the licence authority thinks fit may be expressed as conditions.
- [(6A) A licence condition may include provision for its modification only if it specifies or describes—
- (a) the circumstances in which it may be modified,
 - (b) the types of modification that may be made, and
 - (c) the period or periods in which it may be modified.
- (6B) If a licence condition includes such a provision, it may be modified in accordance with that provision or in accordance with the provision made by this Chapter about modifying licence conditions.
- (6C) A term of a licence may be modified only in accordance with the provision made by this Chapter about modifying terms of a licence.] ²
- (7) The licence authority is the Secretary of State or the CAA (depending on the person to whom it falls to grant the licence).

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.1(2) (June 29, 2021)

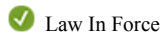
² Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.1(3) (June 29, 2021)

Commencement

Pt I c. I s. 7(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 7(1)-(7): United Kingdom



Law In Force

8.— Duties of licence holders.

(1) While a licence is in force its holder—

- (a) must secure that a safe system for the provision of authorised air traffic services in respect of a licensed area is provided, developed and maintained;
- (b) must take all reasonable steps to secure that the system is also efficient and co-ordinated;
- (c) must take all reasonable steps to secure that the demand for authorised air traffic services in respect of a licensed area is met;
- (d) must have regard, in providing, developing and maintaining the system, to the demands which are likely to be placed on it in the future.

(2) A licensed area is an area in respect of which the licence authorises its holder to provide air traffic services.

(3) Authorised services are services of the description specified in the licence as the description of services which the holder of the licence is authorised to provide.

(4) For the purposes of subsection (1)(a) a system for the provision of services is safe if (and only if) in providing the services the person who provides them complies with such requirements as are imposed by Air Navigation Orders with regard to their provision.

(5) An Air Navigation Order is an Order in Council under section 60 of the Civil Aviation Act 1982.

Commencement

Pt I c. I s. 8(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 8(1)-(5): United Kingdom



Law In Force

9.— Power to exclude services from effect of section 8.

(1) If a notice given by the CAA to a licence holder so provides, such air traffic services as are specified in the notice are to be treated as not being authorised services for the purposes of section 8 in its application to that holder.

(2) A notice under subsection (1) may specify the air traffic services by reference to part of a licensed area.

(3) A notice under this section may be modified or revoked by a further notice given by the CAA to the holder concerned.

Commencement

Pt I c. I s. 9(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 9(1)-(3): United Kingdom

✓ Law In Force

10.— Breach of duties or conditions.

- (1) No action is to lie in respect of a failure by a licence holder to perform—
- (a) a duty imposed by section 8;
 - (b) a [licence condition] ¹.
- (2) But subsection (1) does not affect—
- (a) a right of action in respect of an act or omission which takes place in the course of the provision of air traffic services;
 - [(b) the power to give a contravention notice;
 - (c) the power to give an enforcement order or an urgent enforcement order, a duty to comply with the order and a power to bring proceedings in respect of the duty;
 - (d) the power to impose a penalty under paragraph 9 or 10 of Schedule B1.] ²

Notes

¹ Words substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.2(2) (June 29, 2021)

² S.10(2)(b)-(d) substituted for s.10(2)(b) by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.2(3) (June 29, 2021)

Commencement

Pt I c. I s. 10(1)-(2)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 10(1)-(2)(d): United Kingdom

Modification of licences

✓ Law In Force

[11 Modification of a licence

- (1) The CAA may modify a licence by modifying the licence conditions.
- (2) Subsection (1) is subject to section 11B.

- (3) The Secretary of State may modify a licence—
- (a) by modifying any term specifying the period for which the licence continues in force or any term by or under which that period is determined;
 - (b) by modifying a prescribed term.

(4) In this section "prescribed" means prescribed by regulations made by the Secretary of State.

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Notes

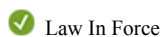
- ¹ Ss 11, 11A and 11B substituted for s.11 by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(1) (June 29, 2021)

Commencement

Pt I c. I s. 11(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 11(1)-(5): United Kingdom



Law In Force

[11A Modification of licence: procedure

- (1) Before modifying a licence in reliance on section 11, the modifying authority must—
- (a) publish a notice in relation to the proposed modification;
 - (b) send a copy of the notice to the persons listed in subsection (2);
 - (c) consider any representations about the proposed modification that are made in the period specified in the notice (and not withdrawn).
- (2) The persons are—
- (a) the licence holder;
 - (b) any owners or operators of aircraft, or any bodies representing them, that the modifying authority considers appropriate;
 - (c) any owners or managers of aerodromes, or any bodies representing them, that the modifying authority considers appropriate;
 - (d) any bodies representing users of air transport services that the modifying authority considers appropriate;
 - (e) where the modifying authority is the CAA, the Secretary of State;
 - (f) where the modifying authority is the Secretary of State, the CAA.
- (3) The notice under subsection (1) must—
- (a) state that the modifying authority proposes to modify the licence;
 - (b) specify the proposed modification;
 - (c) give the modifying authority's reasons for the proposed modification;
 - (d) state the effect of the proposed modification;
 - (e) specify a reasonable period for making representations.
- (4) If, after publishing the notice under subsection (1), the modifying authority decides not to make the modification in reliance on section 11, the modifying authority must—
- (a) publish a notice, giving its reasons;

- (b) send a copy of the notice to the persons listed in subsection (2).
- (5) If, after complying with subsections (1) to (3) in relation to a modification, the modifying authority decides to modify a licence in reliance on section 11, the modifying authority must—
 - (a) publish a notice in relation to the modification;
 - (b) send a copy of the notice to the persons listed in subsection (2).
- (6) The modifying authority is not to be treated as having complied with subsections (1) to (3) in relation to a modification of a licence if the modification differs significantly from the modification proposed in the notice under subsection (1).
- (7) The notice under subsection (5) must—
 - (a) specify the modification;
 - (b) specify the date from which the modification is to have effect (subject to paragraphs 6 to 8 of Schedule A1);
 - (c) give the modifying authority's reasons for the modification;
 - (d) state the effect of the modification;
 - (e) state how it has taken account of any representations made in the period specified in the notice under subsection (1);
 - (f) state the reasons for any differences between the modification and that set out in the notice under subsection (1).
- (8) The date specified under subsection (7)(b)—
 - (a) in the case of a modification of a licence condition, must fall after the end of the period of 6 weeks beginning with the day on which the notice under subsection (5) was published (subject to paragraphs 6 to 8 of Schedule A1);
 - (b) otherwise, must fall after the end of the period of 28 days beginning with that day.
- (9) In this section "modifying authority" —
 - (a) in relation to a modification of a licence condition, means the CAA;
 - (b) in relation to any other modification, means the Secretary of State.

1¹

Notes

- ¹ Ss 11, 11A and 11B substituted for s.11 by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(1) (June 29, 2021)

Extent

Pt I c. I s. 11A(1)-(9)(b): United Kingdom

 Law In Force

[11B Restrictions on power to modify licence conditions

- (1) The CAA must not make a proposed modification if, within the period specified under section 11A(3)(e), the Secretary of State directs it not to do so.
- (2) The CAA must—
 - (a) publish a direction given to it under subsection (1);
 - (b) send a copy of the direction to the persons listed in subsection (3).

(3) The persons are—

- (a) the licence holder;
- (b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
- (c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
- (d) any bodies representing users of air transport services that the CAA considers appropriate.

]¹

Notes

- ¹ Ss 11, 11A and 11B substituted for s.11 by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(1) (June 29, 2021)

Extent

Pt I c. I s. 11B(1)-(3)(d): United Kingdom

 Repealed

12.— [...]¹

Notes

- ¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)
-

 Repealed

12A [...]¹

Notes

- ¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)
-

 Repealed

12B [...]¹

Notes

- ¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)
-

 Repealed

13.— [...]¹

Notes

- ¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)
-

 Repealed

14.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)

 Repealed

15.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)

 Repealed

16.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)

 Repealed

17.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)

 Repealed

18 [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.9(2) (June 29, 2021)

 Law In Force

19.— **Modification by order under other enactments.**

[(1) Where the [CMA]² or (as the case may be) the Secretary of State (in this section “the relevant authority”) makes a relevant order, the order may also provide for the modification of the [licence conditions]³ to such extent as may appear to the relevant authority to be requisite or expedient for the purpose of giving effect to, or taking account of, any provision made by the order.

(2) In subsection (1) above “relevant order” means—

(a) an order under section 75, 83 or 84 of, or paragraph 5, 10 or 11 of Schedule 7 to, the 2002 Act where—

(i) one or more than one of the enterprises which have, or may have, ceased to be distinct enterprises was engaged in the provision of air traffic services; or

(ii) one or more than one of the enterprises which will or may cease to be distinct enterprises is engaged in the provision of air traffic services; or

(b) an order under section 160 or 161 of that Act where the feature, or combination of features, of the market [or markets]⁴ in the United Kingdom for goods or services which prevents, restricts or distorts competition relates to the provision of air traffic services.

] ¹

(5) As soon as practicable after making modifications under this section the [relevant authority]⁵ must send a copy of them to the licence holder and a copy to the CAA.

[(6) Expressions used in subsection (2) above and in Part 3 or (as the case may be) Part 4 of the 2002 Act have the same meanings in that subsection as in that Part.]⁶

(7) The [2002 Act is the Enterprise Act 2002]⁷.

Notes

¹ S.19(1)-(2) substituted for s.19(1)-(4) by Enterprise Act 2002 c. 40 Sch.9(1) para.15(2) (June 20, 2003)

² Words substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.95 (April 25, 2013: substitution has effect on April 25, 2013 in relation to enabling the exercise on or after that date of any power (arising under or by virtue of that provision) to make provision by regulations, rules or order made by statutory instrument subject to transitional provisions specified in 2013 c.24 s.28; April 1, 2014 otherwise)

³ Words substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.3 (June 29, 2021)

⁴ Words inserted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.152 (April 1, 2014)

⁵ Words substituted by Enterprise Act 2002 c. 40 Sch.9(1) para.15(3) (June 20, 2003)

⁶ Substituted by Enterprise Act 2002 c. 40 Sch.9(1) para.15(4) (June 20, 2003)

⁷ Words substituted by Enterprise Act 2002 c. 40 Sch.9(1) para.15(5) (June 20, 2003)

Commencement

Pt I c. I s. 19(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

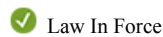
Extent

Pt I c. I s. 19(1)-(7): United Kingdom

[Appeal against modification of licence conditions]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.3 para.1 (June 29, 2021)



Law In Force

[19A Appeal to Competition and Markets Authority

- (1) An appeal lies to the CMA against a decision by the CAA to modify a licence condition under section 11(1).
- (2) An appeal may be brought under this section only by—
- (a) the licence holder,
 - (b) an owner or operator of an aircraft whose interests are materially affected by the decision, or
 - (c) an owner or manager of a prescribed aerodrome whose interests are materially affected by the decision.
- (3) "Prescribed aerodrome" means an aerodrome of a description prescribed by regulations made by the Secretary of State.
- (4) An appeal may be brought under this section only with the permission of the CMA.
- (5) An application for permission to appeal under this section may be made only by a person who, if permission is granted, will be entitled to bring the appeal.
- (6) The CMA may refuse permission to appeal under this section only on one of the following grounds—
- (a) that the appeal is brought for reasons that are trivial or vexatious;
 - (b) that the appeal does not have a reasonable prospect of success;
 - (c) that subsection (7) is satisfied.
- (7) This subsection is satisfied if the appeal is brought—
- (a) against a decision that relates entirely to a matter remitted to the CAA following an earlier appeal under this section, and
 - (b) on grounds that were considered, or could have been raised by the current applicant or a relevant connected person, as part of the earlier appeal.
- (8) In subsection (7) "relevant connected person", in relation to an applicant, means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the CMA.

]¹

Notes

- ¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.3 para.1 (June 29, 2021)

Extent

Pt I c. I s. 19A(1)-(8): United Kingdom



Law In Force

[19B When appeals may be allowed

The CMA may allow an appeal under section 19A only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;

- (b) that the decision was wrong in law;
- (c) that an error was made in the exercise of a discretion.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.3 para.1 (June 29, 2021)

Extent

Pt I c. I s. 19B(a)-(c): United Kingdom

✓ Law In Force

[19C Determination of appeal

- (1) Where it does not allow an appeal under section 19A, the CMA must confirm the decision appealed against.
- (2) Where it allows an appeal under section 19A, the CMA must do one or more of the following—
 - (a) quash the decision appealed against;
 - (b) remit the matter that is the subject of the decision appealed against to the CAA for reconsideration and decision in accordance with this Chapter and any directions given by the CMA;
 - (c) substitute its own decision for that of the CAA.
- (3) Where it allows only part of an appeal under section 19A—
 - (a) subsection (2) applies in relation to the part of the decision appealed against in respect of which the appeal is allowed, and
 - (b) subsection (1) applies in respect of the rest of that decision.
- (4) Where the CMA substitutes its own decision for that of the CAA, the CMA may give directions to—
 - (a) the CAA, and
 - (b) the licence holder.
- (5) The CMA must not give a direction under this section that requires a person to do anything that the person would not have the power to do apart from the direction.
- (6) A direction given by the CMA under this section to a person other than the CAA is enforceable—
 - (a) in England and Wales and Northern Ireland, as if it were an order of the High Court;
 - (b) in Scotland, as if it were an order of the Court of Session.

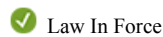
]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.3 para.1 (June 29, 2021)

Extent

Pt I c. I s. 19C(1)-(6)(b): United Kingdom



[19D Determination of appeal: time limits

(1) The CMA must determine an appeal under section 19A within the period of 24 weeks beginning with the day on which the CAA published, in accordance with section 11A, the notice of the decision that is the subject of the appeal.

This is subject to subsections (2) to (5).

(2) The CMA may extend the appeal period by not more than 12 weeks if satisfied that there are good reasons for doing so.

(3) The CMA may extend the appeal period only once in reliance on subsection (2).

(4) The CMA may extend the appeal period by any period that it considers appropriate if—

- (a) there is an appeal to the Competition Appeal Tribunal under this Chapter which the CMA considers may be relevant to the appeal under section 19A, and
- (b) the appeal to the Tribunal has not been determined or withdrawn.

(5) The CMA may extend the appeal period more than once in reliance on subsection (4).

(6) If the CMA extends the appeal period it must—

- (a) publish a notice stating the new time limit for determining the appeal;
- (b) send a copy of the notice to the persons listed in subsection (7).

(7) Those persons are—

- (a) the holder of the licence that is the subject of the appeal;
- (b) if the appeal was brought by someone other than the licence holder, the appellant;
- (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 27(3) of Schedule A1);
- (d) any owners or operators of aircraft that the CMA considers appropriate;
- (e) any owners or managers of prescribed aerodromes (within the meaning given in section 19A(3)) that the CMA considers appropriate;
- (f) the CAA.

(8) The Secretary of State may by regulations modify the periods of time specified in this section.

(9) In this section "appeal period", in relation to an appeal under section 19A, means the period allowed for determining the appeal.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.3 para.1 (June 29, 2021)

Extent

Pt I c. I s. 19D(1)-(9): United Kingdom



[19E Determination of appeal: publication etc

(1) A determination made by the CMA on an appeal under section 19A—

- (a) must be contained in an order made by the CMA, and
 - (b) takes effect at the time specified in the order or determined in accordance with the order.
- (2) The order must set out the reasons for the determination.
- (3) The CMA must—
 - (a) publish the order as soon as practicable after the determination is made;
 - (b) send a copy of the order to the persons listed in subsection (4).
- (4) Those persons are—
 - (a) the holder of the licence that is the subject of the appeal;
 - (b) if the appeal is brought by a person other than the licence holder, the appellant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal (see paragraph 27(3) of Schedule A1);
 - (d) any owners or operators of aircraft that the CMA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes (within the meaning given in section 19A(3)) that the CMA considers appropriate;
 - (f) the CAA.
- (5) The CMA may exclude from publication under subsection (3) any information that it is satisfied is—
 - (a) commercial information the disclosure of which would or might, in the opinion of the CMA, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the CMA, significantly harm the individual's interests.
- (6) The CAA must take any steps that it considers necessary for it to comply with the order.
- (7) The steps must be taken—
 - (a) if a time is specified in the order or is to be determined in accordance with the order, within that time;
 - (b) otherwise, within a reasonable time.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.3 para.1 (June 29, 2021)

Extent

Pt I c. 1 s. 19E(1)-(7)(b): United Kingdom

 Law In Force

[19F Procedure on appeals

- (1) Schedule A1 makes further provision in respect of appeals under section 19A.
- (2) In carrying out the functions listed in subsection (3), the CMA must have regard to the matters in respect of which duties are imposed on the CAA by section 2.
- (3) Those functions are—

- (a) deciding an application for permission to appeal under section 19A;
- (b) deciding an application under Schedule A1 for permission to intervene in an appeal;
- (c) determining an appeal under section 19A, including taking decisions and giving directions described in section 19C.

(4) Except where Schedule A1 provides otherwise, the functions of the CMA with respect to an appeal under section 19A are to be carried out on behalf of the CMA by a group constituted for the purpose, by the chair of the CMA, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.3 para.1 (June 29, 2021)

Extent

Pt I c. I s. 19F(1)-(4): United Kingdom

Enforcement

 Law In Force

[20 Enforcement

Schedule B1 makes provision for—

- (a) the enforcement of the duties imposed by section 8 and licence conditions, and
- (b) connected appeals.

]¹

Notes

¹ Substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(2) (June 29, 2021)

Commencement

Pt I c. I s. 20(1)-(12): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 20(1)-(12): United Kingdom

 Repealed

21.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(3) (June 29, 2021)

 Repealed

22.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(3) (June 29, 2021)

 Repealed

23.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(3) (June 29, 2021)

 Repealed

24.— [...]¹

Notes

¹ Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(3) (June 29, 2021)

 Law In Force

[25 Power to obtain information

Schedule C1 makes provision—

- (a) to enable the CAA to obtain information for the purposes of carrying out its functions under section 34 and Schedule B1,
- (b) for enforcement in connection with the exercise of those powers, and
- (c) for connected appeals.

]¹

Notes

¹ Substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(4) (June 29, 2021)

Commencement

Pt I c. I s. 25(1)-(11)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 25(1)-(11)(b): United Kingdom

[Penalties]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(5) (June 29, 2021)

✓ Law In Force

[25A Imposing penalties

(1) The CAA may not impose a penalty on a person under paragraph 9 or 10 of Schedule B1 or paragraph 2, 3 or 4 of Schedule C1 for an act or omission if it has imposed a penalty on the person under one of those provisions in respect of the same act or omission.

(2) Subsection (1) does not prevent the CAA imposing more than one penalty on a person in respect of acts or omissions that take place at different times or over different periods.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(5) (June 29, 2021)

Extent

Pt I c. I s. 25A(1)-(2): United Kingdom

✓ Law In Force

[25B Recovering penalties

(1) This section applies if all or part of a penalty imposed on a person under this Chapter is not paid within the period specified in the notice given in respect of the penalty under paragraph 12 of Schedule B1 or paragraph 6 of Schedule C1.

(2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.

(3) The CAA may recover from any person as a debt due to the CAA—

- (a) the unpaid balance, and
- (b) any interest on the penalty that has not been paid.

(4) Any sums received by the CAA by way of a penalty or interest under this Chapter must be paid into the Consolidated Fund.

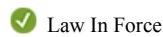
] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(5) (June 29, 2021)

Extent

Pt I c. I s. 25B(1)-(4): United Kingdom



Law In Force

[25C Statement of policy on penalties

- (1) The CAA must prepare and publish a statement of its policy with respect to—
 - (a) imposing penalties under this Chapter, and
 - (b) determining their amount.
- (2) The CAA may revise the statement of policy and, if it does so, it must publish the revised statement.
- (3) When imposing a penalty under this Chapter, or determining the amount of such a penalty, the CAA must have regard to the last statement of policy published before the act or omission in respect of which the penalty is to be imposed.
- (4) When preparing or revising a statement, the CAA must consult any persons that it considers appropriate.

I¹

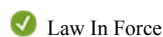
Notes

- ¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(5) (June 29, 2021)

Extent

Pt I c. I s. 25C(1)-(4): United Kingdom

Administration orders etc.



Law In Force

26.— Protection of licence companies etc.

- (1) No licence company may be wound up voluntarily.
- (2) No application may be made to a court for an administration order under Part II of the 1986 Act in relation to a licence company, and—
 - (a) anything purporting to be such an application is of no effect;
 - (b) no administration order may be made under that Part in relation to a licence company.
- (3) No step may be taken by a person to enforce any security over the property of a licence company unless the person has given to the Secretary of State and the CAA at least 14 days' notice of his intention to take the step.
- (4) No application for the winding up of a licence company may be made by a person other than the Secretary of State unless the person has given to the Secretary of State and the CAA at least 14 days' notice of his intention to make the application.

(5) In subsection (3) “security” and “property” have the same meanings as in Parts I to VII of the 1986 Act.

(6) In this section and sections 27 to 30—

- (a) references to a licence company are to a company which holds a licence;
- (b) references to the 1986 Act are to the Insolvency Act 1986.

Commencement

Pt I c. I s. 26(1)-(6)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 26(1)-(6)(b): United Kingdom

✓ Law In Force

27.— Duty to make order.

- (1) This section applies if an application is made to any court for the winding up of a licence company.
- (2) The Secretary of State and the CAA are entitled to be heard by the court.
- (3) The court must not make a winding up order or appoint a provisional liquidator.
- (4) But if the court is satisfied that it would be appropriate to make a winding up order if the company were not a licence company, it must instead make an air traffic administration order.
- (5) The Secretary of State and the CAA may propose a person to manage the company's affairs, business and property while an air traffic administration order is in force; and if they do the court must appoint that person.
- (6) A reference to the court is to the court which (but for this section) would have jurisdiction to wind up the company.

Commencement

Pt I c. I s. 27(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 27(1)-(6): United Kingdom

✓ Law In Force

28.— Power to make order.

- (1) The court may make an air traffic administration order in relation to a licence company if—
 - (a) an application by petition is made by the Secretary of State or by the CAA with his consent, and
 - (b) the court is satisfied that one or more of the following four conditions is satisfied.

- (2) The first condition is that the company is or is likely to be unable to pay its debts.
- (3) The second condition is that—
- (a) the Secretary of State certifies that but for section 27 it would be appropriate for him to petition for the company's winding up under section 124A of the 1986 Act (petition following inspectors' report etc), and
 - (b) but for section 27 it would be just and equitable (as mentioned in section 124A) for the company to be wound up.
- (4) The third condition is that—
- (a) there has been or is or is likely to be a contravention by the company of a section 8 duty,
 - [(b) no notice of withdrawal or revocation has been given under paragraph 1(8), 4(2) or 7(2) of Schedule B1 in relation to the contravention or apprehended contravention, and]¹
 - (c) the contravention or apprehended contravention is serious enough to make it inappropriate for the company to continue to hold the licence concerned.
- (5) The fourth condition is that—
- (a) [an enforcement order or an urgent enforcement order]² has been made or confirmed in relation to a section 8 duty or a licence condition,
 - (b) the order is not the subject of [an appeal under section 19A]³, and
 - (c) there has been or is or is likely to be such a contravention of the order by the company as to make it inappropriate for it to continue to hold the licence concerned.
- (6) For the purposes of subsection (2) a company is unable to pay its debts if it is deemed to be unable to do so under section 123 of the 1986 Act.
- [(7) In subsections (4) and (5)—
- "section 8 duty" means a duty imposed on a licence holder by section 8;
 - "licence condition" means a condition of a licence holder's licence.
-] ⁴
- (8) A reference to the court is to the court which (but for section 27) would have jurisdiction to wind up the company.

Notes

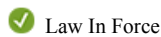
- ¹ Substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.4(2) (June 29, 2021)
- ² Words substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.4(3)(a) (June 29, 2021)
- ³ Words substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.4(3)(b) (June 29, 2021)
- ⁴ Substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.4(4) (June 29, 2021)

Commencement

Pt I c. I s. 28(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 28(1)-(8): United Kingdom



Law In Force

29.— Air traffic administration orders.

(1) An air traffic administration order made under section 27 or 28 is an order directing that in the period while the order is in force the company's affairs, business and property are to be managed by a person appointed by the court—

- (a) for the achievement of the following two purposes, and
- (b) in a manner which protects the interests of the company's members and creditors.

(2) The first purpose is—

- (a) the transfer to another company, as a going concern, of so much of the licence company's undertaking as it is necessary to transfer to ensure that its licensed activities may be properly carried out, or
- (b) the transfer to different companies of different parts of the licence company's undertaking, as going concerns, where the parts together constitute so much of its undertaking as is described in paragraph (a).

(3) The second purpose is the carrying on, pending the transfer, of the licence company's licensed activities.

(4) A reference to a licence company's licensed activities is to the activities which the licence concerned authorises the company to carry out.

(5) In subsection (1) “business” and “property” have the same meanings as in the 1986 Act.

(6) The reference in subsection (1) to the court is to the court making the order.

Commencement

Pt I c. I s. 29(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 29(1)-(6): United Kingdom



Law In Force

30.— Petitions and orders: supplementary.

(1) A petition under section 28 above cannot be withdrawn except with the court's leave.

(2) Section 9(4) and (5) of the 1986 Act (court's powers) apply on the hearing of a petition under section 28 above as they apply on the hearing of a petition for an administration order.

(3) Section 10(1), (2), (4) and (5) of the 1986 Act (effect of petition) apply in the case of a petition under section 28 above as if—

- (a) the reference in subsection (1) to an administration order were to an air traffic administration order;
- (b) the reference in subsection (1)(c) to proceedings included a reference to proceedings under or for the purposes of [Schedule B1 to this Act]¹ ;
- (c) in subsection (1)(c) after “its property” there were inserted “, and no right of re-entry or forfeiture may be enforced against the company in respect of any land,”;
- (d) subsection (2)(b) and (c) were omitted.

(4) Schedules 1 and 2 contain provisions relating to air traffic administration orders.

(5) The power given by section 411 of the 1986 Act to make rules applies for the purpose of giving effect to the air traffic administration order provisions as it applies for the purpose of giving effect to Parts I to VII of that Act, but taking references to those Parts as references to those provisions.

(6) The air traffic administration order provisions are sections 27 to 29, this section and Schedules 1 and 2.

(7) The reference in subsection (1) to the court is to the court to which the application by petition is made.

Notes

¹ Words substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.5 (June 29, 2021)

Commencement

Pt I c. I s. 30(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 30(1)-(7): United Kingdom

✓ Law In Force

31.— Government financial help.

(1) If an air traffic administration order is in force in relation to a company the Secretary of State may—

(a) make grants or loans to the company of such sums as he thinks appropriate to facilitate the achievement of the order's purposes;

(b) agree to indemnify the air traffic administrator in respect of liabilities incurred and loss or damage sustained by him in connection with carrying out his functions under the order.

(2) The Secretary of State may guarantee, in such manner and on such terms as he thinks fit, the repayment of the principal of, the payment of interest on and the discharge of any other financial obligation in connection with any sum borrowed from any person by a company in relation to which an air traffic administration order is in force when the guarantee is given.

(3) The terms on which a grant is made under this section may require all or part of it to be repaid to the Secretary of State if there is a contravention of the other terms on which it is made.

(4) A loan made under this section must be repaid to the Secretary of State at such times and by such methods, and interest must be paid to him at such rates and times, as may be specified in directions given by him from time to time.

(5) Subsections (3) and (4) do not prejudice any provision applied in relation to the company by Schedule 1.

(6) A grant, loan, agreement to indemnify, guarantee or direction under this section requires the Treasury's consent.

(7) The air traffic administrator is the person appointed by the court to achieve the purposes of the air traffic administration order.

Commencement

Pt I c. I s. 31(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 31(1)-(7): United Kingdom

✓ Law In Force

32.— Guarantees under section 31.

- (1) This section applies to a guarantee given under section 31.
- (2) Immediately after a guarantee is given the Secretary of State must lay a statement of it before each House of Parliament.
- (3) If a sum is paid out for fulfilling a guarantee, as soon as possible after the end of each relevant financial year the Secretary of State must lay a statement relating to the sum before each House of Parliament.
- (4) If any sums are paid out for fulfilling a guarantee the borrowing company must make to the Secretary of State at such times and in such manner as may be specified in directions given by him from time to time—
 - (a) payments of such amounts as he may specify in such directions in or towards repayment of the sums paid out, and
 - (b) payments of interest at such rate as he may specify in such directions on what is outstanding in respect of sums paid out.
- (5) Subsection (4) does not prejudice any provision applied in relation to the borrowing company by Schedule 1.
- (6) A direction under this section requires the Treasury's consent.
- (7) Relevant financial years are financial years starting with that in which the sum is paid out and ending with that in which all liability in respect of the principal of the sum and interest on it is finally discharged.
- (8) The borrowing company is the company which borrowed the sums in respect of which the guarantee was given.

Commencement

Pt I c. I s. 32(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 32(1)-(8): United Kingdom

✓ Law In Force

33. Northern Ireland.

Schedule 3 contains provisions relating to Northern Ireland.

Commencement

Pt I c. I s. 33: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 33: United Kingdom

Miscellaneous

✓ Law In Force

34.— Investigations.

[(1) A person may make a representation to the CAA about an alleged or apprehended contravention of a section 8 duty or a licence condition.

(2) Where a representation is made to the CAA, the CAA may—

- (a) consider the representation;
- (b) investigate the alleged or apprehended contravention.

] ¹

(3) A section 8 duty is a duty imposed on a licence holder by section 8.

Notes

¹ Substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Pt 2 s.10(6) (June 29, 2021)

Commencement

Pt I c. I s. 34(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 34(1)-(3): United Kingdom

✓ Law In Force

35.— Register.

(1) The CAA must compile and maintain a register for the purposes of this Chapter.

(2) The register must be kept at such premises and in such form as the CAA decides.

(3) The CAA must cause these matters to be entered in the register—

- (a) the provisions of every exemption;
- (b) the provisions of every licence;

- (c) every modification of [licence conditions]¹ ;
- (d) every revocation or surrender of a licence;
- (e) the provisions of every requirement or determination made or direction, consent or approval given under a licence;
- (f) the terms of every notice given under section 9;
- [(g) the terms of every contravention notice;
- (h) the terms of every withdrawal of a contravention notice;
- (i) the terms of every enforcement order;
- (j) the terms of every urgent enforcement order that has been confirmed;
- (k) the terms of every modification or revocation of an enforcement order or urgent enforcement order.]²

(4) The duty in subsection (3) does not extend to anything of which the CAA is unaware.

(5) So far as practicable the CAA must secure the exclusion from the register of any matter relating to the affairs of a person if the CAA thinks its inclusion would or might seriously and prejudicially affect the person's interests.

(6) If the Secretary of State thinks that entry of anything in the register would be against the public interest or any person's commercial interests, he may give a direction to the CAA requiring the CAA not to enter it.

(7) The CAA must secure that the contents of the register are available for inspection by the public during such hours as may be specified in an order made by the Secretary of State.

(8) If requested by any person to do so the CAA must supply him with a copy (certified to be true) of the register or of an extract from it.

(9) But subsection (8) does not apply if a charge required by a scheme or regulations made under section 11 of the Civil Aviation Act 1982 is not paid.

Notes

¹ Words substituted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.6(2) (June 29, 2021)

² S.35(3)(g)-(k) substituted for s.35(3)(g) by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.6(3) (June 29, 2021)

Commencement

Pt I c. I s. 35(1)-(9): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 35(1)-(9): United Kingdom

✓ Law In Force

36. Land.

Schedule 4 gives licence holders powers in relation to land.

Commencement

Pt I c. I s. 36: April 1, 2001 (SI 2001/869 art. 2)

Extent

Pt I c. I s. 36: United Kingdom

✓ Law In Force

37. Licence holders as statutory undertakers.

Schedule 5 contains provisions treating licence holders as statutory undertakers.

Commencement

Pt I c. I s. 37: April 1, 2001 (SI 2001/869 art. 2)

Extent

Pt I c. I s. 37: United Kingdom

✓ Law In Force

38.— Directions in interests of national security etc.

(1) The Secretary of State may give to a licence holder or to licence holders generally such directions of a general character as he thinks are necessary or expedient—

- (a) in the interests of national security, or
- (b) in the interests of encouraging or maintaining the United Kingdom's relations with another country or territory.

(2) The Secretary of State may give to a licence holder a direction requiring it to do or not to do a particular thing, if the Secretary of State thinks it necessary or expedient to give the direction in the interests of national security.

(3) The Secretary of State may give to a licence holder a direction requiring it—

- (a) to do or not to do a particular thing in connection with anything authorised by the licence, or
- (b) to secure that a particular thing is done or not done in connection with anything authorised by the licence,

if the Secretary of State thinks it necessary or expedient to give the direction in order to discharge or facilitate the discharge of an international obligation of the United Kingdom.

(4) In exercising his powers under subsections (1) to (3) the Secretary of State must have regard to the need to maintain a high standard of safety in the provision of air traffic services.

(5) In so far as a direction under this section conflicts with the requirements of section 93 or of an order under section 94, the direction is to be disregarded.

- (6) In so far as a direction under this section conflicts with the requirements of an enactment or instrument other than section 93 or an order under section 94, the requirements are to be disregarded.
- (7) Before giving a direction under this section to a particular licence holder (as opposed to licence holders generally) the Secretary of State must consult it.
- (8) The Secretary of State must send a copy of a direction under this section to the CAA.
- (9) The Secretary of State must lay before each House of Parliament a copy of a direction under this section unless he thinks its disclosure is against the interests of national security or the interests of the United Kingdom's relations with another country or territory or the commercial interests of any person.
- (10) A person must not disclose, and is not required by any enactment or otherwise to disclose, a direction given or other thing done by virtue of this section if the Secretary of State notifies him that he thinks disclosure is against the interests of national security or the interests of the United Kingdom's relations with another country or territory or the commercial interests of any person (other than the person notified).
- (11) A person commits an offence if—
 (a) without reasonable excuse he contravenes or fails to comply with a direction under this section, or
 (b) he makes a disclosure in contravention of subsection (10).
- (12) A person who commits an offence under this section is liable—
 (a) on summary conviction, to a fine not exceeding the statutory maximum;
 (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.

Commencement

Pt I c. I s. 38(1)-(12)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 38(1)-(12)(b): United Kingdom

 Law In Force

39.— Directions relating to the environment.

- (1) The Secretary of State may give such directions as he thinks are necessary or expedient—
 (a) to prevent or deal with noise, vibration, pollution or other disturbance attributable to aircraft used for the purpose of civil aviation;
 (b) to limit or mitigate the effects of such noise, vibration, pollution or disturbance.
- (2) Directions under this section may be given to—
 (a) a licence holder or licence holders generally;
 (b) a person who is authorised by an exemption to provide air traffic services (an authorised person) or authorised persons generally.
- (3) A direction under this section may be of a general character or may require a licence holder or an authorised person to do or not to do a particular thing.

(4) A direction under this section may include provision requiring persons to have regard to guidance which relates to the environment and which the Secretary of State may issue from time to time.

(5) In so far as a direction under this section conflicts with the requirements of section 38 or 93 or of an order under section 94, the direction is to be disregarded.

(6) In so far as a direction under this section conflicts with the requirements of an enactment or instrument other than section 38 or 93 or an order under section 94, the requirements are to be disregarded.

(7) Before giving a direction under this section to a particular licence holder or authorised person (as opposed to licence holders or authorised persons generally) requiring him to do or not to do a particular thing, the Secretary of State must consult—

- (a) that licence holder or authorised person;
- (b) the CAA.

Commencement

Pt I c. I s. 39(1)-(7)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. I s. 39(1)-(7)(b): United Kingdom

Interpretation

✓ Law In Force

40.— Interpretation.

(1) This section defines these expressions (here listed alphabetically) for the purposes of this Chapter—

- (a) aerodrome;
- [(aa) air transport service;
- (ab) the CMA;
- (ac) contravention;
- (ad) contravention notice;
- (ae) enforcement order;]¹
- (b) [...] ²
- (c) exemption;
- (d) licence;
- [(da) licence condition;]³
- (e) licence holder;
- (f) managed area;
- (g) manager of an aerodrome;
- (h) modification [;]⁴
- [(i) notice;
- (j) publication;

- (k) representation;
- (l) term of licence;
- (m) urgent enforcement order.]⁴

(2) An aerodrome is an aerodrome as defined in section 105(1) of the Civil Aviation Act 1982; and a manager of an aerodrome is a person who is in charge of it or holds a licence granted in respect of it by virtue of section 60 of that Act (Chicago Convention, regulation of air navigation etc).

(3) These are managed areas—

- (a) the United Kingdom;
- (b) any area which is outside the United Kingdom but in respect of which the United Kingdom has undertaken under international arrangements to provide air traffic services.

(4) An exemption is an exemption under this Chapter.

(5) A licence is a licence under this Chapter, and references to a licence holder must be construed accordingly.

[(6) A licence condition is a provision of a licence which is expressed as a condition.

(6A) A term of a licence is a provision of a licence which is not a licence condition.]⁵

(7) “Modification” includes addition, alteration and omission, and cognate expressions are to be construed accordingly.

[(8) “Air transport service” and “user”, in relation to such services, have the meaning given in section 69(1) of the Civil Aviation Act 2012 (air transport services).

(9) “The CMA” is the Competition and Markets Authority.

(10) References in this Chapter to a notice are to a notice in writing.

(11) Where a person is required to publish something by this Chapter, the person must publish it in whatever form and manner the person considers appropriate for bringing it to the attention of persons likely to be affected by it.

(12) A representation includes an objection.

(13) A contravention includes a failure to comply, and related expressions are to be read accordingly.

(14) A contravention notice is a notice under paragraph 1 of Schedule B1.

(15) An enforcement order is an order under paragraph 3 of Schedule B1.

(16) An urgent enforcement order is an order under paragraph 5 of Schedule B1.]⁶

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.7(2) (June 29, 2021)

² Repealed by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.7(3) (June 29, 2021)

³ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.7(4) (June 29, 2021)

⁴ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.7(5) (June 29, 2021)

⁵ S.40(6) and (6A) substituted for s.40(6) by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.7(6) (June 29, 2021)

⁶ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.7(7) (June 29, 2021)

Commencement

Pt I c. I s. 40(1)-(7): February 1, 2001 april 1, 2001 otherwise (SI 2001/57 art. 3, Sch. 2(I) para. 1; SI 2001/869 art. 2)

Extent

Pt I c. I s. 40(1)-(16): United Kingdom

✓ Law In Force

[40A Connected persons

(1) For the purposes of this Chapter one person is connected to another if they are group undertakings in relation to each other.

(2) "Group undertaking" has the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).

(3) The Secretary of State may by regulations make provision about when one person is connected with another for the purposes of this Chapter, including provision amending or otherwise modifying subsections (1) and (2).

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.8 (June 29, 2021)

Extent

Pt I c. I s. 40A(1)-(3): United Kingdom

CHAPTER II**TRANSFER SCHEMES***Introduction*

✓ Law In Force

41.— Meaning of transfer scheme.

(1) For the purposes of this Chapter a transfer scheme is a scheme which contains provisions falling within one or more of subsections (2) to (8).

(2) Provisions falling within this subsection are ones for the transfer of any of the CAA's property, rights or liabilities or of all or part of its undertaking to any of the following—

- (a) the Secretary of State;
- (b) a company which is wholly owned by the Crown;

- (c) a company which is wholly owned by the CAA;
- (d) a company which is a wholly owned subsidiary of a company falling within paragraph (b) or (c).

(3) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is wholly owned by the CAA or of all or part of the transferor's undertaking to any of the following—

- (a) the Secretary of State;
- (b) the CAA;
- (c) a company which is wholly owned by the Crown;
- (d) a company which is wholly owned by the CAA;
- (e) a company which is a wholly owned subsidiary of a company falling within paragraph (c) or (d).

(4) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is a wholly owned subsidiary of a company wholly owned by the CAA, or of all or part of the transferor's undertaking, to any of the following—

- (a) the CAA;
- (b) a company which is wholly owned by the Crown;
- (c) a company which is wholly owned by the CAA;
- (d) a company which is a wholly owned subsidiary of a company falling within paragraph (b) or (c).

(5) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is wholly owned by the Crown but which was wholly owned by the CAA on the coming into force of this section, or of all or part of the transferor's undertaking, to any of the following—

- (a) a company which is wholly owned by the Crown;
- (b) a company which is a wholly owned subsidiary of the transferor.

(6) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is wholly owned by the Crown, or of all or part of the transferor's undertaking, to the CAA.

(7) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) in circumstances where the transferor is a wholly owned subsidiary of a company (the holding company) wholly owned by the Crown and the holding company was wholly owned by the CAA on the coming into force of this section, or of all or part of the transferor's undertaking, to any of the following—

- (a) a company which is wholly owned by the Crown;
- (b) a company which is a wholly owned subsidiary of a company falling within paragraph (a).

(8) Provisions falling within this subsection are ones for the transfer of any of the property, rights or liabilities of a company (the transferor) which is a wholly owned subsidiary of a company wholly owned by the Crown, or of all or part of the transferor's undertaking, to the CAA.

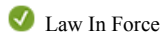
(9) To the extent that a scheme provides for the transfer of all or part of an undertaking, references in the following provisions of this Chapter to property, rights and liabilities are to the undertaking or part (including property, rights and liabilities falling within it).

Commencement

Pt I c. II s. 41(1)-(9): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 41(1)-(9): United Kingdom



Law In Force

42.— Transfer schemes: supplementary.

- (1) The things which may be transferred by a transfer scheme include—
- (a) anything which the transferor would not otherwise be capable of transferring or assigning;
 - (b) anything to which the transferor may become entitled or subject after the scheme is made and before it comes into force;
 - (c) anything situated anywhere in the United Kingdom or elsewhere;
 - (d) anything subsisting under an enactment;
 - (e) anything subsisting under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.
- (2) A scheme may divide any property, rights or liabilities of a transferor and in connection with the division may—
- (a) create for a transferor or transferee an interest in any property to which the scheme relates;
 - (b) create new rights and liabilities as between a transferor and a transferee with respect to any property to which the scheme relates;
 - (c) in connection with any provision made by virtue of paragraph (a) or (b), make incidental provision as to the interests, rights and liabilities of other persons with respect to any property to which the scheme relates.
- (3) A scheme may impose obligations on a transferor and transferee to take any necessary steps to secure that the following have effect—
- (a) any interest, right or liability created by virtue of subsection (2)(a) or (b);
 - (b) any incidental provision made by virtue of subsection (2)(c).
- (4) A scheme may—
- (a) impose on a transferor or transferee an obligation to enter into a specified written agreement with a specified person or persons (who may be or include a transferor or transferee);
 - (b) impose on a transferor or transferee an obligation to execute a specified instrument in favour of a specified person or persons (who may be or include a transferor or transferee);
 - (c) make provision (for instance, where part of particular property is transferred) that rights and liabilities specified or identified in the scheme are enforceable by or against a transferor or transferee (or both).
- (5) A scheme may make such supplementary, incidental, consequential or transitional provisions as the scheme's maker thinks are appropriate.

Commencement

Pt I c. II s. 42(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 42(1)-(5): United Kingdom

CAA's schemes

✓ Law In Force

43.— Transfer schemes made by CAA.

- (1) After consulting the CAA the Secretary of State may give a direction requiring it to make a transfer scheme.
- (2) A direction may specify how a scheme is to be made and the time within which it is to be made and submitted to the Secretary of State (as well as what is to be transferred, the transferor and the transferee).
- (3) In so far as a direction conflicts with the requirements of an enactment or instrument, the requirements are to be disregarded.
- (4) No direction may be given under this section before the end of the period of three months starting with the day on which this Act is passed.

Commencement

Pt I c. II s. 43(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 43(1)-(4): United Kingdom

✓ Law In Force

44.— Effect of scheme made by CAA.

- (1) This section applies to a scheme made under section 43.
- (2) A scheme does not come into force unless the Secretary of State approves it in writing.
- (3) Subject to that, a scheme comes into force on—
 - (a) the day it specifies for it to come into force, or
 - (b) if the approval specifies a day for it to come into force, that day.
- (4) The Secretary of State may modify a scheme before approving it and after consulting each person who is a transferor or a transferee.

- (5) When a scheme comes into force it has effect to transfer (in accordance with its provisions) the property, rights and liabilities to which it applies.
- (6) Any transferor or transferee (other than the Secretary of State) must provide the Secretary of State with any information and other assistance he may reasonably require in connection with his powers to approve and modify under this section.
- (7) If a body fails without reasonable excuse to comply with subsection (6) it is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (8) In this section “modify” includes add to, omit from and otherwise alter.
- (9) No approval may be given under this section before the end of the period of three months starting with the day on which this Act is passed.

Commencement

Pt I c. II s. 44(1)-(9): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 44(1)-(9): United Kingdom

Secretary of State's schemes

✓ Law In Force

45.— Transfer schemes made by Secretary of State.

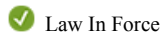
- (1) This section applies if—
- (a) the CAA fails to submit a transfer scheme within the time specified in a direction under section 43, or
 - (b) the Secretary of State does not approve a transfer scheme submitted by the CAA.
- (2) In such a case the Secretary of State may make a transfer scheme after consulting each person who is a transferor or a transferee.
- (3) A scheme made under this section comes into force on the day it specifies for it to come into force.
- (4) When the scheme comes into force it has effect to transfer (in accordance with its provisions) the property, rights and liabilities to which it applies.
- (5) No scheme may be made under this section before the end of the period of three months starting with the day on which this Act is passed.

Commencement

Pt I c. II s. 45(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 45(1)-(5): United Kingdom



Law In Force

46.— Information for purposes of section 45.

(1) If the Secretary of State proposes to make a transfer scheme he may give a direction to an interested body requiring it—

- (a) to provide him with such information as he thinks necessary to enable him to make the scheme, and
- (b) to do so within the period (not less than 28 days starting with the date on which the direction is given) specified in the direction.

(2) These are interested bodies—

- (a) the CAA;
- (b) a company which is wholly owned by the Crown;
- (c) a company which is wholly owned by the CAA;
- (d) a company which is a wholly owned subsidiary of a company falling within paragraph (b) or (c).

(3) If a body fails to comply with a direction under subsection (1) the Secretary of State may serve on it a notice which—

- (a) requires it to produce any documents which are specified or described in the notice and are in its custody or under its control, and to produce them at a time and place so specified and to a person so specified, or
- (b) requires it to supply information specified or described in the notice, and to supply it at a time and place and in a form and manner so specified and to a person so specified.

(4) No body may be required under this section—

- (a) to produce documents which it could not be compelled to produce in civil proceedings in the court;
- (b) to supply information which it could not be compelled to supply in such proceedings.

(5) If a body fails without reasonable excuse to do anything required of it by a notice under subsection (3) it is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(6) If a body intentionally alters, suppresses or destroys a document which it has been required to produce by a notice under subsection (3) it is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(7) If a body makes default in complying with a notice under subsection (3) the court may on the Secretary of State's application make such order as the court thinks fit for requiring the default to be made good.

(8) An order under subsection (7) may provide that all the costs or expenses of and incidental to the application are to be borne—

- (a) by the body in default, or
- (b) if officers of the body are responsible for its default, those officers.

(9) A reference to producing a document includes a reference to producing a legible and intelligible copy of information recorded otherwise than in legible form.

(10) A reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.

(11) A reference to the court is to—

- (a) the High Court in relation to England and Wales or Northern Ireland;
- (b) the Court of Session in relation to Scotland.

Commencement

Pt I c. II s. 46(1)-(11)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 46(1)-(11)(b): United Kingdom

Accounting provisions

✓ Law In Force

47.— Accounting provisions.

(1) This section applies if any property, rights or liabilities are transferred under a transfer scheme—

- (a) from the CAA to a company,
- (b) from a company to the CAA, or
- (c) from a company to a company.

(2) The transfer scheme may state—

- (a) the value at which any asset transferred to the transferee under the scheme is to be entered in the opening accounts of the transferee;
- (b) the amount at which any liability so transferred is to be entered in those accounts.

(3) The value or amount which may be stated by virtue of subsection (2) is—

- (a) in a case where the whole of the asset or liability is transferred by the transfer scheme, the value or amount at which the asset or liability appeared in the last full accounts of the transferor;
- (b) in a case where part only of the asset or liability is so transferred, such part of the value or amount at which the asset or liability appeared in the last full accounts of the transferor as may be determined by or in accordance with the transfer scheme.

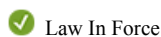
- (4) But if the maker of the transfer scheme considers that some other value or amount is appropriate, the value or amount which may be stated by virtue of subsection (2) is that other amount or value.
- (5) If no value or amount appeared as mentioned in subsection (3) in the case of an asset or liability, the value or amount which may be stated by virtue of subsection (2) is the value or amount which the maker of the transfer scheme considers appropriate.
- (6) The transfer scheme may provide that the amount to be included in the opening accounts of the transferee as representing its accumulated realised profits is to be determined as if such proportion of any profits realised and retained by the transferor as may be determined by or in accordance with the transfer scheme had been realised and retained by the transferee.
- (7) The transfer scheme may provide that the amount to be included in the opening accounts of the transferee as representing its accumulated realised losses is to be determined as if such proportion of any accumulated realised losses of the transferor as may be determined by or in accordance with the transfer scheme had been losses realised by the transferee.
- (8) When the transfer scheme comes into force a statement or provision under subsection (2), (6) or (7) has effect to require any value or amount concerned to be entered or determined accordingly.

Commencement

Pt I c. II s. 47(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 47(1)-(8): United Kingdom



Law In Force

48.— Accounting provisions: interpretation.

- (1) This section applies for the purposes of section 47.
- (2) The opening accounts of the transferee are—
- (a) if the transferee is the CAA, the annual accounts prepared by it in accordance with section 15 of the Civil Aviation Act 1982 for the accounting year next ending after the transfer date;
 - (b) if the transferee is a company, any statutory accounts prepared by it for the accounting year next ending after the transfer date.
- (3) The last full accounts of the transferor are—
- (a) if the transferor is the CAA, the annual accounts prepared by it in accordance with section 15 of the Civil Aviation Act 1982 for the accounting year last ended before the making of the transfer scheme;
 - (b) if the transferor is a company, the statutory accounts of the company for the accounting year last ended before the making of the transfer scheme.
- (4) An accounting year is—
- (a) in the case of the CAA, the period of 12 months ending with 31 March in any year;
 - (b) in the case of a company, its financial year within the meaning of [the Companies Act 2006]¹.

(5) Statutory accounts are accounts prepared by a company for the purpose of any provision of [the Companies Act 2006] ¹ (including group accounts).

Notes

¹ Words substituted subject to savings specified in SI 2008/948 arts 11 and 12 by Companies Act 2006 (Consequential Amendments etc) Order 2008/948 Sch.1(2) para.218(2) (April 6, 2008)

Commencement

Pt I c. II s. 48(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 48(1)-(5): United Kingdom

Ownership of transferee companies

✓ Law In Force

49.— Issue of securities.

(1) This section applies if any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is a company falling within subsection (4).

(2) The Secretary of State may give a direction under this section to the transferee if when the direction is given it is a company falling within subsection (4).

(3) A direction under this section is one requiring the transferee—

- (a) to issue to the appropriate person such securities of the transferee as are specified in the direction,
- (b) to do so at a time or times (specified in the direction) when it is a company falling within subsection (4), and
- (c) to do so on such terms as are specified in the direction.

(4) A company falls within this subsection if it is—

- (a) a company which is wholly owned by the Crown,
- (b) a company which is wholly owned by the CAA, or
- (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).

(5) The appropriate person is such of the following as the Secretary of State may specify in the direction—

- (a) the transferor;
- (b) the Secretary of State;
- (c) the CAA;
- (d) a company which is wholly owned by the Crown;
- (e) a company which is wholly owned by the CAA;
- (f) a company which is a wholly owned subsidiary of a company falling within paragraph (d) or (e).

(6) Shares issued in pursuance of this section—

- (a) must be of such nominal value as may be specified in a direction given by the Secretary of State, and
- (b) must be issued as fully paid and treated for the purposes of [the Companies Act 2006]¹ as if they had been paid up by virtue of the payment to the transferee of their nominal value in cash.

Notes

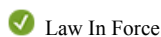
- ¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(3) (October 1, 2009)

Commencement

Pt I c. II s. 49(1)-(6)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 49(1)-(6)(b): United Kingdom



Law In Force

50.— Government investment in securities.

(1) This section applies if any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is—

- (a) a company which is wholly owned by the Crown,
- (b) a company which is wholly owned by the CAA, or
- (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).

(2) The Treasury or the Secretary of State with the Treasury's consent may—

- (a) acquire securities of the transferee by subscription or purchase;
- (b) acquire options to acquire or dispose of securities of the transferee.

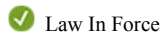
(3) The Secretary of State must not dispose of any securities or options acquired under this section without the Treasury's consent.

Commencement

Pt I c. II s. 50(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 50(1)-(3): United Kingdom



Law In Force

51.— Crown shareholding.

(1) This section applies if any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is—

- (a) a company which is wholly owned by the Crown,
- (b) a company which is wholly owned by the CAA, or
- (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).

(2) The Secretary of State may by order designate such a transferee for the purposes of this section.

(3) The Secretary of State must ensure that the Crown does not dispose of any of the shares it holds in the designated company unless he is satisfied that a scheme is in place to ensure the completion of any project which—

- (a) concerns the development of major facilities connected with air traffic services, and
- (b) was commissioned before the coming into force of this section by the CAA or a company wholly owned by the CAA.

(4) The Secretary of State must ensure that the Crown does not dispose of any of the shares it holds in the designated company unless—

- (a) the Crown holds at least 49 per cent of the company's issued ordinary share capital immediately before the disposal, and
- (b) the Crown will continue to hold at least 49 per cent of that share capital immediately after the disposal.

(5) The Secretary of State must ensure that at any given time the Crown holds at least 25 per cent of the designated company's issued ordinary share capital.

(6) The Secretary of State must ensure that the Crown continues to hold any special share provided for under the designated company's articles of association.

(7) A special share is a share which can be held only by the Crown and which gives the shareholder the right to prevent certain events by withholding consent.

(8) The Secretary of State must not consent to any alteration of the designated company's articles of association which requires his consent on behalf of the Crown as special shareholder unless a statement of the intended consent has been laid before and approved by resolution of each House of Parliament.

(9) If a person enters into a transaction relating to shares issued by the designated company—

- (a) he need not enquire whether the transaction results in a contravention of subsection (3), (4), (5) or (6), and
- (b) his rights in relation to the shares are not to be questioned on the grounds of, or affected by, a contravention of subsection (3), (4), (5) or (6).

(10) Grounds on which the Secretary of State may be satisfied that a scheme is in place as mentioned in subsection (3) include the grounds that the arrangements for the disposal of the shares include provision obliging the person acquiring them to ensure the completion of the project.

(11) For the purposes of this section a project concerns the development of major facilities if (and only if) the Secretary of State thinks that the value of the project is above £200 million.

(12) The Secretary of State may by order amend or repeal this section.

Commencement

Pt I c. II s. 51(1)-(12): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 51(1)-(12): United Kingdom

Transferee companies: other provisions

✓ Law In Force

52.— Loans.

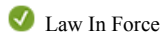
- (1) This section applies if any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is a company falling within subsection (3).
- (2) With the Treasury's approval the Secretary of State may make loans of such amounts as he thinks fit to the transferee if when the loans are made it is a company falling within subsection (3).
- (3) A company falls within this subsection if it is—
- (a) a company which is wholly owned by the Crown,
 - (b) a company which is wholly owned by the CAA, or
 - (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).
- (4) If loans are made under this section—
- (a) they must be repaid to the Secretary of State at such times and by such methods as he may specify in a direction given with the Treasury's approval;
 - (b) interest on them must be paid to him at such rates and at such times as may be specified in such a direction.
- (5) The Secretary of State must exercise his powers under this section so as to ensure that the aggregate of the amounts outstanding in respect of the principal of loans made under this section does not at any time exceed £1,000 million.
- (6) In respect of each financial year the Secretary of State must prepare, in such form as may be specified in a direction given by the Treasury, an account of—
- (a) sums issued to him out of the National Loans Fund for making loans under this section,
 - (b) sums received by him under subsection (4), and
 - (c) how he has disposed of those sums.
- (7) The Secretary of State must send the account to the Comptroller and Auditor General not later than the end of the month of August in the following financial year.
- (8) The Comptroller and Auditor General must examine, certify and report on the account and must lay copies of it and of his report before each House of Parliament.

Commencement

Pt I c. II s. 52(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 52(1)-(8): United Kingdom



Law In Force

53.— Guarantees.

- (1) This section applies if any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is a company falling within subsection (3).
- (2) The Treasury or the Secretary of State may guarantee the discharge of any financial obligation of the transferee if when the guarantee is made it is a company falling within subsection (3).
- (3) A company falls within this subsection if it is—
- (a) a company which is wholly owned by the Crown,
 - (b) a company which is wholly owned by the CAA, or
 - (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).
- (4) In the case of a financial obligation incurred before the giving of a guarantee, it is immaterial when the obligation was incurred.
- (5) A guarantee may be given on such terms and in such manner as the Treasury or the Secretary of State decides.
- (6) A guarantee may continue to have effect after the transferee has ceased to be a company falling within subsection (3).
- (7) The Treasury may not give a guarantee in relation to a financial obligation which is owed by the transferee to the Secretary of State.
- (8) A guarantee may not be given unless the Treasury or the Secretary of State has entered into arrangements under which the transferee will be liable to make payments (including payments of interest) in respect of sums issued in fulfilment of the guarantee.
- (9) The Treasury and the Secretary of State must exercise their powers under this section so as to ensure that the aggregate of the amounts of principal in relation to which guarantees are given under this section does not at any time exceed £500 million.
- (10) As soon as practicable after giving a guarantee under this section the Treasury or the Secretary of State must lay a statement of the guarantee before each House of Parliament.
- (11) As soon as practicable after issuing a sum in fulfilment of a guarantee under this section the Treasury or the Secretary of State must lay a statement relating to the sum before each House of Parliament.

(12) If a payment is not made as required by arrangements under subsection (8), as soon as practicable after the default occurs the Treasury or the Secretary of State (depending on who made the arrangements) must lay a statement of the default before each House of Parliament.

Commencement

Pt I c. II s. 53(1)-(12): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 53(1)-(12): United Kingdom

✓ Law In Force

54.— Grants.

(1) This section applies if any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is a company falling within subsection (3).

(2) With the Treasury's approval the Secretary of State may make grants towards the transferee's expenditure if when the grants are made it is a company falling within subsection (3).

(3) A company falls within this subsection if it is—

- (a) a company which is wholly owned by the Crown,
- (b) a company which is wholly owned by the CAA, or
- (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).

(4) Grants may be of such amounts and be made at such times and in such manner as the Secretary of State may determine with the Treasury's approval.

(5) Grants may be made subject to such conditions as the Secretary of State may determine with the Treasury's approval.

(6) Grants may be retained by the transferee after it has ceased to be a company falling within subsection (3) (subject to any condition imposed under subsection (5)).

Commencement

Pt I c. II s. 54(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 54(1)-(6): United Kingdom

✓ Law In Force

55.— Trustee investments.

(1) This section applies if—

- (a) any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is a company wholly owned by the Crown,

- (b) at a time after the transfer the first condition (set out in subsection (2)) is satisfied, and
- (c) the second condition (set out in subsection (3)) is satisfied.

(2) The first condition is that the transferee is a company whose shares or debentures are included in the Official List, within the meaning of Part IV of the Financial Services Act 1986, in pursuance of that Part.

(3) The second condition is that immediately before its shares or debentures are admitted to the Official List the transferee is wholly owned by the Crown.

(4) If this section applies, subsection (5) has effect for the purpose of applying paragraph 3(b) of Part IV of Schedule 1 to the Trustee Investments Act 1961 (dividends to be paid in each of the five years immediately preceding investment year) in relation to investment in shares or debentures of the transferee in the year of issue or any later year.

- (5) The transferee must be taken to have paid a dividend as mentioned in paragraph 3(b)—
- (a) in every year which precedes the year of issue and which is included in the relevant five years, and
 - (b) in the year of issue, if it is included in the relevant five years and the transferee does not in fact pay such a dividend in that year.

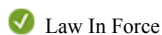
- (6) For the purposes of this section—
- (a) the year of issue is the calendar year in which shares in the transferee are first issued in pursuance of section 49;
 - (b) the relevant five years are the five years immediately preceding the year in which the investment in question is made or proposed to be made.

Commencement

Pt I c. II s. 55(1)-(6)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 55(1)-(6)(b): United Kingdom



Law In Force

56.— Shadow directors.

- (1) This section applies if—
- (a) any property, rights or liabilities are transferred under a transfer scheme to a transferee which at the time of the transfer is a company falling within subsection (2), and
 - (b) at a time after the transfer the condition set out in subsection (3) is satisfied.
- (2) A company falls within this subsection if it is—
- (a) a company which is wholly owned by the Crown,
 - (b) a company which is wholly owned by the CAA, or
 - (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).
- (3) The condition is that—

- (a) the transferee continues to be, or becomes and continues to be, a company which is wholly owned by the Crown or a wholly owned subsidiary of such a company, or
- (b) the Crown continues to hold any special share provided for under the transferee's articles of association

[(4) For the purposes of the provisions listed in subsection (5) none of the persons listed in subsection (8) is to be regarded as a shadow director of the transferee or of a company associated with the transferee at a time while the condition set out in subsection (3) is satisfied.

[(5) The provisions are—

- (a) section 162(6) of the Companies Act 2006 (register of directors: liability for offence);
- (b) Chapter 3 of Part 10 of that Act (declaration of interest in existing transaction or arrangement);
- (c) sections 190 to 196 of that Act (transactions requiring members' approval: substantial property transactions);
- (d) sections 197 to 214 of that Act (transactions requiring members' approval: loans etc.);
- [(e) regulation 28(3) of the Companies, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015 (liability for offence), as it applies in relation to an offence under regulation 26 (disclosure of names of directors).]³

] ²

] ¹

(8) The persons are—

- (a) a Minister of the Crown;
- (b) a Northern Ireland Minister;
- (c) a nominee of a person falling within paragraph (a) or (b);
- (d) a Northern Ireland Department.

(9) A special share is a share which can be held only by the Crown and which gives the shareholder the right to prevent certain events by withholding consent.

(10) A company is associated with the transferee if the conditions in subsections (11) and (12) are satisfied.

(11) The first condition is that the company is designated for the purposes of this subsection by an order of the Secretary of State.

(12) The second condition is that the company is—

- (a) wholly owned by the Crown, or
- (b) a subsidiary of the transferee.

Notes

¹ S.56(4)-(5) substituted for s. 56(4)-(7) by Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007/2194 Sch.4(3) para.95 (October 1, 2007)

² Substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(4) (October 1, 2009)

³ Substituted by Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015/17 Sch.6 para.3 (January 31, 2015)

Commencement

Pt I c. II s. 56(1)-(12)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 56(1)-(12)(b): United Kingdom

Extinguishment of liabilities

✓ Law In Force

57.— Extinguishment of liabilities.

(1) With the Treasury's consent the Secretary of State may give a direction under this section to the CAA if he thinks that to do so would be appropriate in connection with a transfer scheme which has been or is proposed to be made.

(2) A direction may be given in relation to a company which is wholly owned by the CAA when the direction is given, and it may require the CAA—

- (a) to release the company from liability in respect of debts which the company owes to the CAA and which are specified in the direction;
- (b) to do so at a time when the company is wholly owned by the CAA;
- (c) to become a party to such arrangements as the direction may specify with a view to the release taking effect.

(3) A direction may by virtue of subsection (2)(c) include provision as to instruments, their form and the time they are to be made.

(4) A direction has effect to require the CAA to act in accordance with it even if to do so would not be in furtherance of the CAA's functions arising apart from this section.

(5) If a direction is given the Secretary of State may by order extinguish the CAA's liability in respect of debts which satisfy these conditions—

- (a) the CAA owes the debts to him,
- (b) he thinks they correspond to those specified in the direction, and
- (c) they are specified in the order.

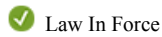
(6) A direction or order may relate to liability for principal only.

Commencement

Pt I c. II s. 57(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 57(1)-(6): United Kingdom



Law In Force

58.— Securities to be issued.

- (1) With the Treasury's consent the Secretary of State may give one or more directions under this section if he thinks that to do so would be appropriate in connection with a direction which has been given under section 57.
- (2) A direction under this section may be given to a company falling within subsection (3), and it may require the company—
- (a) to issue to the appropriate person specified in the direction such securities of the company as the direction specifies, or
 - (b) to issue to different appropriate persons so specified such securities of the company as the direction specifies.
- (3) These companies fall within this subsection—
- (a) the company whose liability the direction under section 57 requires to be released;
 - (b) a company which wholly owns that company;
 - (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).
- (4) These are appropriate persons—
- (a) the Secretary of State;
 - (b) the company whose liability the direction under section 57 requires to be released;
 - (c) a company which wholly owns that company.
- (5) But a company does not fall within subsection (3), and a company is not an appropriate person, unless—
- (a) it is wholly owned by the Crown when the direction under this section is given, or
 - (b) it is a wholly owned subsidiary of a company which is wholly owned by the Crown when the direction under this section is given.
- (6) Different directions may be given under this section to the same company; and different directions may be given to different companies.
- (7) A company which is given a direction under this section must issue securities in accordance with it.
- (8) Securities issued in pursuance of this section must be issued at such times and on such terms as the direction concerned specifies.
- (9) Shares issued in pursuance of this section—
- (a) must be of such nominal value as the direction concerned specifies, and
 - (b) must be issued as fully paid and treated for the purposes of [the Companies Act 2006]¹ as if they had been paid up by virtue of the payment to the issuing company of their nominal value in cash.

Notes

¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(5) (October 1, 2009)

Commencement

Pt I c. II s. 58(1)-(9)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 58(1)-(9)(b): United Kingdom

✓ Law In Force

59.— Securities: other provisions.

(1) If a security is issued to a company in pursuance of section 49 or 58, for the purposes of its statutory accounts the value of the security when issued must be taken to have been equal to—

- (a) its nominal value (if it is a share);
- (b) the principal sum payable under it (if it is a debenture).

(2) The nominal value or principal sum mentioned above must be taken to be accumulated realised profits for the purposes of the company's statutory accounts.

(3) If a direction under section 49 or 58 requires a company to issue a debenture the direction may specify—

- (a) the principal sum payable under the debenture;
- (b) the terms as to the payment of the principal sum;
- (c) the terms as to the payment of interest on the principal sum.

(4) The principal sum payable under the debenture, and the terms as to the payment of it and of interest on it, must be taken to be those so specified.

(5) Statutory accounts are accounts prepared by a company for the purpose of any provision of [the Companies Act 2006] ¹ (including group accounts).

Notes

- ¹ Words substituted subject to savings specified in SI 2008/948 arts 11 and 12 by Companies Act 2006 (Consequential Amendments etc) Order 2008/948 Sch.1(2) para.218(3) (April 6, 2008)

Commencement

Pt I c. II s. 59(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 59(1)-(5): United Kingdom

Miscellaneous

✓ Law In Force

60.— Enforcement of certain obligations.

(1) An obligation imposed by a provision included in a scheme by virtue of section 42(4)(a) is enforceable by civil proceedings by a person with whom the agreement is to be made or by any transferor or transferee.

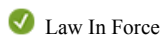
- (2) An obligation imposed by a provision included in a scheme by virtue of section 42(4)(b) is enforceable by civil proceedings by a person in whose favour the instrument is to be executed or by any transferor or transferee.
- (3) The proceedings may be for an injunction or for interdict or for any other appropriate relief or remedy.
- (4) A transaction effected in pursuance of an obligation mentioned in subsection (1) or (2)—
- (a) is to have effect subject to the provisions of any enactment providing for transactions of the kind concerned to be registered in a statutory register, but
 - (b) subject to that, is to be binding on all other persons, even if it would otherwise require the consent or concurrence of any other person.

Commencement

Pt I c. II s. 60(1)-(4)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 60(1)-(4)(b): United Kingdom



Law In Force

61.— Special provisions about land.

- (1) For the purposes of this section these rights affecting land are relevant land rights—
- (a) a right of reverter (or in Scotland the right of the fiar on the termination of a liferent);
 - (b) a right of pre-emption;
 - (c) a right of forfeiture;
 - (d) a right of re-entry;
 - (e) a right of irritancy;
 - (f) an option;
 - (g) a right similar to anything falling within paragraphs (a) to (f).
- (2) No relevant land right is to operate or become exercisable as a result of a transfer of land—
- (a) under a transfer scheme,
 - (b) in consequence of anything done under Schedule 6, or
 - (c) pursuant to an obligation imposed by a provision included in a scheme by virtue of section 42(4)(a) or (b).
- (3) In the case of a transfer mentioned in subsection (2) a relevant land right is to have effect as if—
- (a) the person to whom the land is transferred were the same person in law as the person transferring the land, and
 - (b) no transfer of the land had taken place.
- (4) Subsection (5) applies if—
- (a) apart from subsections (2) and (3) a relevant land right would have operated in favour of a person or become exercisable by him, but
 - (b) the circumstances are such that in consequence of those subsections the right cannot subsequently operate in his favour or become exercisable by him (as the case may be).

- (5) In such a case just compensation is payable to him by the person to whom the land is transferred or the person transferring it (or both) in respect of the right's extinguishment.
- (6) A dispute about whether or how much compensation is payable or about the person to or by whom it is payable must be referred to and decided by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
 - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
 - (c) an arbitrator appointed by the [Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland]¹ (if the proceedings are to be held in Northern Ireland).
- (7) If it appears to the person transferring the land that a person is or may be entitled to compensation he must—
- (a) notify that person in writing that he is or may be entitled, and
 - (b) invite him to make representations to the person transferring the land, and to do so not later than the expiry of the period of 14 days starting with the date of issue of the notification.
- (8) But if the person transferring the land is not aware of the name and address of the person concerned he must publish in such manner as he thinks appropriate a notice—
- (a) containing information about the right affected, and
 - (b) inviting any person who thinks he is or may be entitled to compensation to make representations to the person transferring the land, and to do so within the period (not less than 28 days starting with the date of publication of the notice) specified in the notice.
- (9) Subsections (2) and (3) apply in relation to the doing of any thing in relation to land (including the grant or creation of an estate or interest in it or right over it) as they apply in relation to a transfer of land; and a reference in this section to the person to whom the land is transferred or the person transferring it is to be construed accordingly.

Notes

¹ Words substituted by Constitutional Reform Act 2005 c. 4 Sch.4(1) para.294 (April 3, 2006)

Commencement

Pt I c. II s. 61(1)-(9): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 61(1)-(9): United Kingdom

 Law In Force

62.— Exercise of functions through nominees.

- (1) The Treasury or the Secretary of State with the Treasury's approval may for the purposes of section 49, 50 or 58 appoint a person to act as the nominee, or one of the nominees, of the Treasury or the Secretary of State.
- (2) In accordance with directions given from time to time by the Treasury or by the Secretary of State—

- (a) securities may be issued under section 49 or 58 to a nominee of the Secretary of State appointed for the purposes of that section, and
- (b) a nominee of the Treasury or the Secretary of State appointed for the purposes of section 50 may acquire securities under that section.

(3) A person holding any securities as a nominee of the Treasury or the Secretary of State by virtue of this section must hold and deal with them (or any of them) on such terms and in such manner as may be specified in directions given by the Treasury or the Secretary of State.

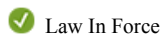
(4) A direction of the Secretary of State under subsection (2) or (3) requires the Treasury's consent.

Commencement

Pt I c. II s. 62(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 62(1)-(4): United Kingdom



Law In Force

63. Further provisions about transfer schemes.

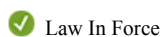
Schedule 6 contains provisions about transfer schemes.

Commencement

Pt I c. II s. 63: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 63: United Kingdom



Law In Force

64. Tax.

Schedule 7 contains provisions about tax.

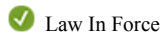
Commencement

Pt I c. II s. 64: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 64: United Kingdom

Interpretation



Law In Force

65.— Interpretation.

(1) This section defines these expressions (here listed alphabetically) for the purposes of this Chapter—

- (a) company;
- (b) company which wholly owns a company;
- (c) company wholly owned by the CAA;
- (d) company wholly owned by the Crown;
- (e) a Northern Ireland Minister;
- (f) securities;
- (g) shares held by the Crown;
- (h) subsidiary and wholly owned subsidiary;
- (i) transferee;
- (j) transferor.

(2) “Company” [means a company as defined in section 1(1) of the Companies Act 2006]¹.

(3) A company is wholly owned by the Crown at any time when all its shares are held by the Crown.

(4) Shares are held by the Crown if they are held—

- (a) by a Minister of the Crown or his nominee,
- (b) by a Northern Ireland Minister or his nominee,
- (c) by a Northern Ireland department, or
- (d) by a company of which all the shares are held by the Crown.

(5) “Northern Ireland Minister” includes the First Minister and the deputy First Minister in Northern Ireland.

(6) A company is wholly owned by the CAA at any time when it has no members except—

- (a) the CAA and its wholly owned subsidiaries, or
- (b) persons acting on behalf of the CAA or its wholly owned subsidiaries.

(7) A company which wholly owns another company is a company of which the other is a wholly owned subsidiary.

(8) The expressions “subsidiary” and “wholly owned subsidiary” have the meanings given by [section 1159 of the Companies Act 2006]².

(9) “Securities” has the same meaning as in section 142 of the Financial Services Act 1986.

(10) A transferee is any person to whom anything is or is to be transferred by a scheme.

(11) A transferor is any person from whom anything is or is to be transferred by a scheme.

(12) The definitions in this section apply unless the contrary intention appears.

Notes

¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(6)(a) (October 1, 2009)

² Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(6)(b) (October 1, 2009)

Commencement

Pt I c. II s. 65(1)-(12): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. II s. 65(1)-(12): United Kingdom

CHAPTER III**AIR NAVIGATION**

✓ Law In Force

66.— Air navigation: directions.

(1) The Secretary of State may give directions to the CAA imposing duties or conferring powers (or both) on it with regard to air navigation in a managed area.

(2) No action is to lie in respect of a failure by the CAA to perform a duty imposed on it by a direction under subsection (1); but that does not affect a right of action in respect of an act or omission which takes place in the course of performing the CAA's air navigation functions.

[(3) The chief executive of the CAA must, with the approval of the chair and at least one other non-executive member of the CAA, nominate another executive member of the CAA for the purposes of this section.

(3A) A person nominated under subsection (3) must perform on the CAA's behalf such of its air navigation functions as the Secretary of State may specify.

(3B) The chief executive must consult the Secretary of State before nominating a person under subsection (3).]¹

(4) The following provisions are not to apply to the CAA's air navigation functions—

- (a) section 7(1) of the Civil Aviation Act 1982 (Secretary of State's power to prescribe functions not to be performed by a person on CAA's behalf);
- (b) paragraph 15 of Schedule 1 to that Act (CAA's power to authorise a person to perform functions on its behalf).

(5) A person nominated under subsection (3) may authorise a member or employee of the CAA to perform on his behalf the functions which he is to perform by virtue of that subsection.

Notes

¹ S.66(3)-(3B) substituted for s.66(3) by Civil Aviation Act 2012 c. 19 Pt 2 s.98(1) (February 19, 2013: substitution has effect subject to saving and transitional provisions specified in 2012 c.19 Sch.14)

Commencement

Pt I c. III s. 66(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. III s. 66(1)-(5): United Kingdom

✓ Law In Force

67.— National security.

(1) The Secretary of State may nominate a [non-executive member]¹ of the CAA for the purposes of this section, and in this section references to the national security nominee are to the person nominated under this section.

(2) Subsection (3) applies if—

- (a) there is a difference of opinion between the national security nominee and the CAA,
- (b) the difference of opinion relates to the CAA's air navigation functions, and
- (c) the national security nominee thinks that if the CAA's opinion prevailed it could have an effect contrary to the interests of national security.

(3) In such a case—

- (a) the CAA must refer the matter to the Secretary of State, and
- (b) after consulting the CAA the Secretary of State may give it such directions regarding the matter as he thinks fit.

(4) The national security nominee may authorise a member or employee of the CAA to perform on his behalf the functions which he is to perform by virtue of this section; and while such an authorisation is effective references in subsection (2) to the national security nominee are to the person authorised under this subsection.

Notes

¹ Word substituted by Civil Aviation Act 2012 c. 19 Pt 2 s.98(2) (February 19, 2013: substitution has effect subject to saving and transitional provisions specified in 2012 c.19 Sch.14)

Commencement

Pt I c. III s. 67(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. III s. 67(1)-(4): United Kingdom

✓ Law In Force

68.— Directions: further provision.

(1) Directions under section 66(1) may include provision as to the manner in which the CAA is to exercise its air navigation functions.

(2) The provision may include—

- (a) provision requiring consultation with specified persons or specified descriptions of persons in relation to specified matters;

- (b) provision requiring the CAA to seek the approval of the Secretary of State in relation to specified matters;
- (c) provision requiring the CAA in specified circumstances to refer specified matters to the Secretary of State.

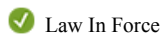
(3) If a matter is referred to the Secretary of State by virtue of subsection (2)(b) or (c) he may give such directions to the CAA as he thinks fit.

Commencement

Pt I c. III s. 68(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. III s. 68(1)-(3): United Kingdom



Law In Force

69.— Directions: supplementary.

(1) In so far as a direction under section 66(1), 67(3) or 68(3) conflicts with the requirements of section 93 or of an order under section 94, the direction is to be disregarded.

(2) In so far as a direction under section 66(1), 67(3) or 68(3) conflicts with the requirements of an enactment or instrument other than section 93 or an order under section 94, the requirements are to be disregarded.

(3) If a direction is given under section 66(1) the CAA—

- (a) must publish the direction in such manner as may be specified in regulations made by the Secretary of State;
- (b) must set out the direction in the report made under section 21 of the Civil Aviation Act 1982 (annual report) for the accounting year in which the direction is given.

(4) If a direction is given under section 67(3) or section 68(3) the CAA—

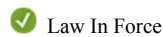
- (a) must set out the direction in the report made under section 21 of the Civil Aviation Act 1982 for the accounting year in which the direction is given, but
- (b) must exclude a direction or part of a direction as to which the Secretary of State notifies the CAA that in his opinion it is against the national interest to set it out in the report.

Commencement

Pt I c. III s. 69(1)-(4)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. III s. 69(1)-(4)(b): United Kingdom



Law In Force

70.— General duty.

- (1) The CAA must exercise its air navigation functions so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (2) and (3).
- (2) The CAA must exercise its air navigation functions in the manner it thinks best calculated—
- (a) to secure the most efficient use of airspace consistent with the safe operation of aircraft and the expeditious flow of air traffic;
 - (b) to satisfy the requirements of operators and owners of all classes of aircraft;
 - (c) to take account of the interests of any person (other than an operator or owner of an aircraft) in relation to the use of any particular airspace or the use of airspace generally;
 - [(ca) to take account of any guidance relating to spaceflight activities (within the meaning of the Space Industry Act 2018) given to the CAA by the Secretary of State;]¹
 - (d) to take account of any guidance on environmental objectives given to the CAA by the Secretary of State after the coming into force of this section;
 - (e) to facilitate the integrated operation of air traffic services provided by or on behalf of the armed forces of the Crown and other air traffic services;
 - (f) to take account of the interests of national security;
 - (g) to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State (whatever the time or purpose of the notification).
- (3) If in a particular case there is a conflict in the application of the provisions of subsection (2), in relation to that case the CAA must apply them in the manner it thinks is reasonable having regard to them as a whole.
- (4) The CAA must exercise its air navigation functions so as to impose on providers of air traffic services the minimum restrictions which are consistent with the exercise of those functions.
- (5) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the performance by the CAA of its air navigation functions.

Notes

¹ Added by Space Industry Act 2018 c. 5 Sch.12 para.19 (July 29, 2021)

Commencement

Pt I c. III s. 70(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. III s. 70(1)-(2)(c), (2)(d)-(5): United Kingdom

Pt I c. III s. 70(2)(ca): (extent not available)



Law In Force

71.— Information for purposes of Chapter III.

- (1) The CAA may, for any purpose connected with its air navigation functions, serve on a person who provides air traffic services a notice which—

- (a) requires the person to produce any documents which are specified or described in the notice and are in his custody or under his control, and to produce them at a time and place so specified and to a person so specified, or
 - (b) requires the person to supply information specified or described in the notice, and to supply it at a time and place and in a form and manner so specified and to a person so specified.
- (2) A requirement may be made under subsection (1)(b) only if the person is carrying on a business.
- (3) No person may be required under this section—
 - (a) to produce documents which he could not be compelled to produce in civil proceedings in the court;
 - (b) to supply information which he could not be compelled to supply in such proceedings.
- (4) If a person without reasonable excuse fails to do anything required of him by a notice under subsection (1) he is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (5) If a person intentionally alters, suppresses or destroys a document which he has been required to produce by a notice under subsection (1) he is guilty of an offence and liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine.
- (6) If a person makes default in complying with a notice under subsection (1) the court may on the CAA's application make such order as the court thinks fit for requiring the default to be made good.
- (7) An order under subsection (6) may provide that all the costs or expenses of and incidental to the application are to be borne—
 - (a) by the person in default, or
 - (b) if officers of a company or other association are responsible for its default, by those officers.
- (8) A reference to producing a document includes a reference to producing a legible and intelligible copy of information recorded otherwise than in legible form.
- (9) A reference to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.
- (10) A reference to the court is to—
 - (a) the High Court in relation to England and Wales or Northern Ireland;
 - (b) the Court of Session in relation to Scotland.

Commencement

Pt I c. III s. 71(1)-(10)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. III s. 71(1)-(10)(b): United Kingdom

✓ Law In Force

72.— Interpretation.

- (1) This section applies for the purposes of this Chapter.
- (2) The CAA's air navigation functions are the functions which the CAA is to perform in pursuance of directions under section 66(1).
- (3) These are managed areas—
 - (a) the United Kingdom;
 - (b) any area which is outside the United Kingdom but in respect of which the United Kingdom has undertaken under international arrangements to carry out activities with regard to air navigation.

Commencement

Pt I c. III s. 72(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. III s. 72(1)-(3)(b): United Kingdom

CHAPTER IV

CHARGES FOR AIR SERVICES

Charges

✓ Law In Force

73.— Charges for services.

- (1) The CAA may specify—
 - (a) the amounts of, or methods of calculating, the charges which are to be paid by virtue of this section in respect of chargeable air services (or of such descriptions of those services as the CAA specifies),
 - (b) the operators and owners of aircraft (or descriptions of such operators and owners) who are to pay the charges,
 - (c) the persons (or descriptions of persons) to whom they are to be paid, and
 - (d) the currencies in which they are to be paid.
- (2) On or after making specifications under subsection (1) the CAA may stipulate—
 - (a) that charges are to be dispensed with in cases of specified descriptions;
 - (b) that interest at a specified rate is to be paid on charges in respect of any period in which they are due but unpaid;
 - (c) that interest is to be paid with the charges or separately;
 - (d) that charges of a specified description are payable elsewhere than in the United Kingdom;

- (e) that charges of a specified description are to be disposed of in a specified way when received.
- (3) Charges of the specified amounts, or calculated in accordance with the specified methods, must be paid in accordance with specifications made under subsection (1).
- (4) But if stipulations are made under subsection (2)(a) the charges concerned are not to be paid.
- (5) If stipulations are made under subsection (2)(b) or (c) interest must be paid accordingly.
- (6) If stipulations are made under subsection (2)(d) the charges concerned are payable accordingly.
- (7) If stipulations are made under subsection (2)(e) the charges concerned must be disposed of accordingly.
- (8) Subsections (3) to (7) have effect subject to section 74.
- (9) For the purposes of subsection (1)(c) persons include—
 - (a) Eurocontrol and other international organisations, and
 - (b) governments of countries or territories outside the United Kingdom.

Commencement

Pt I c. IV s. 73(1)-(9)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 73(1)-(9)(b): United Kingdom

✓ Law In Force

74.— Publication, commencement, amendment and revocation.

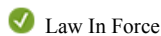
- (1) If the CAA makes specifications or stipulations under section 73—
 - (a) it must publish a notice containing them;
 - (b) they become effective as provided in the published notice.
- (2) The CAA may amend or revoke any specifications or stipulations published under this section, and—
 - (a) it must publish a notice containing any amendment or revocation;
 - (b) the amendment or revocation becomes effective as provided in the published notice.
- (3) An amendment or revocation does not affect any liability incurred before the amendment or revocation becomes effective.
- (4) Publication under this section must be made—
 - (a) in the London Gazette, the Edinburgh Gazette and the Belfast Gazette, or
 - (b) in such other manner as the Secretary of State may provide by order.

Commencement

Pt I c. IV s. 74(1)-(4)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 74(1)-(4)(b): United Kingdom



Law In Force

75.— Specifications: supplementary.

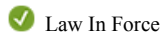
- (1) This section applies for the purposes of specifications under section 73(1).
- (2) The CAA may specify—
 - (a) different amounts or methods in respect of different descriptions of services;
 - (b) different amounts or methods in respect of different classes or descriptions of aircraft;
 - (c) different amounts or methods in respect of different circumstances in which aircraft are used.
- (3) In specifying amounts or methods the CAA must have regard to—
 - (a) tariffs which are approved under any international agreement to which the United Kingdom is a party;
 - (b) tariffs which in the CAA's opinion are likely to be approved under any such agreement before or within one month after the date when the specifications are to take effect;
 - (c) tariffs which in the CAA's opinion are likely to be approved, before or within one month after the date when the specifications are to take effect, under any international agreement to which the United Kingdom is likely to be a party before or within one month after that date.
- (4) Methods may be expressed by reference to such factors (including exchange rates between currencies) as the CAA thinks fit.
- (5) A description of services may be expressed by reference to such factors (including the area in respect of which they are provided) as the CAA thinks fit.
- (6) A description of operators and owners may be so general as to refer to all operators and owners.
- (7) Owners and operators may be specified (or of a description specified) if the services concerned are available for the aircraft concerned, and it is immaterial whether or not the services are actually used or could be used with the equipment installed in the aircraft.

Commencement

Pt I c. IV s. 75(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 75(1)-(7): United Kingdom



Law In Force

76.— Liability, recovery etc.

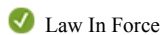
- (1) Liability to pay a charge by virtue of section 73 arises whether or not—
 - (a) the aircraft concerned is registered in the United Kingdom;
 - (b) it is in the United Kingdom when the services concerned are provided;
 - (c) the services concerned are provided from a place in the United Kingdom.
- (2) A charge payable by virtue of section 73 is recoverable in the United Kingdom wherever it is payable (without prejudice to its recovery elsewhere).
- (3) A court in any part of the United Kingdom has jurisdiction to hear and determine—
 - (a) a claim for a charge or interest payable by virtue of section 73;
 - (b) a claim, by a person appearing to the court to have an interest in the matter, that a charge which by virtue of that section must be disposed of in a particular way has not been disposed of in that way.
- (4) Subsection (3) applies even if the person against whom the claim is made is not resident within the court's jurisdiction.

Commencement

Pt I c. IV s. 76(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 76(1)-(4): United Kingdom



Law In Force

77.— Chargeable air services.

- (1) For the purposes of this Chapter chargeable air services are services which—
 - (a) fall within subsection (2), and
 - (b) are not excepted air services (as defined in subsection (3)).
- (2) These services fall within this subsection—
 - (a) air traffic services provided in respect of the United Kingdom;
 - (b) air traffic services which the United Kingdom has undertaken under international arrangements to provide in respect of an area outside the United Kingdom;
 - (c) air traffic services which are provided in respect of an area outside the United Kingdom and the charges for which the United Kingdom has undertaken to collect under international arrangements;
 - (d) services which are provided by the CAA in performing its air navigation functions (within the meaning of Chapter III) and for which Eurocontrol is to collect charges under the Eurocontrol agreement;
 - (e) air traffic services which do not fall within paragraph (d) and for which Eurocontrol is to collect charges under the Eurocontrol agreement.
- (3) These are excepted air services—

- (a) air traffic services provided by the owner or manager of an aerodrome or by his employee [other than services which fall within subsection (3A)]¹ ;
- (b) air traffic services provided on behalf of the owner or manager of an aerodrome (other than a designated aerodrome) in circumstances where the person providing the services is not an employee of the owner or manager and they are provided under a contract or other arrangement made by the owner or manager and the person providing them.

[(3A) Air traffic services fall within this subsection if—

- (a) they are services for which Eurocontrol is to collect charges under the Eurocontrol agreement, and
- (b) they are provided by the owner or manager of an aerodrome or by his employee under a contract or other arrangement made by the owner or manager with the CAA and the CAA in making that contract or other arrangement is acting in pursuance of its air navigation functions (within the meaning of Chapter III).

] ²

(4) A designated aerodrome is an aerodrome designated by the Secretary of State by order for the purposes of subsection (3)(b).

(5) The Secretary of State may by order amend the meaning of chargeable air services for the purposes of this Chapter.

Notes

¹ Words inserted by Transport Act 2000 (Amendment) Order 2001/492 art.2(2) (April 1, 2001)

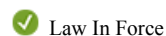
² Added by Transport Act 2000 (Amendment) Order 2001/492 art.2(3) (April 1, 2001)

Commencement

Pt I c. IV s. 77(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 77(1)-(5): United Kingdom



78.— Amounts for recovery etc.

(1) This section applies if—

- (a) an amount of a charge is specified under section 73(1) in respect of a service falling within section 77(2)(d) or (e), and
- (b) under the Eurocontrol agreement Eurocontrol is to collect a charge in respect of the specification and publication of the amount of the charge and its recovery.

(2) In specifying the amount of the charge the CAA may include an amount in respect of the specification and publication of the amount of the charge and its recovery.

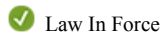
(3) References to an amount include references to a method of calculating an amount.

Commencement

Pt I c. IV s. 78(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 78(1)-(3): United Kingdom



Law In Force

79.— Further duties of the CAA.**(1) The CAA—**

- (a) must exercise its powers under section 73 if it thinks it should do so in order for international agreements to which the United Kingdom is a party to be fulfilled, and
- (b) in exercising those powers must act in the manner it thinks best calculated to take account of those agreements.

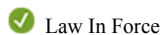
(2) The CAA must exercise its powers under section 73 in relation to services falling within section 77(2)(b) if it thinks it should do so in order to enable the provider of the services to be paid for their provision.

Commencement

Pt I c. IV s. 79(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 79(1)-(2): United Kingdom



Law In Force

80.— Secretary of State's duties.

(1) If information is given to the Secretary of State by the CAA concerning the charges the CAA would like to be paid in respect of chargeable air services which fall within section 77(2)(d), he must (so far as practicable) ensure that the information is given to Eurocontrol.

(2) If information is given to the Secretary of State by a licence holder concerning the charges it would like to be paid in respect of chargeable air services which it provides and which fall within section 77(2)(e), he must (so far as practicable) ensure that the information is given to Eurocontrol.

(3) But subsection (2) does not apply if the CAA tells the Secretary of State that giving the information to Eurocontrol could result in the licence holder being paid charges whose calculation was in contravention of the provisions of the licence.

(4) If money is received by the government of the United Kingdom from Eurocontrol in respect of a chargeable air service falling within section 77(2)(d) or (e), the Secretary of State must (so far as practicable) ensure that the money is paid to the person who provided the service.

(5) If money falls to be paid by Eurocontrol in respect of a chargeable air service falling within section 77(2)(d) or (e), the Secretary of State must (so far as practicable) ensure that the money falls to be paid by Eurocontrol to the person who provided the service.

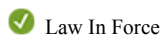
(6) The reference to money being received by the government of the United Kingdom is to money being received by a person on behalf of that government.

Commencement

Pt I c. IV s. 80(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 80(1)-(6): United Kingdom

Miscellaneous

Law In Force

81.— Records.

(1) The Secretary of State may make regulations in order to facilitate the assessment and collection of charges payable by virtue of section 73.

(2) The regulations may require operators or owners of aircraft or managers of aerodromes—

- (a) to make such records of the movements of aircraft, and of such other particulars relating to aircraft, as are specified;
- (b) to preserve the records for a specified period;
- (c) to produce relevant records for inspection by specified persons at specified times;
- (d) to provide specified particulars of relevant records to specified persons.

(3) Relevant records are records required to be preserved by the operators, owners or managers by the regulations or an Air Navigation Order.

(4) The persons who may be specified under subsection (2)(c) or (d) are—

- (a) in the case of charges payable to Eurocontrol, officers of the CAA or of Eurocontrol;
- (b) in the case of other charges, officers of the CAA or of the organisation, government or other person to whom the charges are payable.

(5) The requirements may be imposed on the operator or owner of an aircraft whether or not—

- (a) it is registered in the United Kingdom;
- (b) it is in the United Kingdom when the services concerned are provided;
- (c) the services concerned are provided from a place in the United Kingdom.

(6) A record includes (in addition to a record in writing)—

- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (c) a photograph.

(7) An Air Navigation Order is an Order in Council under section 60 of the Civil Aviation Act 1982.

(8) In subsection (4)—

- (a) a reference to officers of the CAA includes a reference to persons authorised to act as such officers;
- (b) a reference to officers of Eurocontrol includes a reference to persons authorised to act as such officers.

Commencement

Pt I c. IV s. 81(1)-(8)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 81(1)-(8)(b): United Kingdom



Law In Force With Amendments Pending

82.— Offences.

(1) A person commits an offence if without reasonable excuse he fails to comply with a requirement of regulations made under section 81.

(2) A person commits an offence if he is in possession of information provided to him or obtained by him under regulations made under section 81 and he discloses the information otherwise than—

- (a) with the consent of the person by whom it was provided or from whom it was obtained,
- (b) for the purposes of the regulations,
- (c) for the purposes of any proceedings arising out of this Chapter,
- (d) for the purposes of any criminal proceedings (however arising),
- (e) for the purposes of any proceedings brought by virtue of paragraph 3 of Schedule 4 to the Civil Aviation Act 1982 (claims against Eurocontrol),
- (f) for the purposes of a public inquiry or investigation held or carried out under regulations made under section 75 of the Civil Aviation Act 1982, or
- (g) for the purposes of a report of any proceedings, inquiry or investigation mentioned above.

(3) A person commits an offence if in providing particulars under a provision contained in regulations by virtue of section 81(2)(d)—

- (a) he provides particulars which he knows are false in a material particular, or
- (b) he recklessly provides particulars which are false in a material particular.

(4) A person who commits an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) A person who commits an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months or to both.

(6) A person who commits an offence under subsection (3) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both;
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both.

Amendments Pending

Pt I c. IV s. 82(5): repealed by Criminal Justice Act 2003 c. 44, Sch. 37(9) para. 1 (date to be appointed)

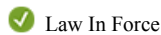
Pt I c. IV s. 82(4): words inserted by Criminal Justice Act 2003 c. 44, Sch. 32(2) para. 161 (date to be appointed)

Commencement

Pt I c. IV s. 82(1)-(6)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 82(1)-(6)(b): United Kingdom



Law In Force

83.— Detention and sale.

- (1) The Secretary of State may make regulations containing—
 - (a) provision which, in the case of default by an operator in paying a charge payable by virtue of section 73, authorises the detention (pending payment) of any aircraft falling within subsection (2);
 - (b) provision which, in the case of default by an operator in complying with a requirement imposed by regulations made under section 81 to produce records for inspection or provide particulars of records, authorises the detention (pending compliance) of any aircraft of which he is the operator when detention begins;
 - (c) provision which authorises the sale of any detained aircraft if the default is not remedied within a specified period.
- (2) These aircraft fall within this subsection—
 - (a) the aircraft in respect of which the charge was incurred (whether or not the person who is the operator of the aircraft when detention begins is the defaulter);
 - (b) any aircraft of which the defaulter is the operator when detention begins.
- (3) Regulations under subsection (1) may—
 - (a) provide that detention (or continued detention) is authorised only in specified circumstances or at specified places;
 - (b) provide that in specified circumstances detention is authorised only if a specified person consents;
 - (c) provide that sale is authorised only in specified circumstances (which may relate to the court's consent, to be given only in specified circumstances);
 - (d) specify the descriptions of person authorised to detain or sell aircraft;
 - (e) provide for the power of detention or sale to extend to other matters (such as the aircraft's equipment);
 - (f) provide for the application of the proceeds of sale;
 - (g) provide for them to be applied in a specified order;

- (h) make provision corresponding to any provision made by or under section 88 of the Civil Aviation Act 1982 (detention and sale of aircraft for unpaid airport charges);
- (i) generally make such provision as the Secretary of State thinks is necessary or expedient to secure detention or sale.

Commencement

Pt I c. IV s. 83(1)-(3)(i): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 83(1)-(3)(i): United Kingdom

Interpretation

✓ Law In Force

84.— Interpretation.

- (1) This section applies for the purposes of this Chapter.
- (2) Eurocontrol has the meaning given by section 24 of the Civil Aviation Act 1982.
- (3) The Eurocontrol agreement is the multilateral agreement relating to route charges signed at Brussels on 12 February 1981 or any agreement replacing it.
- (4) An aerodrome is an aerodrome as defined in section 105(1) of the Civil Aviation Act 1982; and a manager of an aerodrome is a person who is in charge of it or holds a licence granted in respect of it by virtue of section 60 of that Act (Chicago Convention, regulation of air navigation etc).
- (5) “Licence holder” has the meaning given by section 40.

Commencement

Pt I c. IV s. 84(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. IV s. 84(1)-(5): United Kingdom

CHAPTER V**COMPETITION**

✓ Law In Force

85.— Interpretation of Chapter V.

- (1) For the purposes of this Chapter—

- [(a) the 2002 Act is the Enterprise Act 2002;]¹
- (b) the 1998 Act is the Competition Act 1998;
- [(c) the CMA is the Competition and Markets Authority.]²

(2) For the purposes of this Chapter these expressions have the meanings given by section 40—

- (a) aerodrome;
- (b) licence;
- (c) licence holder.

(3) If an expression is used in this Chapter and also in [...] ³ the 1998 Act it has the same meaning in this Chapter as it has in the [1998 Act] ⁴ .

Notes

¹ Substituted by Enterprise Act 2002 c. 40 Sch.9(2) para.23(2) (June 20, 2003)

² Substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.153 (April 1, 2014)

³ Words repealed by Enterprise Act 2002 c. 40 Sch.26 para. (June 20, 2003 as SI 2003/1397)

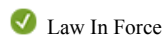
⁴ Words substituted by Enterprise Act 2002 c. 40 Sch.9(2) para.23(3)(b) (June 20, 2003)

Commencement

Pt I c. V s. 85(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. V s. 85(1)-(3): United Kingdom



86.— Functions exercisable by CAA and [CMA]¹ .

(1) The functions to which subsections (2) and (3) apply shall be concurrent functions of the CAA and [the CMA]² .

[(2) This subsection applies to the [CMA's]⁴ functions under Part 4 of the 2002 Act (other than [sections 166, 167C, 171 and 174E]⁵) so far as [those functions—]⁶

[(a) are exercisable by the CMA Board (within the meaning of Schedule 4 to the Enterprise and Regulatory Reform Act 2013), and

(b) relate to the supply of air traffic services.]⁶

] ³

[(3) This subsection applies to the [CMA's]⁸ functions under the provisions of Part 1 of the 1998 Act (other than [sections 31D(1) to (6), 35C, 38(1) to (6), 40B(1) to (4) and 51]⁹), so far as relating to—

(a) agreements, decisions or concerted practices of the kind mentioned in section 2(1) of that Act,

(b) conduct of the kind mentioned in section 18(1) of that Act, [or]¹⁰

[(c) transferred EU anti-trust commitments or transferred EU anti-trust directions,]¹¹

which relate to the supply of air traffic services.

] ⁷

(4) References to [the CMA] ¹² in—

- (a) [Part 4 of the 2002 Act (except for [sections 166, 167C, 171 and 174E] ¹⁴ but including provisions of that Act applied by that Part) ¹³, and
- (b) Part I of the 1998 Act ([except in [sections 31D(1) to (6), 35C, 38(1) to (6), 40B(1) to (4), 51, 52(6) and (8) and 54] ¹⁶] ¹⁵ [but including references in provisions of the Enterprise Act 2002 applied by that Part] ¹⁷),

must be read as including references to the CAA.

[(4A) References to section 5 of the 2002 Act in Part 4 of that Act must be read as including a reference to section 91(1) of this Act.] ¹⁸

(5) But [...] ¹⁹ —

- (a) [subsections (4) and (4A) apply only so far as they are] ²⁰ consequential on subsections (1) to (3) above, and
- (b) [subsection (4) applies] ²¹ only if the context does not otherwise require.

[(5A) Section 130A of the 2002 Act is to have effect in its application in relation to the CAA by virtue of subsections (1) and (2)—

- (a) as if for subsection (1) of that section there were substituted—

“(1) Where the Civil Aviation Authority—

- (a) is proposing to carry out its functions under section 91(1) of the Transport Act 2000 in relation to a matter for the purposes mentioned in subsection (2), and
- (b) considers that the matter is one in respect of which it would be appropriate for the Authority to exercise its powers under section 174 (investigation) in connection with deciding whether to make a reference under section 131,

the Authority must publish a notice under this section (referred to in this Part as a “market study notice”).”, and

- (b) as if in subsection (2)(a) of that section, for “the acquisition or supply of goods or services of one or more than one description in the United Kingdom” there were substituted “the supply of air traffic services (within the meaning given by section 98 of the Transport Act 2000)”.

] ²²

(6) If a question arises as to whether subsections (1) to (3) above apply to a particular case the question must be referred to and determined by the Secretary of State.

(7) No objection may be taken to anything done by or in relation to the CAA—

- (a) [Part 4 of the 2002 Act] ²³, or
- (b) under Part I of the 1998 Act ([except under [section 31D(1) to (6), 35C, 38(1) to (6), 40B(1) to (4) or 51] ²⁵] ²⁴),

on the ground that it should have been done by or in relation to [the CMA] ²⁶.

[(8) In making any decision, or otherwise taking action, for the purposes of any of its functions that—

- (a) by virtue of this section, are functions exercisable concurrently with the CMA, and
- (b) in the case of functions under the Competition Act 1998, are functions within Schedule 4A to the Enterprise and Regulatory Reform Act 2013 by virtue of paragraph 5 of that Schedule,

the CAA must have regard to the need for making a decision, or taking action, as soon as reasonably practicable.

1²⁷

Notes

- ¹ Word substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(10) (April 1, 2014)
- ² Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(2) (April 1, 2014)
- ³ Substituted by Enterprise Act 2002 c. 40 Sch.9(2) para.24(2) (June 20, 2003)
- ⁴ Word substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(3)(a) (April 1, 2014)
- ⁵ Word inserted by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.12 para.6(2) (January 1, 2025: 2024 c.13 Sch.12 para.6(2) came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 otherwise)
- ⁶ Existing text renumbered as s.86(2)(b), word is substituted and s.86(2)(a) is inserted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(3)(c) (April 1, 2014)
- ⁷ Substituted by Competition Act 1998 and Other Enactments (Amendment) Regulations 2004/1261 Sch.2 para.10(2)(a) (May 1, 2004)
- ⁸ Word substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(4) (April 1, 2014)
- ⁹ Word inserted by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.12 para.6(3) (January 1, 2025: 2024 c.13 Sch.12 para.6(3) came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 otherwise)
- ¹⁰ Word inserted by Competition (Amendment etc.) (EU Exit) Regulations 2019/93 Sch.1 para.9 (December 31, 2020: commenced by an amendment)
- ¹¹ S.86(3)(c) substituted for s.86(3)(c) and (d) by Competition (Amendment etc.) (EU Exit) Regulations 2019/93 Sch.1 para.9 (December 31, 2020: commenced by an amendment)
- ¹² Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(5)(a) (April 1, 2014)
- ¹³ Words substituted by Enterprise Act 2002 c. 40 Sch.9(2) para.24(3) (June 20, 2003)
- ¹⁴ Word inserted by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.12 para.6(4)(a) (January 1, 2025: 2024 c.13 Sch.12 para.6(4)(a) came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 otherwise)
- ¹⁵ Words substituted by Competition Act 1998 and Other Enactments (Amendment) Regulations 2004/1261 Sch.2 para.10(2)(b) (May 1, 2004)
- ¹⁶ Word inserted by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.12 para.6(4)(b) (January 1, 2025: 2024 c.13 Sch.12 para.6(4)(b) came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 otherwise)
- ¹⁷ Words inserted by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.13 para.6 (January 1, 2025: 2024 c.13 Sch.13 para.6 came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 otherwise)
- ¹⁸ Added by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(6) (April 1, 2014)

- ¹⁹ Words repealed by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(7)(a) (April 1, 2014)
- ²⁰ Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(7)(b) (April 1, 2014)
- ²¹ Words inserted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(7)(c) (April 1, 2014)
- ²² Added by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(8) (April 1, 2014)
- ²³ Words substituted by Enterprise Act 2002 c. 40 Sch.9(2) para.24(4) (June 20, 2003)
- ²⁴ Words substituted by Competition Act 1998 and Other Enactments (Amendment) Regulations 2004/1261 Sch.2 para.10(2)(c) (May 1, 2004)
- ²⁵ Word inserted by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.12 para.6(5) (January 1, 2025: 2024 c.13 Sch.12 para.6(5) came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 otherwise)
- ²⁶ Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.154(9) (April 1, 2014)
- ²⁷ Added by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.29 para.2 (January 1, 2025: 2024 c.13 Sch.29 para.2 came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 in relation to the provisions specified in SI 2024/1226 reg.2(5)(b)(ii); April 6, 2025 in relation to provisions specified in SI 2025/272 reg.2(4); not yet in force otherwise)

Commencement

Pt I c. V s. 86(1)-(7)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. V s. 86(1)-(8)(b): United Kingdom

 Law In Force

87.— CAA's 1973 Act functions.

- (1) For the purposes of this section the CAA's [2002]¹ Act functions are the functions mentioned in subsection (2) of section 86 which, by virtue of that section, are functions of the CAA.
- (2) The CAA must exercise its [2002]¹ Act functions so as to maintain a high standard of safety in the provision of air traffic services; and that duty is to have priority over the application of subsections (3) to (6).
- (3) The CAA must exercise its [2002]¹ Act functions in the manner it thinks best calculated—
 - (a) to further the interests of operators and owners of aircraft, owners and managers of aerodromes, persons travelling in aircraft and persons with rights in property carried in them;
 - (b) to promote efficiency and economy on the part of suppliers of air traffic services;
 - (c) to secure that suppliers of air traffic services who are licence holders will not find it unduly difficult to finance activities authorised by their licences;
 - (d) to take account of any international obligations of the United Kingdom notified to the CAA by the Secretary of State (whatever the time or purpose of the notification);

- (e) to take account of any guidance on environmental objectives given to the CAA by the Secretary of State after the coming into force of this section.
- (4) The only interests to be considered under subsection (3)(a) are interests regarding the range, availability, continuity, cost and quality of air traffic services.
- (5) The reference in subsection (3)(a) to furthering interests includes a reference to furthering them (where the CAA thinks it appropriate) by promoting competition in the provision of air traffic services.
- (6) If in a particular case there is a conflict in the application of the provisions of subsections (3) to (5), in relation to that case the CAA must apply them in the manner it thinks is reasonable having regard to them as a whole.
- (7) The CAA must exercise its [2002]¹ Act functions so as to impose on suppliers of air traffic services the minimum restrictions which are consistent with the exercise of those functions.
- (8) Section 4 of the Civil Aviation Act 1982 (CAA's general objectives) does not apply in relation to the performance by the CAA of its [2002]¹ Act functions.

Notes

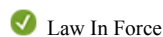
¹ Word substituted by Enterprise Act 2002 c. 40 Sch.9(2) para.25 (June 20, 2003)

Commencement

Pt I c. V s. 87(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. V s. 87(1)-(8): United Kingdom



Law In Force

88.— CAA's 1998 Act functions.

- (1) For the purposes of this section the CAA's 1998 Act functions are the functions mentioned in subsection (3) of section 86 which, by virtue of that section, are functions of the CAA.
- (2) In exercising its 1998 Act functions the CAA may (in particular) have regard to any matter which satisfies the following condition.
- (3) The condition is that the matter is one to which, by virtue of section 87, the CAA must have regard in exercising its [2002]¹ Act functions (within the meaning of that section).

Notes

¹ Word substituted by Enterprise Act 2002 (Consequential and Supplemental Provisions) Order 2003/1398 Sch.1 para.37(2) (June 20, 2003)

Commencement

Pt I c. V s. 88(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. V s. 88(1)-(3): United Kingdom

✓ Law In Force

89.— Carrying out functions.

(1) For the purposes of this section the [2002]¹ Act functions are the functions mentioned in subsection (2) of section 86 which, by virtue of that section, are concurrent functions of the CAA and [the CMA]².

(2) Before [the CMA]² or the CAA first carries out the [2002]¹ Act functions in relation to a matter [it]³ must consult the other.

(3) If [the CMA]² or the CAA has carried out the [2002]¹ Act functions in relation to a matter the other must not carry out the [2002]¹ Act functions in relation to the matter.

(4) If in carrying out the [2002]¹ Act functions the CAA makes a [market investigation reference (under section 131 of the 2002 Act)]⁴, to help the [CMA group (constituted under Schedule 4 to the Enterprise and Regulatory Reform Act 2013) which is to conduct the]⁵ investigation on the reference the CAA must give to it—

(a) any information the CAA has which relates to matters within the scope of the investigation and which the [CMA group]⁶ requests;

(b) any information the CAA has which relates to matters within the scope of the investigation and which the CAA thinks it would be appropriate for it to give without a request;

(c) any other help which the CAA is able to give in relation to matters within the scope of the investigation and which the [CMA group]⁶ requests.

(5) In carrying out the investigation concerned the [CMA group]⁷ must take account of any information given under subsection (4).

Notes

¹ Word substituted by Enterprise Act 2002 c. 40 Sch.9(2) para.26 (June 20, 2003)

² Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.155(2) (April 1, 2014)

³ Words substituted by Enterprise Act 2002 c. 40 Sch.25 para.44(8)(b) (April 1, 2003)

⁴ Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.155(3)(a) (April 1, 2014)

⁵ Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.155(3)(b) (April 1, 2014)

⁶ Word substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.155(3)(c) (April 1, 2014)

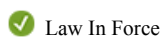
⁷ Word substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.155(4) (April 1, 2014)

Commencement

Pt I c. V s. 89(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. V s. 89(1)-(5): United Kingdom

CHAPTER VI**MISCELLANEOUS AND GENERAL***Miscellaneous*

Law In Force

90.— Publication of information and advice.

(1) The CAA may publish information and advice which it thinks it is expedient to give to—

- (a) operators and owners of aircraft;
- (b) owners and managers of aerodromes;
- (c) persons travelling in aircraft and persons with rights in property carried in them.

(2) The CAA may instead arrange for the publication of such information and advice.

(3) Publication under this section is to be in the form and manner the CAA thinks appropriate.

(4) So far as practicable the CAA must secure the exclusion of any matter relating to the affairs of a person if the CAA thinks its publication would or might seriously and prejudicially affect the person's interests.

(5) But subsection (4) does not apply if the CAA thinks publication of the matter would be in the public interest.

(6) [The [Competition and Markets Authority]² must consult the CAA before publishing under section 6 of the Enterprise Act 2002]¹ any information or advice which may be published under this section.

(7) An aerodrome is an aerodrome as defined by section 105(1) of the Civil Aviation Act 1982; and a manager of an aerodrome is a person who is in charge of it or holds a licence granted in respect of it by virtue of section 60 of that Act (Chicago Convention, regulation of air navigation etc).

(8) [...]³

Notes

¹ Words substituted by Enterprise Act 2002 c. 40 Sch.25 para.44(9)(a) (April 1, 2003)

² Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.156 (April 1, 2014)

³ Repealed by Enterprise Act 2002 c. 40 Sch.25 para.44(9)(b) (April 1, 2003)

Commencement

Pt I c. VI s. 90(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 90(1)-(8): United Kingdom

 Law In Force

91.— Review and information.

(1) So far as it appears to the CAA practicable to do so with a view to facilitating the exercise of its functions under this Part, it must—

- (a) keep under review the provision (in the United Kingdom and elsewhere) of air traffic services;
- (b) collect information about the provision (in the United Kingdom and elsewhere) of those services.

(2) The Secretary of State may give directions indicating considerations to which the CAA is to have particular regard in deciding the order of priority in which matters are to be reviewed in performing its duty under subsection (1)(a).

(3) If the CAA thinks it expedient or it is asked by the Secretary of State or [the Competition and Markets Authority]¹ to do so, it must provide information, advice and help to the Secretary of State or [the Competition and Markets Authority]¹ regarding any matter in respect of which the CAA has a function under this Part.

(4) The CAA may recover from the Secretary of State or [the Competition and Markets Authority]¹ a sum equal to any expense reasonably incurred by it in providing anything to the person concerned under subsection (3).

(5) [...] ²

Notes

¹ Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.157 (April 1, 2014)

² Repealed by Enterprise Act 2002 c. 40 Sch.25 para.44(10)(b) (April 1, 2003)

Commencement

Pt I c. VI s. 91(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 91(1)-(5): United Kingdom

 Law In Force

92. Secretary of State's directions to CAA.

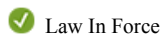
The Secretary of State may give directions indicating considerations to which the CAA is to have particular regard in deciding whether and how to exercise its functions under this Part.

Commencement

Pt I c. VI s. 92: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 92: United Kingdom



Law In Force

93.— Control in time of hostilities etc.

(1) The Secretary of State may—

- (a) give directions to any listed person in any time of actual or imminent hostilities or of severe international tension or of great national emergency;
- (b) give directions to any listed person requiring him to participate in the planning of steps which might be taken in any time of actual or imminent hostilities or of severe international tension or of great national emergency.

(2) The listed persons are—

- (a) the CAA [or a person (other than the CAA) appointed by regulations under section 16 of the Space Industry Act 2018]¹ ;
- (b) a person who provides air traffic services [or range control services]² ;
- (c) a person who operates a United Kingdom air transport undertaking [or carries out spaceflight activities]³ ;
- (d) a person who operates an airport [or a spaceport]⁴ ;
- (e) a person who owns or operates a relevant asset.

(3) The power under subsection (1)(a) includes—

- (a) in the case of [a person within subsection (2)(a)]⁵ , power to direct it to carry out its functions in a specified manner or for specified purposes;
- (b) in the case of a person who provides air traffic services [or range control services]⁶ , power to direct him to do so in a specified manner or for specified purposes;
- (c) in the case of a person who owns a relevant asset, power to direct him to permit the use of the asset or to exercise his rights over it in a specified manner or for specified purposes;
- (d) in the case of a person who operates a relevant asset, power to direct him to exercise his powers of management over the asset in a specified manner or for a specified purpose.

(4) The power under subsection (1)(a) includes power to give directions designed—

- (a) to regulate or prohibit (absolutely or subject to conditions) the navigation of all or any descriptions of aircraft [or spacecraft]⁷ over the United Kingdom or over part of it or over any area of sea;
- (b) to regulate or prohibit (absolutely or subject to conditions) the use, building, maintenance or establishment of aerodromes [, flying schools or spaceports]⁸ or of any description of aerodrome [, flying school or spaceport]⁹ ;
- (c) to secure that relevant assets are taken into the Secretary of State's possession for use by or for the purposes of the armed forces of the Crown.

- (5) In so far as a direction under this section conflicts with the requirements of an order under section 94, the direction is to be disregarded.
- (6) In so far as a direction under this section conflicts—
- (a) with the requirements of an enactment or instrument other than an order under section 94, or
 - (b) with any duty which arises otherwise than under an enactment or instrument,
- the requirements are or the duty is to be disregarded.
- (7) A person directed under this section commits an offence if without reasonable excuse he contravenes or fails to comply with the direction.
- (8) A person who commits an offence under subsection (7) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.
- (9) A person (other than [a person within subsection (2)(a)]¹⁰) who suffers direct injury or loss arising from compliance with a direction under subsection (1)(a) is entitled to receive compensation from the Secretary of State.
- (10) The compensation must be of an amount agreed by the person and the Secretary of State or (in default of agreement) of an amount decided by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
 - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
 - (c) an arbitrator appointed by the [Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland]¹¹ (if the proceedings are to be held in Northern Ireland).

Notes

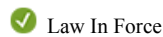
- ¹ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.20(2)(a) (July 29, 2021)
- ² Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.20(2)(b) (July 29, 2021)
- ³ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.20(2)(c) (July 29, 2021)
- ⁴ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.20(2)(d) (July 29, 2021)
- ⁵ Words substituted by Space Industry Act 2018 c. 5 Sch.12 para.20(3)(a) (July 29, 2021)
- ⁶ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.20(3)(b) (July 29, 2021)
- ⁷ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.20(4)(a) (July 29, 2021)
- ⁸ Words substituted by Space Industry Act 2018 c. 5 Sch.12 para.20(4)(b) (July 29, 2021)
- ⁹ Substituted by Space Industry Act 2018 c. 5 Sch.12 para.20(4)(c) (July 29, 2021)
- ¹⁰ Words substituted by Space Industry Act 2018 c. 5 Sch.12 para.20(5) (July 29, 2021)
- ¹¹ Words substituted by Constitutional Reform Act 2005 c. 4 Sch.4(1) para.295 (April 3, 2006)

Commencement

Pt I c. VI s. 93(1)-(10)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 93(1)-(10)(c): United Kingdom



94.— Orders for possession of aerodromes etc.

- (1) This section applies in any time of actual or imminent hostilities or of severe international tension or of great national emergency.
- (2) The Secretary of State may by order provide for—
- (a) any aerodrome [or spaceport]¹, and
 - (b) any aircraft [or spacecraft]², machinery, plant, material or thing found in or on any aerodrome [or spaceport]¹,
- to be taken into his possession and used by or for the purposes of the armed forces of the Crown.
- (3) An order under this section may, for the purpose of securing compliance with the provisions of the order—
- (a) provide for the detention of aircraft [or spacecraft]²;
 - (b) make such other provision as appears to the Secretary of State to be necessary or expedient for securing such detention.
- (4) A person must comply with an order under this section notwithstanding any other duty, however arising.
- (5) An order under this section may, for the purpose of securing compliance with the provisions of the order, provide for—
- (a) persons to be guilty of offences in such circumstances as may be specified in the order;
 - (b) persons to be liable on conviction of those offences to such penalties as may be so specified.
- (6) The power under subsection (5) does not include power—
- (a) to provide for offences to be triable only on indictment;
 - (b) to authorise the imposition, on summary conviction of an offence, of any term of imprisonment or of a fine exceeding the statutory maximum;
 - (c) to authorise the imposition, on conviction on indictment of an offence, of a term of imprisonment exceeding two years.
- (7) Any person who suffers direct injury or loss arising from compliance with an order under this section is entitled to receive compensation from the Secretary of State.
- (8) The compensation must be of an amount agreed by the person and the Secretary of State or (in default of agreement) of an amount decided by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
 - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
 - (c) an arbitrator appointed by the [Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland]³ (if the proceedings are to be held in Northern Ireland).

Notes

¹ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.21(2) (July 29, 2021)

² Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.21(3) (July 29, 2021)

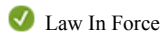
³ Words substituted by Constitutional Reform Act 2005 c. 4 Sch.4(1) para.296 (April 3, 2006)

Commencement

Pt I c. VI s. 94(1)-(8)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 94(1)-(8)(c): United Kingdom



Law In Force

95.— Sections 93 and 94: interpretation.

(1) This section defines these expressions (here listed alphabetically) for the purposes of sections 93 and 94 and this section—

- (a) aerodrome;
- (b) airport, and its operator;
- (c) great national emergency;
- [(ca) range control services;]¹
- (d) relevant asset, and a person who owns or operates it;
- [(da) spacecraft;
- (db) spaceflight activities;
- (dc) spaceport;]²
- (e) United Kingdom air transport undertaking.

(2) A great national emergency is a natural disaster or other emergency which the Secretary of State thinks is or may be likely to give rise to such disruption of the means of transport that the population, or a substantial part of the population, of the United Kingdom is or may be likely to be deprived of essential goods or services.

(3) An aerodrome is an aerodrome as defined in section 105(1) of the Civil Aviation Act 1982.

(4) An airport is the aggregate of the land, buildings and works comprised in an aerodrome; and a person operates an airport if he manages it.

(5) A United Kingdom air transport undertaking is an undertaking which appears to the Secretary of State to have its principal place of business in the United Kingdom and which includes the provision of services for the carriage by air of passengers or cargo for hire or reward.

(6) A relevant asset is any—

- (a) aerodrome [or spaceport]³,
- (b) property used in connection with the operation of an aerodrome [or spaceport]³,
- (c) aircraft [or spacecraft]⁴, or
- (d) property used in connection with the provision of air traffic services [or range control services]⁵.

(7) An owner of a relevant asset is a person—

- (a) who owns it or has a right over or interest in it, and
- (b) whose consent is needed for its use by any other person.

(8) An operator of a relevant asset is a person who manages it.

[(9) The following expressions have the same meaning as in the Space Industry Act 2018—
range control services (see section 6 of that Act);

spacecraft (see section 2(6) of that Act);
 spaceflight activities (see section 1(4) to (6) of that Act);
 spaceport (see section 3(2) and (3) of that Act).

]⁶

Notes

- ¹ Added by Space Industry Act 2018 c. 5 Sch.12 para.22(2) (July 29, 2021)
² Possible drafting error - s.95(2)(da) to (dc) purportedly inserted after s.95(2)(d) but that provision does not exist so amendment made after s.95(1)(d) by Space Industry Act 2018 c. 5 Sch.12 para.22(3) (July 29, 2021)
³ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.22(4)(a) (July 29, 2021)
⁴ Words inserted by Space Industry Act 2018 c. 5 Sch.12 para.22(4)(b) (July 29, 2021)
⁵ Added by Space Industry Act 2018 c. 5 Sch.12 para.22(4)(c) (July 29, 2021)
⁶ Added by Space Industry Act 2018 c. 5 Sch.12 para.22(5) (July 29, 2021)

Commencement

Pt I c. VI s. 95(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 95(1)-(1)(c), (1)(d), (1)(e)-(8): United Kingdom

Pt I c. VI s. 95(1)(ca), (1)(da)-(1)(dc), (9): (extent not available)

✓ Law In Force

96.— Civil Aviation Authority Pension Scheme.

- (1) The Secretary of State may by order make provision for the allocation of assets, rights, liabilities or obligations between different sections of the Civil Aviation Authority Pension Scheme.
- (2) An order under this section may include provision for or in connection with—
- (a) securing that the Scheme continues to be approved for the purposes of the relevant enactments;
 - (b) the amendment of the Scheme;
 - (c) the manner in which questions arising under the order are to be determined.
- (3) The reference in subsection (2) to the amendment of the Scheme includes a reference to the amendment of—
- (a) the trust deed of the Scheme;
 - (b) the rules of the Scheme;
 - (c) any other instrument relating to the constitution, management or operation of the Scheme.
- (4) An order under this section may be made so as to have effect from a date falling before the making of the order.
- (5) In making an order under this section the Secretary of State must secure that each person falling within subsection (6) is overall in materially at least as good a position, as respects pension arrangements, as a result of the order.
- (6) A person falls within this subsection if—
- (a) he is or has at any time been a contributing member of the Scheme, or

- (b) he is or may become entitled to benefits in respect of a person falling within paragraph (a).

(7) A contributing member of the Scheme is a member who makes, and whose employer makes in respect of him, contributions under the Scheme.

(8) The relevant enactments are—

- (a) Chapter I of Part XIV of the Income and Corporation Taxes Act 1988 (retirement benefit schemes);
- (b) Part III of the Pension Schemes Act 1993, so far as relating to occupational pension schemes.

Commencement

Pt I c. VI s. 96(1)-(8)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 96(1)-(8)(b): United Kingdom

✓ Law In Force

97. Amendments.

Schedule 8 contains amendments.

Commencement

Pt I c. VI s. 97: February 1, 2001 in relation to 2000 c.38 Sch.8 paras.1, 2, 11 to 17 and 19; April 1, 2001 otherwise (SI 2001/57 art. 3, Sch. 2(I) para. 1; SI 2001/869 art. 2)

Extent

Pt I c. VI s. 97: United Kingdom

General interpretation

✓ Law In Force

98.— Air traffic services.

(1) For the purposes of this Part these are air traffic services—

- (a) providing instructions, information or advice with a view to preventing aircraft colliding with other aircraft or with other obstructions (whether in the air or on the ground);
- (b) providing instructions, information or advice with a view to securing safe and efficient flying;
- (c) managing the flow of air traffic with a view to ensuring the most efficient use of airspace;
- (d) providing facilities for communicating with aircraft and for the navigation and surveillance of aircraft;

(e) notifying organisations of aircraft needing search and rescue facilities, and assisting organisations to provide such facilities [;]¹

[(f) making an airspace change proposal to the CAA, or developing such a proposal with a view to making it to the CAA.]¹

[(1A) In paragraph (1)(f), "airspace change proposal" means a proposal—

(a) to change—

(i) airspace structures within the London, Scottish or Shanwick Oceanic flight information regions, or

(ii) the flight procedures to be followed in those regions or any part of them, and

(b) which is of a type that the CAA is required to develop procedures for dealing with by directions given under section 66 of this Act (air navigation: directions).

] ²

(2) The Secretary of State may by order amend the meaning of air traffic services for the purposes of this Part.

Notes

¹ Added by Transport Act 2000 (Air Traffic Services) (Amendment) Order 2025/629 art.2(2) (August 15, 2025)

² Added by Transport Act 2000 (Air Traffic Services) (Amendment) Order 2025/629 art.2(3) (August 15, 2025)

Commencement

Pt I c. VI s. 98(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 98(1)-(2): United Kingdom

 Law In Force

99. The CAA.

For the purposes of this Part the CAA is the Civil Aviation Authority.

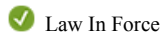
Commencement

Pt I c. VI s. 99: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 99: United Kingdom

Other general provisions



Law In Force

100.— Service of documents.

(1) A document required or authorised by virtue of this Part to be served on a person may be served—

- (a) by delivering it to him or by leaving it at his proper address or by sending it by post to him at that address;
- (b) if the person is a body corporate, by serving it in accordance with paragraph (a) on the secretary of the body;
- (c) if the person is a partnership, by serving it in accordance with paragraph (a) on a partner or a person having the control or management of the partnership business.

(2) For the purposes of this section and section 7 of the Interpretation Act 1978 (service of documents by post) in its application to this section, the proper address of a person on whom a document is to be served is his last known address, except that—

- (a) in the case of service on a body corporate or its secretary, it is the address of the registered or principal office of the body;
- (b) in the case of service on a partnership or a partner or a person having the control or management of a partnership business, it is the address of the principal office of the partnership.

(3) For the purposes of subsection (2) the principal office of a company constituted under the law of a country or territory outside the United Kingdom or of a partnership carrying on business outside the United Kingdom is its principal office within the United Kingdom.

(4) Subsection (5) applies if a person to be served under this Part with a document by another has specified to that other an address within the United Kingdom other than his proper address (as determined under subsection (2)) as the one at which he or someone on his behalf will accept documents of the same description as that document.

(5) In relation to that document that address must be treated as his proper address for the purposes of this section and section 7 of the Interpretation Act 1978 in its application to this section, instead of that determined under subsection (2).

(6) This section does not apply to a document if rules of court make provision about its service.

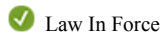
(7) In this section references to serving include references to similar expressions (such as giving or sending).

Commencement

Pt I c. VI s. 100(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 100(1)-(7): United Kingdom



Law In Force

101.— Making of false statements etc.

(1) A person commits an offence if in giving information or making an application in relevant circumstances—

- (a) he makes a statement which he knows to be false in a material particular, or
- (b) he recklessly makes a statement which is false in a material particular.

(2) A person gives information or makes an application in relevant circumstances if he gives or makes it in pursuance of—

- (a) a provision contained in or made under this Part, or
- (b) a direction given, notice served or other thing done in pursuance of such a provision.

(3) A person who commits an offence under this section is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
- (b) on conviction on indictment, to a fine.

(4) No proceedings may be started in England and Wales for an offence under this section except by or with the consent of the Secretary of State or the Director of Public Prosecutions.

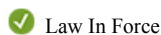
(5) No proceedings may be started in Northern Ireland for an offence under this section except by or with the consent of the Secretary of State or the Director of Public Prosecutions for Northern Ireland.

Commencement

Pt I c. VI s. 101(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 101(1)-(5): United Kingdom



Law In Force

102. Disclosure of information.

Schedule 9 contains provision about the disclosure of information.

Commencement

Pt I c. VI s. 102: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 102: United Kingdom



Law In Force

103.— Orders and regulations.

(1) A power to make an Order in Council or an order or regulations under this Part may be exercised differently in relation to different cases or descriptions of case.

- (2) An Order in Council or an order or regulations under this Part may include such supplementary, incidental, consequential or transitional provisions as the person exercising the power thinks are necessary or expedient.
- (3) A power to make an order or regulations under this Part is exercisable by statutory instrument.
- (4) In subsections (1) and (3) references to a power to make an order are to a power of the Secretary of State; and in subsection (2) the reference to an order is to an order made by the Secretary of State.
- (5) A statutory instrument is subject to annulment in pursuance of a resolution of either House of Parliament if the instrument contains an order or regulations made by the Secretary of State under any provision of this Part other than [section 11, 19A, 40A, 51 or 94]¹ [, paragraph 14 of Schedule B1 or paragraph 2 of Schedule C1]².
- (6) No order is to be made under section 51 [, and no regulations are to be made under section 11, 19A or 40A, paragraph 14 of Schedule B1 or paragraph 2 of Schedule C1,]³ unless a draft has been laid before and approved by resolution of each House of Parliament.
- (7) The power to make an order under section 4 is exercisable only after consultation with the CAA, unless the exemption needs to be granted before the coming into force of section 3.
- (8) The power to make an order under section 98 is exercisable only after consultation with the CAA.
- (9) The power to make regulations under [section 6 or 11]⁴ is exercisable only after consultation with the CAA.
- (10) The power to make an order under section 57 is exercisable only with the Treasury's consent.
- (11) The power to make an order under section 77(5) is exercisable only after consultation with the CAA and holders of licences under Chapter I.
- (12) The power to make an order under section 96 is exercisable only after consultation with the trustees of the Civil Aviation Authority Pension Scheme.
- (13) If apart from this subsection a draft of an order under section 51 would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

Notes

¹ Words inserted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.9(2)(a) (June 29, 2021)

² Words inserted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.9(2)(b) (June 29, 2021)

³ Words inserted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.9(3) (June 29, 2021)

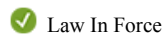
⁴ Words inserted by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.9(4) (June 29, 2021)

Commencement

Pt I c. VI s. 103(1)-(13): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 103(1)-(13): United Kingdom



104.— Directions.

- (1) A person to whom a direction is given under this Part must give effect to the direction.
- (2) A direction under a provision of this Part may be varied or revoked by a direction under the same provision.

[(2A) But subsection (2) does not apply in the case of—

- (a) a direction given by the Competition and Markets Authority under section 19C;
- (b) a direction given by that Authority under paragraph 8 of Schedule A1 (see instead paragraph 8(4) of that Schedule);
- (c) a direction given by the Competition Appeal Tribunal under paragraph 20 of Schedule B1;
- (d) a direction given by that Tribunal under paragraph 8 of Schedule C1.

] ¹

- (3) A direction under this Part must be in writing.

Notes

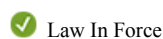
¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.7 para.10 (June 29, 2021)

Commencement

Pt I c. VI s. 104(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 104(1)-(3): United Kingdom



105.— Crown application.

- (1) The provisions mentioned in subsection (2) bind the Crown.
- (2) The provisions are—
- (a) section 3;
 - (b) sections 26 to 30 and 33;
 - (c) sections 41, 42, 44, 45 and 60;
 - (d) Chapter V, to the extent that it applies or modifies the operation of provisions of the Competition Act 1998;
 - (e) sections 93 to 95;
 - (f) section 104, so far as relating to other provisions of this Part which bind the Crown;
 - (g) Schedule 1, to the extent that it applies, amends or modifies the operation of provisions of the Insolvency Act 1986 which bind the Crown so far as affecting or relating to the matters specified in paragraphs (a) to (e) of section 434 of that Act;
 - (h) Schedule 2;

- (i) Schedule 3, to the extent that it applies, amends or modifies the operation of provisions of the Insolvency (Northern Ireland) Order 1989 which bind the Crown so far as affecting or relating to the matters specified in paragraphs (a) to (e) of Article 378 of that Order;
- (j) Schedule 6.

(3) Her Majesty may by Order in Council apply, with or without modification, any of the provisions mentioned in subsection (4) to any aircraft belonging to or exclusively employed in the service of Her Majesty.

(4) The provisions are—

- (a) Chapter IV (except section 82);
- (b) any order or regulations under any provision mentioned in paragraph (a).

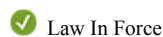
(5) This section (except so far as it relates to Chapter V) has effect subject to section 106; and, so far as it relates to Chapter V, it has effect subject to section 73 of the Competition Act 1998.

Commencement

Pt I c. VI s. 105(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 105(1)-(5): United Kingdom



Law In Force

106.— The Crown: other provisions.

(1) No contravention by the Crown of a provision contained in or made under this Part shall make the Crown criminally liable; but the High Court or in Scotland the Court of Session may, on the application of a person appearing to the Court to have an interest, declare unlawful any act or omission of the Crown which constitutes such a contravention.

(2) Notwithstanding subsection (1), the provisions contained in or made under section 3(1), 93(7) or 94(5) apply to persons in the public service of the Crown as they apply to other persons.

(3) However, section 3(1) does not apply if the services there mentioned are provided by or on behalf of the armed forces of the Crown; and the person to whom and aircraft for which the services are provided are immaterial.

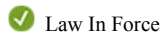
(4) Nothing in section 105 or this section affects Her Majesty in her private capacity; and this subsection must be construed as if section 38(3) of the Crown Proceedings Act 1947 (meaning of Her Majesty in her private capacity) were contained in this Act.

Commencement

Pt I c. VI s. 106(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 106(1)-(4): United Kingdom



Law In Force

107.— Extension outside United Kingdom.

(1) Her Majesty may by Order in Council direct that any of the provisions listed in subsection (2) is to extend to any relevant overseas territory specified in the Order, with the modifications (if any) so specified.

(2) The provisions are—

- (a) Chapter I;
- (b) Chapter II;
- (c) Chapter III;
- (d) Chapter IV;
- (e) sections 90 to 104 and Schedules 8 and 9;
- (f) section 273 so far as it relates to offences under this Part.

(3) These are relevant overseas territories—

- (a) any of the Channel Islands;
- (b) the Isle of Man;
- (c) any colony.

(4) In this section “modifications” includes additions, omissions and other alternations.

Commencement

Pt I c. VI s. 107(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt I c. VI s. 107(1)-(4): United Kingdom

PART II**LOCAL TRANSPORT***Local transport plans and bus strategies*

Law In Force With Amendments Pending

108.— Local transport plans.

(1) Each local transport authority must—

- (a) develop policies for the promotion and encouragement of safe, integrated, efficient and economic transport [...] to, from and within their area, and
- (b) carry out their functions so as to implement those policies.

[(2) In subsection (1), “transport” means—

(a) the transport required to meet the needs of persons living or working in the authority's area, or visiting or travelling through that area, and
 (b) the transport required for the transportation of freight;
 and includes facilities and services for pedestrians.]¹

[(2ZA) Each local transport authority whose area is in England must—

(a) in developing policies in accordance with subsection (1)(a), and
 (b) in carrying out their functions in accordance with subsection (1)(b),
 comply with the duties set out in subsection (2ZB).

(2ZB) The duties are—

(a) to take into account any policies announced by Her Majesty's government, and
 (b) to have regard to any guidance issued for the purposes of this paragraph by the Secretary of State,
 with respect to mitigation of, or adaptation to, climate change or otherwise with respect to the protection or improvement of the environment.

(2ZC) The power to issue guidance under subsection (2ZB)(b) does not affect the generality of the power to issue guidance under section 112(1).]¹

[(2A) Each local transport authority whose area is in Wales must also—

(a) develop policies for the implementation in their area of the Wales Transport Strategy, and
 (b) carry out their functions so as to implement those policies.

] ²

[(3) Each local transport authority whose area is in England must prepare a document to be known as (or two or more documents to be known together as) the local transport plan containing—

(a) their policies under subsection (1)(a);
 (b) their proposals for the implementation of those policies.

(3A) Each local transport authority whose area is in Wales must prepare a document to be known as the local transport plan containing—

(a) their policies under subsection (1)(a), and
 (b) their policies under subsection (2A).

(3B) A local transport authority whose area is in England must, in complying with the duty under subsection (1)(b), have regard to the proposals contained in their plan.]³

(4) In this Part “local transport authority” means—

(a) a county council in England,
 (b) a council of a non-metropolitan district in England comprised in an area for which there is no county council,

[(c) an Integrated Transport Authority for an integrated transport area in England, [...]]⁴

[(ca) a combined authority, [...]]⁵

[(cb) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023, or]⁶

(d) a county council or county borough council in Wales.

[(5) In this Part “local transport policies” means policies developed under subsection (1)(a). [...]]⁷

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 2 s.8 (April 1, 2009 as SI 2009/579)
- ² Added by Transport (Wales) Act 2006 c. 5 Sch.1 para.2(2) (May 26, 2006)
- ³ S.108(3)-(3B) substituted for s.108(3) by Local Transport Act 2008 c. 26 Pt 2 s.9(1) (April 1, 2009 as SI 2009/579)
- ⁴ Substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.42 (February 9, 2009)
- ⁵ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.96 (December 17, 2009)
- ⁶ Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.125 (December 26, 2023)
- ⁷ Added by Local Transport Act 2008 c. 26 Pt 2 s.7(2) (April 1, 2009 as SI 2009/579)
- ⁸ S.108(3)-(3B) substituted for s.108(3) by Local Transport Act 2008 c. 26 Pt 2 s.9(1) (April 1, 2011 as SI 2009/107)

Proposed Draft Amendments

Pt II s. 108(4)(cb): words repealed by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 2(a) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 108(4A): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 2(b) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 108(4B): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 2(b) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 108(4C): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 2(b) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 108(1)-(4)(d): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 108(1)-(5): England, Wales



Law In Force With Amendments Pending

109.— [Further provision about plans: England] ¹

(1) A local transport authority [whose area is in England] ² must keep their local transport plan under review and alter it if they consider it appropriate to do so.

[(2) The authority may replace their plan as they think fit.] ³

[(2A) In preparing their local transport plan, and in keeping it under review, an authority other than an Integrated Transport Authority [, a combined authority or a combined county authority] ⁵ must consult—

- (a) the Secretary of State in relation to functions which the Secretary of State has—
 - (i) as highway authority by virtue of section 1 of the Highways Act 1980, or
 - (ii) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984,
- (b) if the local transport authority is a county council, the councils of the districts in the county (if any).

(2B) In preparing their local transport plan, and in keeping it under review, an Integrated Transport Authority [, a combined authority or a combined county authority]⁶ must consult—

- (a) each local traffic authority (within the meaning of the Road Traffic Regulation Act 1984) for any area within the integrated transport area of the Integrated Transport Authority [or (as the case may be) the area of the combined authority]⁷ [or combined county authority]⁸ ,
- (b) the Secretary of State in relation to functions which the Secretary of State has—
 - (i) as highway authority by virtue of section 1 of the Highways Act 1980, or
 - (ii) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984,
- (c) each county council and each district council for any area within the integrated transport area of the Integrated Transport Authority [or (as the case may be) the area of the combined authority]⁹ [or combined county authority]¹⁰ .

(2C) In preparing their local transport plan, and in keeping it under review, the authority must consult such of the following persons as they consider appropriate—

- (a) operators of any network or station, or of any railway services, in their area;
- (b) operators or providers of other transport services in their area, or organisations appearing to the authority to be representative of the interests of such persons;
- (c) organisations appearing to the authority to be representative of the interests of users of transport services and facilities in their area;

and must also consult any other persons whom they consider appropriate.

(2D) Any expression which is used in subsection (2C)(a) or (b) and in Part 1 of the Railways Act 1993 has the meaning given in that Part, taking “railway” to have its wider meaning (see section 81 of that Act).]⁴

(3) As soon as practicable after any occasion when they prepare a new plan or alter their plan, the authority must—

- (a) publish the plan or the plan as altered in such manner as they think fit, and
- (b) send a copy of it to the Secretary of State [...] ¹¹ and to such other persons (if any) as may be specified in guidance under section 112(1).

(4) The authority must also—

- (a) cause a copy of their local transport plan to be made available for inspection (at all reasonable hours) at such places as they think fit,
- (b) give notice, by such means as they think expedient for bringing it to the attention of the public, as to the places at which a copy of it may be inspected, and
- (c) supply a copy of it (or any part of it) to any person on request, either free of charge or at a charge representing no more than the cost of providing the copy.

(5)-(6) [...] ⁴

Notes

¹ Words substituted by Transport (Wales) Act 2006 c. 5 Sch.1 para.3(2) (May 26, 2006)

² Words inserted by Transport (Wales) Act 2006 c. 5 Sch.1 para.3(3) (May 26, 2006)

³ Substituted by Local Transport Act 2008 c. 26 Pt 2 s.9(3) (April 1, 2011: substitution has effect on April 1, 2011 as specified in SI 2009/107 subject to transitional provisions specified in SI 2009/107 art.5(2))

⁴ Amended by Local Transport Act 2008 c. 26 Pt 2 s.9 (February 9, 2009 as SI 2009/107)

⁵ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.126(2) (December 26, 2023)

- ⁶ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.126(3)(a) (December 26, 2023)
- ⁷ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.97(3)(b) (December 17, 2009)
- ⁸ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.126(3)(b) (December 26, 2023)
- ⁹ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.97(3)(c) (December 17, 2009)
- ¹⁰ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.126(3)(c) (December 26, 2023)
- ¹¹ Words repealed by Transport (Wales) Act 2006 c. 5 Sch.1 para.3(4) (May 26, 2006)

Proposed Draft Amendments

Pt II s. 109(4A): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 3 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 109(4B): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 3 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 109(1)-(6)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 109(1)-(6)(b): England, Wales

✓ Law In Force

[109A Approval of plans: Wales

(1) A local transport authority whose area is in Wales must submit their local transport plan to the National Assembly for Wales for its approval.

(2) If the Assembly refuses to approve a plan submitted to it by a local transport authority under this section—

- (a) the Assembly must give the local transport authority a statement of the reasons for its refusal, and
- (b) the authority must prepare another local transport plan and submit the plan to the Assembly for its approval.

(3) If the Assembly approves a local transport plan under this section, the plan has effect when the approval is given.

(4) The Assembly may approve a local transport plan under this section if (but only if) it considers—

- (a) that the plan is consistent with the Wales Transport Strategy, and
- (b) that the policies contained in the plan are adequate for the implementation in the authority's area of the Strategy.

(5) [...] ²
] ¹

Notes

- ¹ Added by Transport (Wales) Act 2006 c. 5 Sch.1 para.4 (May 26, 2006)

- ² Repealed by Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007/1388 Sch.1 para.88 (May 25, 2007 immediately after the end of the initial period as specified in 2006 c.32 s.161(5))

Extent

Pt II s. 109A(1)-(5)(b): England, Wales

✓ Law In Force

[109B Further provision about plans: Wales

- (1) A local transport authority whose area is in Wales must keep their local transport plan under review and alter it if they consider it appropriate to do so.
- (2) The authority must in particular review the plan as soon as practicable after the publication of the Wales Transport Strategy or any revision of it.
- (3) The authority must replace their local transport plan not later than five years after the date on which the plan was approved under section 109A.
- (4) Section 109A applies to a replacement plan and a plan as altered as it applies to a plan as originally prepared.
- (5) A local transport authority whose area is in Wales shall be taken to have complied with subsection (3) if (but only if)–
 - (a) the authority submit their replacement plan to the National Assembly for Wales for approval under section 109A before the end of the five year period mentioned in subsection (3), and
 - (b) the Assembly approves the plan under section 109A (whether the approval is given before or after the end of that five year period).
- (6) If an authority fail to comply with subsection (3) because they fail to submit their replacement plan to the Assembly for approval under section 109A before the end of the five year period mentioned in that subsection, the authority must replace their local transport plan as soon as practicable after the expiry of the five year period.
- (7) If an authority fail to comply with subsection (3) because the Assembly refuses to approve a plan submitted to it under section 109A, the authority must replace their local transport plan as soon as practicable after the refusal.
- (8) As soon as practicable after their plan, or their plan as altered, has been approved under section 109A, a local transport authority whose area is in Wales must–
 - (a) publish the plan or the plan as altered in such manner as they think fit, and
 - (b) send a copy of it to such persons (if any) as may be specified in guidance under section 112(1).
- (9) The authority must also–
 - (a) cause a copy of their local transport plan to be made available for inspection (at all reasonable hours) at such places as they think fit,
 - (b) give notice, by such means as they think expedient for bringing it to the attention of the public, as to the places at which a copy of it may be inspected, and

(c) supply a copy of it (or any part of it) to any person on request, either free of charge or at a charge representing no more than the cost of providing the copy.

1

Notes

¹ Added by Transport (Wales) Act 2006 c. 5 Sch.1 para.4 (May 26, 2006)

Extent

Pt II s. 109B(1)-(9)(c): England, Wales

 Law In Force

[109C Transitional provisions: Wales

(1) Where a local transport authority whose area is in Wales have, before 1st August 2001, prepared and published a document which—

(a) contains policies developed by them for the purposes described in section 108(1)(a), and

(b) was prepared and published in accordance with guidance issued by the National Assembly for Wales,

that document shall be taken to be the authority's local transport plan.

(2) But, in the case of a document which is a local transport plan by virtue of subsection (1), section 109B(3) requires its replacement not later than such date as is specified in an order made by the National Assembly for Wales (rather than not later than five years after the date on which it was approved under section 109A).

(3) For the purposes of section 109B(3), a local transport plan made before the coming into force of section 109A by a local transport authority whose area is in Wales shall be taken to have been approved under section 109A on the date on which it was made.

1

Notes

¹ Added by Transport (Wales) Act 2006 c. 5 Sch.1 para.4 (May 26, 2006)

Extent

Pt II s. 109C(1)-(3): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Repealed

Wales

110.— [...]¹**Notes**

- ¹ Repealed by Local Transport Act 2008 c. 26 Pt 2 s.10(2) (April 1, 2009: repeal has effect as SI 2009/579 subject to transitional provision specified in SI 2009/579 Sch.1 para.1)

England

[...]¹**Notes**

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(1) para.1 (February 9, 2009: repeal has effect on February 9, 2009 as specified in SI 2009/107 subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.2)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Repealed

Wales

111.— [...]¹**Notes**

- ¹ Repealed by Local Transport Act 2008 c. 26 Pt 2 s.10(2) (April 1, 2009: repeal has effect as SI 2009/579 subject to transitional provision specified in SI 2009/579 Sch.1 para.1)

England

[...]¹**Notes**

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(1) para.1 (February 9, 2009: repeal has effect on February 9, 2009 as specified in SI 2009/107 subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.2)



112.— Plans and strategies: supplementary.

(1) In carrying out their functions under [sections 108 to 109B]¹, a local transport authority must have regard to any guidance concerning—

- (a) the content of local transport plans [...] ¹,
- (b) the preparation of such plans [...] ¹,
- (c) the alteration and replacement of such plans [...] ¹, and
- (d) the publication and making available of such plans [...] ¹ as originally made and as altered or replaced,

which is issued from time to time by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).

(2) In developing [and implementing]² their policies under section 108(1)[...] ¹, a local transport authority must have regard to the transport needs of [disabled persons (within the meaning of the [Equality Act 2010]³) and of]² persons who are elderly or have mobility problems.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 2 s.10 (April 1, 2009 as SI 2009/579)

² Amended by Local Transport Act 2008 c. 26 Pt 2 s.11(2) (April 1, 2009 as SI 2009/579)

³ Words substituted by Equality Act 2010 c. 15 Sch.26(1) para.48 (October 1, 2010: commenced by an amendment; substitution has effect subject to savings and transitional provisions specified in SI 2010/2317 arts 5-22 and Schs 1-7)

Proposed Draft Amendments

Pt II s. 112(3): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 5 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

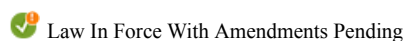
Pt II s. 112(4): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 5 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 112(1)-(2): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 112(1)-(2): England, Wales



113.— Role of metropolitan district councils.

(1) [...] ¹

[(2) The duties imposed on an Integrated Transport Authority for an integrated transport area [or a combined authority [or a combined county authority]³ for an area]² by—

- (a) section 108(1)(b), (2ZA) and (3B), and

(b) section 109(4),
are also duties of each of the councils for the metropolitan districts comprised in the area, subject to the modifications set out in subsection (2A).

(2A) The modifications are—

- (a) in section 108(1)(b) , the reference to “those policies” is a reference to the policies developed by the Integrated Transport Authority [or (as the case may be) the combined authority]⁴ [or combined county authority]⁵ for that area;
- (b) in section 108(3B) , the reference to “their plan” is a reference to the local transport plan of the Integrated Transport Authority [or (as the case may be) the combined authority]⁴ [or combined county authority]⁵ for that area;
- (c) in section 109(4) , the reference to “their local transport plan” is a reference to the local transport plan of the Integrated Transport Authority [or (as the case may be) the combined authority]⁴ [or combined county authority]⁵ for that area.

] ¹

(3) [...] ¹

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 2 s.12 (April 1, 2009 as SI 2009/579)
- ² Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.98(2) (December 17, 2009)
- ³ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.127(2) (December 26, 2023)
- ⁴ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.98(3) (December 17, 2009)
- ⁵ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.127(3) (December 26, 2023)

Proposed Draft Amendments

Pt II s. 113: substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Pt 2 s. 28 (Commons' Committee Stage, October 16, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in English Devolution and Community Empowerment Bill 2024-25 s.78(1)(c); not yet in force otherwise)

Commencement

Pt II s. 113(1)-(3)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 113(1)-(3)(b): England, Wales

 Law In Force

[113A Modification of provisions about plans and strategies: Wales

(1) The National Assembly for Wales may by order modify the application of [sections 108 to 109B]² in relation to local transport authorities whose areas are in Wales for the purpose of—

- (a) permitting a local transport plan to be prepared in respect of part only of an authority's area;

- (b) permitting a local transport plan to be prepared by two or more authorities jointly in respect of an area comprising all or any part or parts of their areas.
- (2) An order under subsection (1) made for the purpose mentioned in subsection (1)(b) may in particular include provision for—
- (a) the plan to be prepared by one of the authorities concerned on behalf of both or all of them;
 - (b) administrative arrangements, including the apportionment of the cost of preparing the plan between the authorities concerned.
- (3) Before making an order under subsection (1) the Assembly must consult the local transport authorities concerned and any other persons it considers appropriate.
-] ¹

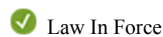
Notes

¹ Added by Transport (Wales) Act 2006 c. 5 Sch.1 para.6 (May 26, 2006)

² Words substituted by Local Transport Act 2008 c. 26 Pt 2 s.10(6) (April 1, 2009 as SI 2009/579)

Extent

Pt II s. 113A(1)-(3): England, Wales



[113B Directions concerning plans and strategies: Wales

- (1) The National Assembly for Wales may issue to a local transport authority whose area is in Wales general or specific directions as to the manner in which they are to carry out their functions under [sections 108 to 109B] ².
- (2) Directions issued by the Assembly under subsection (1) may include in particular directions—
- (a) as to the timetable in accordance with which a local transport plan or alterations to a local transport plan must be prepared;
 - (b) as to the action required to be taken to implement the policies contained in a local transport plan;
 - (c) as to the steps required to be taken to remove the effects of action which is incompatible with those policies.
- (3) Directions under this section—
- (a) must be in writing;
 - (b) may be varied or revoked by further directions under this section.
- (4) Before issuing, varying or revoking directions under this section the Assembly must consult the local transport authority concerned and any other persons it considers appropriate.
-] ¹

Notes

¹ Added by Transport (Wales) Act 2006 c. 5 Sch.1 para.6 (May 26, 2006)

² Words substituted by Local Transport Act 2008 c. 26 Pt 2 s.10(6) (April 1, 2009 as SI 2009/579)

Extent

Pt II s. 113B(1)-(4): England, Wales

[Bus services: advanced quality partnership schemes]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)
-

✓ Law In Force

[113C Advanced quality partnership schemes

(1) A local transport authority whose area is in England, or two or more such authorities acting jointly, may make an advanced quality partnership scheme if they are satisfied that the scheme will contribute to the implementation of their local transport policies.

(2) An advanced quality partnership scheme is—

- (a) a scheme falling within subsection (3) or (4), or
- (b) a scheme falling within both subsection (3) and subsection (4).

(3) A scheme falls within this subsection if it is a scheme under which—

- (a) the authority or authorities provide particular facilities in the whole or part of their area, or combined area, and
- (b) operators of local services who wish to use those facilities must undertake to provide local services of a particular standard when using them.

(4) A scheme falls within this subsection if it is a scheme under which—

- (a) the authority or authorities take particular measures in relation to routes in the whole or part of their area, or combined area, that are served, or proposed to be served, by local services, and
- (b) operators of local services who wish to provide local services with stopping places on those routes must undertake to provide local services of a particular standard when providing such local services on those routes.

(5) A scheme may not be made unless the authority or authorities are satisfied that—

- (a) the steps to be taken by the authority or authorities under the scheme, and
- (b) the provision of local services of the standard or standards required by undertakings given under the scheme,

are likely to achieve one or more of the outcomes described in subsection (6) in relation to the whole or part of their area, or combined area.

(6) The outcomes mentioned in subsection (5) are—

- (a) an improvement in the quality of local services that benefits persons using those services;
- (b) a reduction or limitation of traffic congestion, noise or air pollution;

- (c) an increase in the use of local services or an end to, or a reduction in, a decline in the use of local services.
- (7) An advanced quality partnership scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 113G.
- (8) The power to make an advanced quality partnership scheme includes power to provide for—
- (a) different facilities to be provided under the scheme,
 - (b) different measures to be taken under the scheme, or
 - (c) different standards of services to be provided under the scheme,
- as from different dates after the scheme comes into operation.
- (9) An advanced quality partnership scheme must include a description of the authority's or authorities' plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the scheme is working.
- (10) In carrying out their functions under this Part in relation to advanced quality partnership schemes, local transport authorities whose areas are in England must co-operate with one another.
- (11) In considering whether to make an advanced quality partnership scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another such authority.
- 1**

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113C(1)-(11): England, Wales



Law In Force

[113D Advanced quality partnership schemes: registration restrictions

- (1) If the authority or authorities making an advanced quality partnership scheme consider that it is necessary or expedient for any restrictions to be imposed on the registration of—
- (a) any local services, or
 - (b) any local services of a particular description,
- they may impose those restrictions ("registration restrictions") by specifying or describing them in the scheme.
- (2) Any restrictions so imposed must be for the purpose of preventing or restricting—
- (a) the provision of local services, or
 - (b) the variation or withdrawal of local services,
- in cases where the authority or authorities consider that any such provision, or (as the case may be) variation or withdrawal, of services might be detrimental to the provision of services under the scheme.

(3) Where a scheme includes any registration restrictions by virtue of subsection (1), it must also specify the criteria ("registration criteria") by reference to which a traffic commissioner is to decide whether or not to accept an application for registration.

(4) In this section "registration", in relation to any service—

- (a) means registration of prescribed particulars of the service under section 6 of the Transport Act 1985 (registration of local services), and
- (b) includes a reference to the variation or cancellation of any such registration.

1

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113D(1): (extent not available)

Pt II s. 113D(1)(a)-(4)(b): England, Wales

 Law In Force

[113E Advanced quality partnership schemes: facilities, measures and standards

(1) The facilities which may be specified in an advanced quality partnership scheme—

- (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but
- (b) may not be facilities which are required to be provided as a result of section 139 or 140.

(2) The measures which may be specified in a scheme—

- (a) must be measures taken for the purpose of—
 - (i) increasing the use of local services serving the routes to which the measures relate or ending or reducing a decline in the use of such services, or
 - (ii) improving the quality of local services serving the routes to which the measures relate, but
- (b) may not include the provision of—
 - (i) facilities falling within subsection (1)(a), or
 - (ii) facilities which are required to be provided as a result of section 139 or 140.

(3) The Secretary of State may by regulations make further provision about the measures which may or may not be specified in a scheme.

(4) The standard of services which may be specified in a scheme includes—

- (a) requirements which the vehicles being used to provide the services must meet, including requirements about emissions or types of fuel or power, and
- (b) requirements as to frequency or timing of the services,

but the specification of any such requirements is not to prevent operators from providing services in excess of those requirements.

- (5) The standard of services which may be specified in a scheme may also include—
- (a) requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the scheme applies,
 - (b) requirements as to the ways in which passengers may pay for journeys,
 - (c) requirements about providing information to the public about local services or particular descriptions of local services, and
 - (d) requirements as to the publicising of local services, fares or ticketing arrangements or particular descriptions of local services, fares or ticketing arrangements.
- (6) Requirements under subsection (5)(b), (c) and (d) may include requirements for operators of local services to co-operate with one another.
- (7) A scheme may include a requirement falling within subsection (4)(b) or (5)(a) only if there are no admissible objections to the requirement from relevant operators.
- (8) A scheme may include a requirement falling within subsection (4)(a) or (5)(b) that relates to an undertaking that would fall to be given under section 113C(4)(b) only if there are no admissible objections to the requirement from relevant operators.
- (9) Section 113N(3) to (8) makes further provision with respect to schemes which include the requirements referred to in subsections (7) and (8).

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113E(1)-(9): England, Wales



Law In Force With Amendments Pending

[113F Advanced quality partnership schemes: traffic regulation orders

- (1) If the provision of any of the facilities or taking of any of the measures specified in an advanced quality partnership scheme requires the making of a traffic regulation order in respect of a road or other place in a metropolitan district (other than a road for which the Secretary of State is the traffic authority), the scheme may not be made unless it is made by—
- (a) the local transport authority or authorities, and
 - (b) the metropolitan district council for the district,
- acting jointly.
- (2) If the provision of any of the facilities or taking of any of the measures specified in an advanced quality partnership scheme requires the making of a traffic regulation order in respect of a road for which the Secretary of State is the traffic authority, the scheme may not be made unless it is made by—
- (a) the local transport authority or authorities, and
 - (b) the Secretary of State,

acting jointly.

(3) Where subsection (1) or (2) applies so that a metropolitan district council or the Secretary of State is a maker of the scheme, then (subject to section 113M) the relevant references to the authority or authorities include (as well as the local transport authority or authorities)—

- (a) the metropolitan district council, or
- (b) the Secretary of State.

(4) For the purpose of subsection (3) the relevant references are those in—

- (a) section 113C(3), (4), (5)(a) and (7), and
- (b) sections 113G to 113L,

and paragraph 27(2A) of Schedule 9 to the Road Traffic Regulation Act 1984.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Proposed Draft Amendments

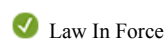
Pt II s. 113F(1)(b): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 6(a) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 113F(3): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 6(b)(i) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 113F(3)(a): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 6(b)(ii) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Extent

Pt II s. 113F(1)-(4)(b): England, Wales



Law In Force

[113G Notice and consultation requirements

(1) If an authority or authorities propose to make an advanced quality partnership scheme, they must give notice of the proposed scheme in such manner as they consider appropriate for drawing it to the attention of persons in the area to which it relates.

(2) The notice must either contain full details of—

- (a) any facilities specified in the scheme,
- (b) any measures specified in the scheme,
- (c) the standards of services specified in the scheme,
- (d) any registration restrictions and registration criteria specified in the scheme, and
- (e) the plans described in the scheme for consulting in order to seek views on how well the scheme is working,

or state where such details may be inspected.

(3) After giving notice of the proposed scheme, the authority or authorities must consult—

- (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
 - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
 - (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
 - (d) a traffic commissioner,
 - (e) the chief officer of police for each police area covering the whole or part of that area,
 - (f) the Passengers' Council,
 - (g) the Competition and Markets Authority, and
 - (h) such other persons as the authority or authorities think fit.
- (4) For the purpose of subsection (3)(c) the following are relevant local authorities—
- (a) local transport authorities,
 - (b) district councils in England,
 - (c) National Park authorities,
 - (d) the Broads Authority,
 - (e) London transport authorities, and
 - (f) councils in Scotland.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113G(1)-(4)(f): England, Wales

 Law In Force

[113H Making of scheme

- (1) If, after taking the steps described in section 113G, an authority or authorities decide that it is appropriate to make the advanced quality partnership scheme, they may make it as proposed or with modifications.
- (2) The scheme must specify each of the following—
- (a) any facilities to be provided under it by the authority or authorities,
 - (b) any measures to be taken under it by the authority or authorities and the routes to which they relate,
 - (c) the standards of services to be provided under it by operators of local services in accordance with their undertakings given in relation to facilities or measures to be provided or taken under the scheme,
 - (d) any registration restrictions imposed by it and any registration criteria specified in it,
 - (e) the date on which it is to come into operation,
 - (f) the period for which it is to remain in operation, which must not be less than five years, and

- (g) if—
- (i) any facilities are to be provided under the scheme,
 - (ii) any measures are to be taken under the scheme, or
 - (iii) any standards of services are to be provided under the scheme,
- as from a date after the scheme comes into operation, the date as from which they are to be so provided or taken.
- (3) The scheme may provide that—
- (a) local services specified in it, or
 - (b) local services of a class specified in it,
- are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.
- (4) The date as from which any particular facilities are to be provided, any particular measures are to be taken, or any services of a particular standard are to be provided, must not be earlier than—
- (a) in the case of facilities or measures, the latest of dates A to C (see subsections (6) to (8)), and
 - (b) in the case of services, the later of dates A and D (see subsections (6) and (9)),
- unless the case falls within subsection (5).
- (5) If under the scheme—
- (a) particular facilities are to be provided or particular measures are to be taken by the authority or authorities, and
 - (b) as from the date by which the facilities are to be provided or the measures are to be taken, services of a particular standard are to be provided by operators of local services when using the facilities or when providing local services with stopping places on routes to which the measures relate,
- the date as from which the facilities are to be provided or the measures are to be taken (and as from which the services are to be provided) must not be earlier than the latest of dates A to D.
- (6) Date A is the date 3 months after the date on which the scheme is made.
- (7) Date B is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for the authority or authorities to provide the facilities or take the measures.
- (8) Date C is the date 3 months after—
- (a) the date on which any traffic regulation order required for the provision of any of the facilities or taking of any of the measures is made, or
 - (b) if more than one such order is required for the provision of the facilities or the taking of the measures, the date on which the last of them is made.
- (9) Date D is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for operators of local services to provide services of the particular standard.
- (10) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice of the making of the scheme—
- (a) in such manner as they consider appropriate for drawing it to the attention of persons in the area to which it relates,
 - (b) to all operators of local services who would, in their opinion, be affected by the scheme, and
 - (c) to a traffic commissioner.
- (11) The notice must—

- (a) either contain full details of the scheme or state where such details may be inspected, and
- (b) if the scheme made is a modified version of that proposed, state that fact.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113H(1)-(11)(b): England, Wales

 Law In Force

[113I Postponement of scheme or of provision of particular facilities, taking of particular measures or provision of particular standards of service

- (1) If it appears to the authority or authorities appropriate to do so, they may decide that any of the dates specified in subsection (3) shall be postponed by such period as they think fit.
- (2) A date may not be postponed under subsection (1) by a period or periods which in total exceed 12 months.
- (3) The dates are—
 - (a) the date on which the scheme is to come into operation,
 - (b) the date as from which any particular facilities are to be provided under the scheme,
 - (c) the date as from which any particular measures are to be taken under the scheme, and
 - (d) the date as from which any particular services are to be provided to a particular standard under the scheme.
- (4) Before making such a decision the authority or authorities must consult all operators of local services who would, in their opinion, be affected by the scheme.
- (5) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—
 - (a) in such manner as they consider appropriate for drawing it to the attention of persons in the area to which it relates,
 - (b) to all operators of local services who would, in their opinion, be affected by the scheme, and
 - (c) to a traffic commissioner.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113I(1)-(5)(c): England, Wales

✓ Law In Force

[113J Effect of scheme

(1) The authority or authorities must—

- (a) provide each of the specified facilities or take each of the specified measures not later than the date specified for it to be provided or taken under the scheme, and
- (b) continue to provide the facilities or keep the measures in effect throughout the remainder of the period for which the scheme is in operation.

(2) But subsection (1) does not apply in relation to any period during which the authority or authorities are temporarily unable to provide the facilities or take the measures or keep the measures in effect owing to circumstances beyond their control.

(3) Nor does it apply in the case of the Secretary of State if the Secretary of State is unable to provide the facilities or take the measures or keep the measures in effect owing to the variation or revocation of a traffic regulation order.

(4) The operator of a local service may not use facilities provided under an advanced quality partnership scheme unless—

- (a) the operator has given a written undertaking to a traffic commissioner that, when using the facilities on any date, the operator will provide the service to the standard specified in the scheme that is relevant to the use of those facilities on that date, and
- (b) the operator provides the service to that standard when using the facilities, except in relation to any period during which the operator is temporarily unable to do so owing to circumstances beyond the operator's control.

(5) Where a measure has been taken under an advanced quality partnership scheme, the operator of a local service may not use a stopping place on a route to which that measure relates unless—

- (a) the operator has given a written undertaking to a traffic commissioner that, when using such a stopping place on any date, the operator will provide the service to the standard specified in the scheme that is relevant to the use of such a stopping place on that date, and
- (b) the operator provides the service to that standard when using such a stopping place, except in relation to any period during which the operator is temporarily unable to do so owing to circumstances beyond the operator's control.

(6) But subsections (4) and (5) do not apply in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 113H(3).

(7) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars of the service concerned registered under section 6 of the Transport Act 1985 (registration of local services).

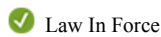
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Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113J(1)-(7): England, Wales



[113K Regulations about schemes involving existing facilities or measures which are already in effect

- (1) The Secretary of State may by regulations make provision about the specifying in advanced quality partnership schemes of—
- (a) facilities which are already being provided before the schemes are proposed ("existing facilities"), and
 - (b) measures which are already in effect before the schemes are proposed ("existing measures").
- (2) The regulations may in particular—
- (a) provide that existing facilities may not be specified if they were being provided before a date prescribed by, or determined in accordance with, the regulations,
 - (b) provide that existing measures may not be specified if they were in effect before such a date,
 - (c) provide that—
 - (i) particular existing facilities or classes of existing facilities, or
 - (ii) particular existing measures or classes of existing measures,
 may not be specified (whenever they were first provided or taken),
 - (d) provide that—
 - (i) particular existing facilities or classes of existing facilities, or
 - (ii) particular existing measures or classes of existing measures,
 may be specified only in circumstances prescribed by the regulations,
 - (e) provide that, in circumstances prescribed by the regulations—
 - (i) particular existing facilities or classes of existing facilities, or
 - (ii) particular existing measures or classes of existing measures,
 may be specified only with the consent of a person prescribed by, or determined in accordance with, the regulations, and
 - (f) make provision modifying any provision of sections 113G to 113I in relation to schemes which specify existing facilities or existing measures.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113K(1)-(2)(f): England, Wales

 Law In Force

[113L Variation or revocation of schemes

(1) The authority or authorities who made an advanced quality partnership scheme may vary the scheme if they decide that it is appropriate to do so.

(2) The authority or authorities who made a scheme may revoke it before the end of the period for which it would otherwise remain in operation if all persons who have given an undertaking to provide a service to the standard specified in the scheme consent to the revocation of the scheme; and such consent must not be unreasonably withheld.

(3) If the variation of a scheme under subsection (1) would require the making of a traffic regulation order, the variation is subject to the same procedure as the making of a scheme.

(4) Any other variation of a scheme under subsection (1), or the revocation of a scheme under subsection (2), is subject to that procedure, except to the extent that the procedure is modified by regulations made under section 113N.

]¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113L(1)-(4): England, Wales

 Law In Force With Amendments Pending

[113M Variation: supplementary

(1) The relevant references to the authority or authorities in relation to an advanced quality partnership scheme—

(a) include a local transport authority if it has been varied so that it relates to that authority's area, but

(b) do not include a local transport authority if it has been varied so that it no longer relates to that authority's area.

(2) But if (although the scheme does not relate to a local transport authority's area) it would do by reason of a proposed variation, those references (apart from those in section 113J) include that authority.

(3) The relevant references (apart from those in section 113C(1) and in the words before paragraph (a) of section 113C(5)) to the authority or authorities in relation to an advanced quality partnership scheme—

- (a) include a traffic regulation authority if it has been varied so that it specifies traffic regulation facilities or traffic regulation measures, but
- (b) do not include a traffic regulation authority if it has been varied so that it no longer specifies such facilities or measures.

(4) But if (although the scheme does not specify facilities which are traffic regulation facilities in relation to a traffic regulation authority or measures which are traffic regulation measures in relation to a traffic regulation authority) it would do by reason of a proposed variation, those references (apart from those in section 113J) include that authority.

(5) And if (although the scheme specifies facilities which are traffic regulation facilities in relation to a traffic regulation authority or measures which are traffic regulation measures in relation to a traffic regulation authority)—

- (a) the traffic regulation order, or (where more than one) each of the traffic regulation orders, required to be made by that authority for the provision of those facilities or the taking of those measures has been revoked, and
- (b) the scheme is proposed to be varied (but not so that it specifies other facilities which are traffic regulation facilities in relation to that authority or other measures which are traffic regulation measures in relation to that authority),

the relevant references (apart from those in section 113J) do not include that authority.

(6) For the purposes of this section the relevant references are those in—

- (a) section 113C(1) to (7),
- (b) section 113D, and
- (c) sections 113G to 113L,

and paragraph 27(2A) of Schedule 9 to the Road Traffic Regulation Act 1984.

(7) In this section "traffic regulation authority" means—

- (a) a metropolitan district council, or
- (b) the Secretary of State.

(8) For the purposes of this section—

- (a) facilities are traffic regulation facilities, in relation to a traffic regulation authority and an advanced quality partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those facilities or would have been required to be a maker of it had it done so;
- (b) measures are traffic regulation measures, in relation to a traffic regulation authority and an advanced quality partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those measures or would have been required to be a maker of it had it done so.

]¹

Notes

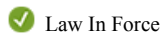
¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Proposed Draft Amendments

Pt II s. 113M(7)(a): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 7 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Extent

Pt II s. 113M(1)-(8)(b): England, Wales



Law In Force

[113N Regulations about schemes

- (1) The Secretary of State may by regulations make further provision with respect to—
 - (a) the procedure to be followed when making, varying or revoking advanced quality partnership schemes,
 - (b) the content or operation of schemes which include—
 - (i) a requirement falling within section 113E(4)(b) or (5)(a), or
 - (ii) a requirement falling within section 113E(4)(a) or (5)(b) relating to an undertaking that would fall to be given under section 113C(4)(b),
 - (c) the local services or classes of local services which must be, or may be, excluded from schemes,
 - (d) the conditions which must be, or may be, attached to such exclusions,
 - (e) the form and manner in which undertakings are to be given to a traffic commissioner in connection with schemes,
 - (f) the making of traffic regulation orders in connection with schemes, and
 - (g) such other incidental matters in connection with advanced quality partnership schemes as the Secretary of State thinks fit.
- (2) The regulations may in particular make provision with respect to—
 - (a) giving notice of proposed schemes or proposed variations or revocation of schemes,
 - (b) objections to such proposals,
 - (c) the holding of inquiries or hearings into objections,
 - (d) modifications of such proposals,
 - (e) the form of schemes or variations, and
 - (f) giving notice of schemes which have been made or of the variation or revocation of schemes.
- (3) As regards schemes which include or would include—
 - (a) a requirement described in subsection (1)(b)(i), or
 - (b) a requirement described in subsection (1)(b)(ii),regulations under subsection (1)(a) or (b) may in particular make the provision referred to in subsection (4).
- (4) The provision mentioned in subsection (3) is provision—
 - (a) for section 113E(7) or (8) not to apply in such circumstances as may be prescribed,
 - (b) in prescribed circumstances where such schemes, or any provisions of such schemes, are subject to postponement under section 113I, for any such requirement not to take effect unless prescribed conditions are satisfied,

- (c) as to the meaning of "admissible objection" for the purposes of section 113E(7) and (8) and subsection (5)(b) of this section,
 - (d) as to the meaning of "relevant operator" for those purposes, and
 - (e) as to the determination of any question whether an objection is an admissible objection or an operator is a relevant operator.
- (5) As regards schemes which include a requirement described in subsection (1)(b)(i), regulations under subsection (1)(b) may also make provision—
- (a) requiring such schemes to include provision—
 - (i) as respects the setting of frequencies, timings or maximum fares to which the requirements relate,
 - (ii) for a minimum interval before any requirements as to frequencies, timings or maximum fares may next be reviewed,
 - (iii) for a maximum interval before any such requirements must next be reviewed,
 - (iv) as respects other circumstances in which any such requirements must or may be reviewed, and
 - (v) as respects revision of any such requirements after a review, and
 - (b) for any requirement as to frequencies, timings or maximum fares to be revised only if there are no admissible objections to the revision from relevant operators.
- (6) The revision of requirements as to frequencies, timings or maximum fares under any provision included in a scheme by virtue of regulations under subsection (5)(a) is not to be regarded as a variation of the scheme for the purposes of section 113L (variation or revocation of schemes).
- (7) Nothing in subsection (5) or (6) is to be taken to derogate from what may be done under or by virtue of section 113L.
- (8) The provision that may be made by virtue of subsection (4)(e) includes provision for and in connection with—
- (a) the appointment of a person ("an adjudicator") to make such a determination as is mentioned in that paragraph;
 - (b) the appointment of a person ("an assessor") to assist an adjudicator in considering any question which appears to arise in relation to such a determination;
 - (c) the payment—
 - (i) by the Secretary of State to an adjudicator, or
 - (ii) by the Secretary of State or an adjudicator to an assessor,
 of such remuneration as may be determined by or in accordance with the regulations.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Extent

Pt II s. 113N(1)-(8)(c)(ii): England, Wales

 Law In Force With Amendments Pending

[113O Guidance about schemes

(1) The Secretary of State may issue guidance concerning the carrying out by local transport authorities whose areas are in England and metropolitan district councils of their functions under this Part in relation to advanced quality partnership schemes.

(2) Those authorities and councils must have regard to any such guidance.

] ¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.1 (June 27, 2017: 2017 c.21 s.1 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) subject to transitional provisions specified in 2017 c.21 s.3 otherwise)

Proposed Draft Amendments

Pt II s. 113O(1): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 8 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Extent

Pt II s. 113O(1)-(2): England, Wales

Bus services: quality partnership schemes

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Law In Force With Amendments Pending

Wales

114.— Quality partnership schemes.

(1) A local transport authority, or two or more such authorities acting jointly, may make a quality partnership scheme if they are satisfied that the scheme [will contribute to the implementation of their local transport policies] ¹ [(but this is subject to subsection (1A))] ² .

[(1A) A local transport authority whose area is in England may exercise the power to make a quality partnership scheme only if—

- (a) they are acting jointly with one or more other local transport authorities, and
- (b) at least one of those other local transport authorities is an authority whose area is in Wales.

] ³

- (2) A quality partnership scheme is a scheme under which—
- (a) the authority or authorities provide particular facilities in the whole or part of their area, or combined area, and
 - (b) operators of local services who wish to use the facilities must undertake to provide local services of a particular standard when using them.

(3) The authority or authorities must be satisfied that both the provision of those facilities and the provision of local services of that standard will—

- [(a) bring benefits to persons using local services in the whole or any part of their area, or combined area, by improving the quality of those services, or]⁴
- (b) reduce or limit traffic congestion, noise or air pollution.

[(3A) If the authority or authorities consider that it is necessary or expedient for any restrictions to be imposed on the registration of—

- (a) any local services, or
- (b) any local services of a particular description,

they may impose those restrictions (“registration restrictions”) by specifying or describing them in the scheme.

(3B) Any restrictions so imposed must be for the purpose of preventing or restricting—

- (a) the provision of local services, or
- (b) the variation or withdrawal of local services,

in cases where the authority or authorities consider that any such provision, or (as the case may be) variation or withdrawal, of services might be detrimental to the provision of services under the scheme.

(3C) Where a scheme includes any registration restrictions by virtue of subsection (3A), it must also specify the criteria (“registration criteria”) by reference to which [a traffic commissioner is]⁵ to decide whether or not to accept an application for registration.

(3D) In subsections (3A) to (3C) “registration”, in relation to any service,—

- (a) means registration of prescribed particulars of the service under section 6 of the Transport Act 1985 (registration of local services), and
- (b) includes a reference to the variation or cancellation of any such registration.

] ⁴

(4) A quality partnership scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 115.

(5) The facilities which may be specified in a scheme—

- (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but
- (b) may not be facilities which are required to be provided as a result of section 139 or 140.

[(6) The standard of services which may be specified in a scheme includes—

- (a) requirements which the vehicles being used to provide the services must meet, and
- (b) requirements as to frequency or timing of the services,

but the specification of any such requirements is not to prevent operators from providing services in excess of those requirements.

] ⁴

[(6A) The standard of services which may be specified in a scheme may also include requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the scheme applies.

(6B) A scheme may include a requirement falling within subsection (6)(b) or (6A) only if there are no admissible objections to the requirement from relevant operators.

Section 122(3) to (5) makes further provision with respect to such schemes.

] ⁴

[(6C) The power to make a quality partnership scheme includes power to provide for different facilities, or different standards of services, to be provided under the scheme as from different dates after the scheme comes into operation.] ⁴

(7) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road or other place in a metropolitan district (other than a road for which the Secretary of State or the National Assembly for Wales is the traffic authority), the scheme may not be made unless it is made by—

- (a) the local transport authority or authorities, and
- (b) the metropolitan district council for the district,

acting jointly.

(8) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road for which the Secretary of State or the National Assembly for Wales is the traffic authority, the scheme may not be made unless it is made by—

- (a) the local transport authority or authorities, and
- (b) the Secretary of State or the National Assembly for Wales,

acting jointly.

(9) Where subsection (7) or (8) applies so that a metropolitan district council, the Secretary of State or the National Assembly for Wales is a maker of the scheme, then (subject to section 121) the relevant references to the authority or authorities include (as well as the local transport authority or authorities) the metropolitan district council, the Secretary of State or the National Assembly for Wales.

(10) For the purpose of subsection (9) the relevant references are those in—

- (a) subsections (2) and (4),
- (b) sections 115 to 120, and
- (c) section 127(7),

and paragraph 27(3) of Schedule 9 to the Road Traffic Regulation Act 1984.

(11) In carrying out their functions under this Part in relation to quality partnership schemes, local transport authorities must co-operate with one another.

(12) In considering whether to make a quality partnership scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another such authority.

Notes

¹ Words substituted by Local Transport Act 2008 c. 26 Pt 3 s.13(2) (April 1, 2009 as SI 2009/579)

² Words inserted by Bus Services Act 2017 c. 21 Sch.1 para.7(2) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

³ Added by Bus Services Act 2017 c. 21 Sch.1 para.7(3) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁴ Amended by Local Transport Act 2008 c. 26 Pt 3 s.13 (January 31, 2010 as SI 2009/3294)

⁵ Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

England

[114.— Quality partnership schemes.

(1) A local transport authority, or two or more such authorities acting jointly, may make a quality partnership scheme if they are satisfied that the scheme will contribute to the implementation of their local transport policies [(but this is subject to subsection (1A))]² .

[(1A) A local transport authority whose area is in England may exercise the power to make a quality partnership scheme only if—

- (a) they are acting jointly with one or more other local transport authorities, and
- (b) at least one of those other local transport authorities is an authority whose area is in Wales.

] ³

(2) A quality partnership scheme is a scheme under which—

- (a) the authority or authorities provide particular facilities in the whole or part of their area, or combined area, and
- (b) operators of local services who wish to use the facilities must undertake to provide local services of a particular standard when using them.

(3) The authority or authorities must be satisfied that both the provision of those facilities and the provision of local services of that standard will—

- (a) bring benefits to persons using local services in the whole or any part of their area, or combined area, by improving the quality of those services, or
- (b) reduce or limit traffic congestion, noise or air pollution.

(3A) If the authority or authorities consider that it is necessary or expedient for any restrictions to be imposed on the registration of—

- (a) any local services, or
- (b) any local services of a particular description,

they may impose those restrictions (“registration restrictions”) by specifying or describing them in the scheme.

(3B) Any restrictions so imposed must be for the purpose of preventing or restricting—

- (a) the provision of local services, or
- (b) the variation or withdrawal of local services,

in cases where the authority or authorities consider that any such provision, or (as the case may be) variation or withdrawal, of services might be detrimental to the provision of services under the scheme.

(3C) Where a scheme includes any registration restrictions by virtue of subsection (3A), it must also specify the criteria (“registration criteria”) by reference to which the traffic commissioners are to decide whether or not to accept an application for registration.

(3D) In subsections (3A) to (3C) “registration”, in relation to any service,—

- (a) means registration of prescribed particulars of the service under section 6 of the Transport Act 1985 (registration of local services), and
- (b) includes a reference to the variation or cancellation of any such registration.

(4) A quality partnership scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 115.

(5) The facilities which may be specified in a scheme—

- (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but
- (b) may not be facilities which are required to be provided as a result of section 139 or 140.

(6) The standard of services which may be specified in a scheme includes—

- (a) requirements which the vehicles being used to provide the services must meet, and
- (b) requirements as to frequency or timing of the services,

but the specification of any such requirements is not to prevent operators from providing services in excess of those requirements.

(6A) The standard of services which may be specified in a scheme may also include requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the scheme applies.

(6B) A scheme may include a requirement falling within subsection (6)(b) or (6A) only if there are no admissible objections to the requirement from relevant operators.

Section 122(3) to (5) makes further provision with respect to such schemes.

(6C) The power to make a quality partnership scheme includes power to provide for different facilities, or different standards of services, to be provided under the scheme as from different dates after the scheme comes into operation.

(7) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road or other place in a metropolitan district (other than a road for which the Secretary of State or the National Assembly for Wales is the traffic authority), the scheme may not be made unless it is made by—

- (a) the local transport authority or authorities, and
- (b) the metropolitan district council for the district,

acting jointly.

(8) If the provision of any of the facilities requires the making of a traffic regulation order in respect of a road for which the Secretary of State or the National Assembly for Wales is the traffic authority, the scheme may not be made unless it is made by—

- (a) the local transport authority or authorities, and
- (b) the Secretary of State or the National Assembly for Wales,

acting jointly.

(9) Where subsection (7) or (8) applies so that a metropolitan district council, the Secretary of State or the National Assembly for Wales is a maker of the scheme, then (subject to section 121) the

relevant references to the authority or authorities include (as well as the local transport authority or authorities) the metropolitan district council, the Secretary of State or the National Assembly for Wales.

(10) For the purpose of subsection (9) the relevant references are those in—

- (a) subsections (2) and (4),
- (b) sections 115 to 120, and
- (c) section 127(7),

and paragraph 27(3) of Schedule 9 to the Road Traffic Regulation Act 1984.

(11) In carrying out their functions under this Part in relation to quality partnership schemes, local transport authorities must co-operate with one another.

(12) In considering whether to make a quality partnership scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another such authority.

]¹

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.13 (April 6, 2009 as SI 2009/107)

² Words inserted by Bus Services Act 2017 c. 21 Sch.1 para.7(2) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

³ Added by Bus Services Act 2017 c. 21 Sch.1 para.7(3) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 114(7)(b): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 9 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 114(1)-(12): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 114(1), (2)-(12): England, Wales

Pt II s. 114(1A)-(1A)(b): (extent not available)

 Law In Force

115.— Notice and consultation requirements.

(1) If an authority or authorities propose to make a quality partnership scheme, they must give notice of the proposed scheme in at least one newspaper circulating in the area to which it relates.

(2) The notice must either contain full details of the facilities and standards of services [, and of any registration restrictions and registration criteria,]¹ or state where such details may be inspected.

(3) After giving notice of the proposed scheme, the authority or authorities must consult—

- (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
 - (b) such organizations appearing to the authority or authorities to be representative of users of local services as they think fit,
 - (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
 - [(d) a traffic commissioner,]²
 - (e) the chief officer of police for each police area covering the whole or part of that area, and
 - (f) such other persons as the authority or authorities think fit.
- (4) For the purpose of subsection (3)(c) the following are relevant local authorities—
- (a) local transport authorities,
 - [(b) district councils in England,]¹
 - (c) London transport authorities, and
 - (d) councils in Scotland.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.14 (January 31, 2010 as SI 2009/3294)

² Substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 115(1)-(4)(d): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 115(1)-(4)(d): England, Wales



116.— Making of scheme.

- (1) If the authority or authorities decide that it is appropriate to make the scheme, they may make it as proposed or with modifications.
- (2) The scheme must specify [each of the following]¹ —
- (a) the facilities to be provided under it by the authority or authorities,
 - (b) the standard of services to be provided under it by operators of local services,
 - [(bb) any registration restrictions imposed by it and any registration criteria specified in it,]¹
 - (c) the date on which it is to come into operation, [...]²
 - (d) the period for which it is to remain in operation, which must not be less than five years [, and]¹
 - [(e) if any facilities or standards of services are to be provided under the scheme as from a date after the scheme comes into operation, the date as from which they are to be so provided.]¹

(3) The scheme may provide that—

- (a) local services specified in it, or
- (b) local services of a class specified in it,

are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.

[(4) The date as from which any particular facilities, or any services of a particular standard, are to be provided must not be earlier than—

- (a) in the case of facilities, the latest of dates A to C (see subsections (4B) to (4D)),
- (b) in the case of services, the later of dates A and D (see subsections (4B) and (4E)),

unless the case falls within subsection (4A).

(4A) If under the scheme—

- (a) particular facilities are to be provided by the authority or authorities, and
- (b) as from the date by which the facilities are to be provided, services of a particular standard are to be provided by operators of local services when using the facilities,

the date as from which the facilities and the services are to be provided must not be earlier than the latest of dates A to D.

(4B) Date A is the date 3 months after the date on which the scheme is made.

(4C) Date B is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for the authority or authorities to provide the facilities.

(4D) Date C is the date 3 months after—

- (a) the date on which any traffic regulation order required for the provision of any of the facilities is made, or
- (b) if more than one such order is required for their provision, the date on which the last of them is made.

(4E) Date D is the date by which, in the opinion of the authority or authorities, it will be reasonably practicable for operators of local services to provide services of the particular standard.]¹

(6) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice—

- (a) in at least one newspaper circulating in the area to which the scheme relates, [...] ³
- (b) to all operators of local services who would, in the opinion of the authority or authorities, be affected by the scheme [; and] ⁴
- [(c) to a traffic commissioner.] ⁴

(7) The notice must—

- (a) either contain full details of the scheme or state where such details may be inspected, and
- (b) if the scheme made is a modified version of that proposed, state that fact.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.15 (January 31, 2010 as SI 2009/3294)

² Word repealed by Local Transport Act 2008 c. 26 Sch.7(2) para.1 (January 31, 2010 as SI 2009/3294)

³ Word repealed by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: repeal has effect subject to transitional provisions specified in SI 2013/1644 art.7)

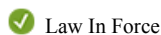
- ⁴ S.116(6)(b)-(c) substituted for words by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 116(1)-(7)(b): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 116(1)-(7)(b): England, Wales



117.— [Postponement of scheme or of provision of particular facilities or standards of service]¹

[(1) If it appears to the authority or authorities appropriate to do so, they may decide that any of the dates specified in subsection (1A) shall be postponed by such period as they think fit. A date may not be postponed under this subsection by a period or periods which in total exceed 12 months.

(1A) The dates are—

- (a) the date on which the scheme is to come into operation,
- (b) the date as from which any particular facilities are to be provided under the scheme,
- (c) the date as from which any particular services are to be provided to a particular standard under the scheme.

¹

(2) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the scheme.

(3) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—

- (a) in at least one newspaper circulating in the area to which the scheme relates, [...]²
- (b) to all operators of local services who would, in their opinion, be affected by the scheme [; and]³
- [(c) to a traffic commissioner.]³

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.16 (January 31, 2010 as SI 2009/3294)

² Word repealed by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: repeal has effect subject to transitional provisions specified in SI 2013/1644 art.7)

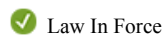
³ S.117(3)(b)-(c) substituted for words by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 117(1)-(3)(b): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 117(1)-(3)(c): England, Wales



Law In Force

118.— Effect of scheme.

[(1) The authority or authorities must—

- (a) provide each of the specified facilities not later than the date specified for its provision under the scheme, and
- (b) continue to provide it throughout the remainder of the period for which the scheme is in operation.

] ¹

(2) But subsection (1) does not apply in relation to any period during which the authority or authorities are temporarily unable to provide the facilities owing to circumstances beyond their control.

(3) Nor does it apply in the case of the Secretary of State or the National Assembly for Wales if he or it is unable to provide the facilities owing to the variation or revocation of a traffic regulation order.

(4) The operator of a local service may not use facilities provided under a quality partnership scheme unless—

- (a) he has given a written undertaking to [a traffic commissioner] ² [that, when using the facilities on any date, he will provide the service to the standard specified in the scheme as it has effect in relation to that date] ¹, and
- (b) he provides the service to that standard when using the facilities, except in relation to any period during which he is temporarily unable to do so owing to circumstances beyond his control.

(5) But subsection (4) does not apply in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 116(3).

(6) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the Transport Act 1985 (registration of local services) of the service concerned.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.17 (January 31, 2010 as SI 2009/3294)

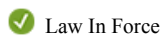
² Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 118(1)-(6): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 118(1)-(6): England, Wales



Law In Force

119.— Regulations about schemes involving existing facilities.

(1) The appropriate national authority may by regulations make provision about the specifying in quality partnership schemes of facilities which are already being provided before the schemes are proposed (“existing facilities”).

(2) The regulations may in particular—

- (a) provide that existing facilities may not be specified if they were being provided before a date prescribed by, or determined in accordance with, the regulations,
 - (b) provide that particular existing facilities or classes of existing facilities may not be specified (whenever they were first provided),
 - (c) provide that particular existing facilities or classes of existing facilities may be specified only in circumstances prescribed by the regulations,
 - (d) provide that, in circumstances prescribed by the regulations, particular existing facilities or classes of existing facilities may be specified only with the consent of a person prescribed by, or determined in accordance with, the regulations, and
 - (e) make provision modifying any provision of sections 115 to 117 in relation to schemes which specify existing facilities.
-

Commencement

Pt II s. 119(1)-(2)(e): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 119(1)-(2)(e): England, Wales



Law In Force

120.— Variation or revocation of schemes.

(1) The authority or authorities who made a quality partnership scheme may vary the scheme if they decide that it is appropriate to do so.

(2) The authority or authorities who made a scheme may revoke it before the end of the period for which it would otherwise remain in operation if all persons who have given an undertaking to provide a service to the standard specified in the scheme consent to the revocation of the scheme; and such consent must not be unreasonably withheld.

(3) If the variation of a scheme under subsection (1) would require the making of a traffic regulation order, the variation is subject to the same procedure as the making of a scheme.

(4) Any other variation of a scheme under subsection (1), or the revocation of a scheme under subsection (2), is subject to that procedure, except to the extent that the procedure is modified by regulations made under section 122.

Commencement

Pt II s. 120(1)-(4): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 120(1)-(4): England, Wales



Law In Force With Amendments Pending

121.— Variation: supplementary.

(1) The relevant references to the authority or authorities in relation to a quality partnership scheme—
(a) include a local transport authority if it has been varied so that it relates to that authority's area, but

(b) do not include a local transport authority if it has been varied so that it no longer relates to that authority's area.

(2) But if (although the scheme does not relate to a local transport authority's area) it would do by reason of a proposed variation, those references (apart from those in section 118) include that authority.

(3) The relevant references (apart from those in section 114(1) and (3)) to the authority or authorities in relation to a quality partnership scheme—

(a) include a traffic regulation authority if it has been varied so that it specifies traffic regulation facilities, but

(b) do not include a traffic regulation authority if it has been varied so that it no longer specifies such facilities.

(4) But if (although the scheme does not specify facilities which are traffic regulation facilities in relation to a traffic regulation authority) it would do by reason of a proposed variation, those references (apart from those in section 118) include that authority.

(5) And if (although the scheme specifies facilities which are traffic regulation facilities in relation to a traffic regulation authority)—

(a) the traffic regulation order, or (where more than one) each of the traffic regulation orders, required to be made by that authority for the provision of those facilities has been revoked, and

(b) the scheme is proposed to be varied (but not so that it specifies other facilities which are traffic regulation facilities in relation to that authority),

the relevant references (apart from those in section 118) do not include that authority.

(6) For the purposes of this section the relevant references are those in—

(a) section 114(1) to (4),

(b) sections 115 to 120, and
 (c) section 127(7),
 and paragraph 27(3) of Schedule 9 to the Road Traffic Regulation Act 1984.

(7) In this section “traffic regulation authority” means—

- (a) a metropolitan district council,
- (b) the Secretary of State, or
- (c) the National Assembly for Wales.

(8) For the purposes of this section facilities are traffic regulation facilities, in relation to a traffic regulation authority and a quality partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those facilities or would have been required to be a maker of it had it done so.

Proposed Draft Amendments

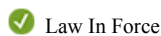
Pt II s. 121(7)(a): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 10 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 121(1)-(8): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 121(1)-(8): England, Wales



122.— Regulations about schemes.

- (1) The appropriate national authority may by regulations make further provision with respect to—
- (a) the procedure to be followed when making, varying or revoking quality partnership schemes,
 [(aa) the content or operation of schemes which include a requirement falling within section 114(6)(b) or (6A),]¹
 - (b) the local services or classes of local services which must be, or may be, excluded from schemes,
 - (c) the conditions which must be, or may be, attached to such exclusions,
 - (d) the form and manner in which undertakings are to be given to [a traffic commissioner]² in connection with schemes,
 - (e) the making of traffic regulation orders in connection with schemes, and
 - (f) such other incidental matters in connection with quality partnership schemes as the appropriate national authority thinks fit.
- (2) The regulations may in particular make provision with respect to—
- (a) giving notice of proposed schemes or proposed variations or revocation of schemes,
 - (b) objections to such proposals,
 - (c) the holding of inquiries or hearings into objections,

- (d) modifications of such proposals,
- (e) the form of schemes or variations, and
- (f) giving notice of schemes which have been made or of the variation or revocation of schemes.

[(3) As regards schemes which include any requirement mentioned in section 114(6)(b) or (6A), regulations under subsection (1)(a) or (aa) may in particular make provision—

- (a) for section 114(6B) not to apply in such circumstances as may be prescribed,
- (b) requiring such schemes to include provision falling within subsection (4),
- (c) for any requirement as to frequencies, timings or maximum fares to be revised only if there are no admissible objections to the revision from relevant operators,
- (d) in prescribed circumstances where such schemes, or any provisions of such schemes, are subject to postponement under section 117, for any such requirement not to take effect unless prescribed conditions are satisfied,
- (e) as to the meaning of “admissible objection” for the purposes of section 114(6B) and paragraph (c) of this subsection,
- (f) as to the meaning of “relevant operator” for those purposes,
- (g) as to the determination of any question whether an objection is an admissible objection or an operator is a relevant operator.

(4) The provision referred to in subsection (3)(b) is provision—

- (a) as respects the setting of frequencies, timings or maximum fares to which the requirements relate,
- (b) for a minimum interval before any requirements as to frequencies, timings or maximum fares may next be reviewed,
- (c) for a maximum interval before any such requirements must next be reviewed,
- (d) as respects other circumstances in which any such requirements must or may be reviewed,
- (e) as respects revision of any such requirements after a review.

(5) Subsections (3)(b) and (4) have effect subject to, and in accordance with, the following provisions—

- (a) the revision of requirements as to frequencies, timings or maximum fares under any provision made in accordance with those subsections is not to be regarded as a variation of the scheme for the purposes of section 120 (variation or revocation of scheme), but
- (b) nothing in those subsections or in paragraph (a) of this subsection shall be taken to derogate from what may be done under or by virtue of that section.

(6) The provision that may be made by virtue of subsection (3)(g) includes provision for and in connection with—

- (a) the appointment of a person (“an adjudicator”) to make such a determination as is mentioned in that paragraph;
- (b) the appointment of a person (“an assessor”) to assist an adjudicator in considering any question which appears to arise in relation to such a determination;
- (c) the payment—
 - (i) by the appropriate national authority to an adjudicator, or
 - (ii) by the appropriate national authority or an adjudicator to an assessor,of such remuneration as may be determined by or in accordance with the regulations.

1¹

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.18 (January 31, 2010 as SI 2009/3294)
- ² Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 122(1)-(2)(f): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 122(1)-(6)(c)(ii): England, Wales



Law In Force With Amendments Pending

123.— Guidance about schemes.

(1) The appropriate national authority may issue guidance concerning the carrying out by local transport authorities and metropolitan district councils of their functions under this Part in relation to quality partnership schemes.

(2) Those authorities and councils must have regard to any such guidance.

Proposed Draft Amendments

Pt II s. 123(1): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 11 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 123(1)-(2): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 123(1)-(2): England, Wales

[Bus services: franchising schemes]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-



Law In Force With Amendments Pending

[123A Franchising schemes

(1) A franchising authority, or two or more franchising authorities acting jointly, may make a franchising scheme covering the whole or any part of their area, or their combined area.

(2) A franchising scheme may not be made unless the franchising authority or authorities have complied with the requirements in sections 123B to 123G.

(3) A franchising scheme is a scheme—

- (a) under which the authority or authorities identify the local services that they consider appropriate to be provided in an area under local service contracts,
- (b) by virtue of which those local services may only be provided in that area in accordance with local service contracts (subject to section 123O),
- (c) by virtue of which the authority or authorities may grant service permits for other local services which have a stopping place in that area (subject to section 123H(5)), and
- (d) under which the authority or authorities identify additional facilities that they consider appropriate to provide in that area.

(4) In this Part “franchising authority” means—

- (a) a mayoral combined authority,
[(aa) a mayoral CCA,]²
- (b) a county council in England for an area for which there are district councils,
- (c) a county council in England for an area for which there is no district council,
- (d) a non-metropolitan district council for an area for which there is no county council,
- (e) an Integrated Transport Authority for an integrated transport area in England, [...] ³
- (f) a combined authority which is not a mayoral combined authority [, or] ⁴
- [(g) a combined county authority which is not a mayoral CCA.] ⁴

But each of paragraphs (b) to [(g)] ⁵ has effect only if the Secretary of State by regulations so provides .

(5) In this Part “local service contract”, in relation to a franchising scheme, means an agreement that complies with section 123K(1) to (3) under which—

- (a) the franchising authority or authorities grant to another person the exclusive right to operate the local services to which the contract relates, and
- (b) the person undertakes to provide the local services on such terms (including in particular as to frequency, fares and standard of service) as may be specified in the agreement.

(6) The terms as to standard of service that may be specified include terms about requirements which vehicles being used to provide the service must meet, including requirements about emissions or types of fuel or power.

(7) A local service contract may be made on terms which include provision for the making of payments by the authority or authorities to the person undertaking to provide the local service.

(8) Section 88(1) of the Transport Act 1985 (application to subsidy agreements of sections 89 to 92 of that Act) does not apply in relation to local service contracts.

(9) A franchising scheme must include a description of the franchising authority's or authorities' plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the scheme is working.

(10) A franchising authority's functions under this Part in relation to a franchising scheme are excluded from the functions to which section 101(1)(b) of the Local Government Act 1972 applies, where the franchising authority is a local authority within the meaning of section 101 of the Local Government Act 1972.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ² Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.128(a) (December 26, 2023)
- ³ Word repealed by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.128(b) (December 26, 2023)
- ⁴ Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.128(c) (December 26, 2023)
- ⁵ Word substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.128(d) (December 26, 2023)

Proposed Draft Amendments

Pt II s. 123A(4): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(2) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123A(1)-(10): England, Wales



Law In Force With Amendments Pending

[123B Assessment of proposed scheme

- (1) A franchising authority or authorities that propose to make a franchising scheme covering the whole or any part of their area, or combined area, must prepare an assessment of the proposed scheme.
- (2) The assessment must—
 - (a) describe the effects that the proposed scheme is likely to produce, and
 - (b) compare making the proposed scheme to one or more other courses of action.
- (3) The assessment must also include consideration of—
 - (a) whether the proposed scheme would contribute to the implementation of—
 - (i) the authority's or authorities' policies under section 108(1)(a), and
 - (ii) other policies affecting local services that the authority or authorities have adopted and published,
 - (b) whether the proposed scheme would contribute to the implementation by neighbouring relevant local authorities of—
 - (i) those authorities' policies under section 108(1)(a), and
 - (ii) other policies affecting local services that those authorities have adopted and published,
 - (c) how the authority or authorities would make and operate the proposed scheme,
 - (d) whether the authority or authorities would be able to afford to make and operate the scheme,

- (e) whether the proposed scheme would represent value for money, and
- (f) the extent to which the authority or authorities are likely to be able to secure that local services are operated under local service contracts.

(4) Subsections (2) and (3) do not prevent inclusion of other matters.

(5) The Secretary of State must issue guidance concerning the preparation of an assessment under this section, and that guidance may, in particular, include guidance about methods to be used when assessing a proposed scheme.

(6) Franchising authorities must have regard to any such guidance.

(7) In this section “relevant local authority” means—

- (a) a local transport authority,
- (b) a London transport authority, or
- (c) a council in Scotland.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123B(3)(b): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 12(2)(a) (Consideration of Amendments, October 13, 2025) (date to be appointed: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123B(7)(b): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 12(2)(b)(i) (Consideration of Amendments, October 13, 2025) (date to be appointed: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123B(7)(ba): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 12(2)(b)(ii) (Consideration of Amendments, October 13, 2025) (date to be appointed: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123B(1)-(7)(c): England, Wales



Law In Force With Amendments Pending

[123C Consent of the Secretary of State and notice

(1) A franchising authority or authorities may not prepare an assessment of a proposed franchising scheme under section 123B unless the Secretary of State consents to their doing so.

(2) The Secretary of State's consent is not required if the proposed scheme relates only to—

- (a) the area of a mayoral combined authority, [...] ²
- (b) the combined area of two or more mayoral combined authorities [,] ³

- [(c) the area of a mayoral CCA, or
(d) the combined area of two or more mayoral CCAs.]³

(3) The Secretary of State must publish a notice of a consent given under this section.

(4) Before preparing an assessment of a proposed franchising scheme under section 123B, the authority or authorities must publish, in such manner as they consider appropriate, a notice stating that they intend to prepare such an assessment.

] ¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ² Word repealed by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.129(a) (December 26, 2023)
- ³ Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.129(b) (December 26, 2023)

Proposed Draft Amendments

Pt II s. 123C: heading substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(3)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123C(1): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(3)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123C(2): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(3)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123C(3): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(3)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123C(4): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(3)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123C(1)-(4): England, Wales



Law In Force With Amendments Pending

[123D Audit

(1) If, after preparing an assessment of a proposed franchising scheme under section 123B, the authority or authorities wish to proceed with the proposed scheme, they must obtain a report from an auditor on that assessment.

(2) The auditor's report must state whether, in the opinion of the auditor—

- (a) the information relied on by the authority or authorities in considering the matters referred to in section 123B(3)(d) or (e) is of sufficient quality,
- (b) the analysis of that information in the assessment is of sufficient quality, and
- (c) the authority or authorities had due regard to guidance issued under section 123B in preparing the assessment.

(3) The Secretary of State must issue guidance as to the matters to be taken into account by a franchising authority when selecting a person to act as an auditor.

(4) Franchising authorities must have regard to any such guidance.

(5) The Secretary of State must issue guidance concerning the matters to be taken into account by an auditor when forming an opinion as to whether the information relied on, and the analysis of that information, by an authority is of sufficient quality for the purposes of subsection (2).

(6) Auditors must have regard to any such guidance.

(7) For the purposes of this section an auditor is independent, in relation to an assessment of a proposed franchising scheme, if the person would not be disqualified from acting as local auditor of the accounts of the franchising authority, or any of the franchising authorities, under section 1214 of the Companies Act 2006 as substituted by paragraph 5 of Schedule 5 to the Local Audit and Accountability Act 2014.

(8) In this section “auditor” means a person eligible for appointment as a local auditor by virtue of Chapter 2 of Part 42 of the Companies Act 2006 as modified by Schedule 5 to the Local Audit and Accountability Act 2014.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123D: heading substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(8) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(1): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(2) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.9(10))

Pt II s. 123D(2): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(3)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(2): word substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(3)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(2)(a): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(3)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations

on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(3): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(4) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(5): word substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(5) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(6): word substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(6) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(7): s.123D(8) substituted for s.123D(7) and (8) by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(7) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123D(8): s.123D(8) substituted for s.123D(7) and (8) by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(7) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Extent

Pt II s. 123D(1)-(8): England, Wales

 Law In Force With Amendments Pending

[123E Consultation

(1) This section applies if, after obtaining an auditor's report under section 123D, the authority or authorities wish to proceed with the proposed franchising scheme.

(2) The authority or authorities must—

- (a) publish a consultation document relating to the proposed scheme (see section 123F),
- (b) publish the assessment of the proposed scheme,
- (c) publish the auditor's report on that assessment, and
- (d) give notice of the proposed scheme in such manner as the authority or authorities consider appropriate for bringing it to the attention of persons in the area to which it relates.

(3) A notice under subsection (2)(d) must—

- (a) describe the proposed scheme, and
- (b) state where copies of the proposed scheme and the documents mentioned in subsection (2)(a) to (c) may be inspected.

(4) After giving notice under subsection (2)(d), the authority or authorities must consult—

- (a) all persons operating local services in the area or areas to which the proposed scheme relates,

- (b) all other persons holding a PSV operator's licence or a community bus permit who would, in the opinion of the authority or authorities, be affected by the proposed scheme,
- (c) such persons as appear to the authority or authorities to represent employees of persons falling within paragraph (a),
- (d) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
- (e) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by the proposed scheme,
- (f) a traffic commissioner,
- (g) the chief officer of police for each police area covering the whole or part of an area to which the proposed scheme relates,
- (h) the Passengers' Council, and
- (i) the Competition and Markets Authority.

(5) In subsection (4)(e) “relevant local authority” means—

- (a) a local transport authority,
- (b) a district council,
- (c) a National Park authority,
- (d) the Broads Authority,
- (e) a London transport authority, or
- (f) a council in Scotland.

(6) The authority or authorities may modify the proposed scheme after consulting those persons and organisations.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123E(1): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(9)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123E(2)(c): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 9(9)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.10(10))

Pt II s. 123E(4)(a): words inserted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 5(2) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123E(4)(da): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 12(3)(a) (Consideration of Amendments, October 13, 2025) (date to be appointed: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

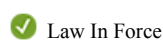
Pt II s. 123E(4)(da): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 10 (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123E(5)(e): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 12(3)(b)(i) (Consideration of Amendments, October 13, 2025) (date to be appointed: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123E(5)(ea): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 12(3)(b)(ii) (Consideration of Amendments, October 13, 2025) (date to be appointed: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123E(1)-(6): England, Wales



Law In Force

[123F Consultation document

(1) A consultation document under section 123E(2)(a) relating to a proposed franchising scheme must include—

- (a) a description of the area to which the proposed scheme relates,
- (b) a description of areas within that area for which different provision is proposed to be made, if such provision is proposed to be included in the proposed scheme,
- (c) a description of the local services that are proposed to be provided under local service contracts,
- (d) a description of the local services that are proposed to be excepted from regulation arising because of the proposed scheme,
- (e) the date on which the scheme is proposed to be made,
- (f) the date or dates by which it is proposed that local service contracts first be entered into,
- (g) the period or periods it is proposed will expire between the making of local service contracts and the provision of local services under such contracts,
- (h) a description of the authority's or authorities' proposed plans for consulting in order to seek views on how well the scheme is working,
- (i) a statement about how, in conducting the procurement process for the provision of local services, the authority or authorities propose to facilitate the involvement of small and medium-sized operators in the provision of local services, and
- (j) the date by which responses to the consultation must be received.

(2) The consultation document must also include a summary of the assessment prepared under section 123B in relation to the proposed scheme.

]¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123F(1)-(2): England, Wales

 Law In Force

[123G Response to consultation

(1) A franchising authority or authorities that conduct a consultation under section 123E must publish a report setting out—

- (a) the authority's or authorities' response to the consultation;
- (b) the authority's or authorities' decision on whether to make a franchising scheme covering the whole or any part of their area or combined area.

(2) The authority or authorities must give notice of the report to a traffic commissioner.

(3) If the authority or authorities decide to make a franchising scheme, the report must set out how, in conducting the procurement process for the provision of local services, the authority or authorities will facilitate the involvement of small and medium-sized operators in the provision of local services.

(4) If a franchising authority are a mayoral combined authority, the function of deciding whether to make a proposed franchising scheme is a function of the combined authority exercisable only by the mayor acting on behalf of the combined authority (including in a case where the decision is to make a scheme jointly with one or more other franchising authorities).

[(5) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed franchising scheme is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to make a scheme jointly with one or more other franchising authorities).]²
]¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

² Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.130 (December 26, 2023)

Extent

Pt II s. 123G(1)-(5): England, Wales

 Law In Force With Amendments Pending

[123H Making and publication of scheme

(1) If the authority or authorities publishing a report under section 123G have decided to make a franchising scheme covering the whole or any part of their area or combined area, they must make the scheme, and publish it, at the same time as the report under section 123G.

(2) The scheme must specify—

- (a) the area to which the scheme relates,
 - (b) the local services intended to be provided under local service contracts,
 - (c) the date on which local service contracts relating to local services may first be entered into (subject to subsection (3)(b)), and
 - (d) the minimum period that is to expire between the making of a local service contract and the provision of a local service under the contract (subject to subsection (3)(c)).
- (3) The scheme may specify—
- (a) areas within the area to which the scheme relates (“scheme sub-areas”),
 - (b) for each scheme sub-area, the date on which a local service contract to provide a local service in that scheme sub-area may first be entered into, and
 - (c) for each scheme sub-area, the minimum period that is to expire between the making of a local service contract to provide such a service and the provision of such a service under the contract.
- (4) A scheme may not specify under subsection (2)(d) or (3)(c) a period of less than six months.
- (5) Subject to regulations under section 123U, the scheme may except from regulation arising because of the scheme—
- (a) local services specified in the scheme, and
 - (b) local services of a class specified in the scheme.
- (6) If the franchising scheme relates to an area to which a relevant scheme or plan also relates, the franchising scheme must include—
- (a) in a case where the relevant scheme or plan relates only to the area to which the franchising scheme relates or a part of that area, provision revoking the relevant scheme or plan, or
 - (b) in any other case, provision varying the relevant scheme or plan so that it ceases to relate to any part of the area to which the franchising scheme relates.
- (7) A franchising scheme may not otherwise vary a relevant scheme or plan.
- (8) In subsections (6) and (7)—
- “relevant plan” means an enhanced partnership plan, and
 - “relevant scheme” means an advanced quality partnership scheme or an enhanced partnership scheme.
- (9) If provision is made under subsection (6)(b) to vary an enhanced partnership plan or scheme so that it ceases to relate to an area, the local transport authority or authorities to whose area or combined area the plan or, in the case of a scheme, the related plan continues to relate may vary the plan or, as the case may be, the scheme in such manner as they consider appropriate in consequence of the provision made under subsection (6)(b).
- (10) Section 138K(3) applies, and section 138K(4), (5) and (8) do not apply, to a variation under subsection (9).

1¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

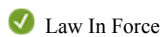
Pt II s. 123H(2A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 2 (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123H(2B): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 3(1) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123H(4): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 4(1) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123H(1)-(10): England, Wales



Law In Force

[123I Postponement of local service contracts

(1) If it appears to the authority or authorities that have made a franchising scheme appropriate to do so, they may decide that—

(a) the date specified under section 123H(2)(c), or

(b) a date specified under section 123H(3)(b),

is to be postponed (or further postponed).

(2) Before making such a decision they must (if possible) consult—

(a) persons operating local services who would, in their opinion, be affected by the decision;

(b) other persons whom, in their opinion, it would be appropriate to consult.

(3) Within a period of 14 days beginning with the date on which any such decision is made they must give notice of the decision—

(a) in such manner as they consider appropriate for drawing it to the attention of persons in the area to which it relates,

(b) to all persons operating local services who would, in their opinion, be affected by the decision, and

(c) to a traffic commissioner.

(4) The notice must include a statement of the reasons for making the decision.

¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123I(1)-(4): England, Wales



[123J Effect of local service contracts: registration requirements and provision of services

(1) Where a franchising scheme has been made, subsections (2) and (3) apply as soon as the effective time of any local service contract to which the franchising scheme relates is reached, subject to subsection (4).

(2) Sections 6 to 9 of the Transport Act 1985 (registration of local services) do not have effect in relation to the area to which the franchising scheme relates.

(3) No local service may be provided in the area to which the franchising scheme relates (if there is a stopping place for the service in that area) unless—

- (a) it is provided under a local service contract,
- (b) it is an interim service (see section 123O), or
- (c) it is provided under a service permit (see section 123P).

(4) If the scheme provides for scheme sub-areas, subsections (2) and (3) apply in relation to each scheme sub-area as soon as the effective time of any local service contract for the provision of a local service in that scheme sub-area is reached, as if references in subsections (2) and (3) to the area to which the scheme relates were references to the scheme sub-area.

(5) Subsections (2) and (3) do not apply in relation to—

- (a) a local service which is excepted from regulation arising because of the proposed scheme by any provision of the scheme that is made under section 123H(5), or
- (b) the use of a vehicle under a permit granted under section 22 of the Transport Act 1985.

(6) If it appears to a franchising authority that—

- (a) a person is operating or has operated a local service in contravention of subsection (3), and
- (b) in operating that local service, the person is failing or has failed to take all reasonable precautions and to exercise all due diligence to avoid contravening subsection (3),

the authority must inform a traffic commissioner.

(7) The effective time, in relation to a local service contract, is the beginning of the day on which a local service may first be provided under the contract (see sections 123K(4) and 123L).

1¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123J(4A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 7(2) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

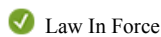
Pt II s. 123J(5)(a): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 8(2)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123J(5)(c): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 8(2)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123J(8): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 8(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123J(1)-(7): England, Wales



Law In Force

[123K Local service contracts

(1) If a franchising scheme covers the whole or part of the combined area of two or more franchising authorities, a local service contract for a local service specified in the scheme is to be entered by the authorities acting jointly.

(2) A franchising authority or authorities may only enter into a local service contract with a person who is the holder of either—

- (a) a PSV operator's licence, or
- (b) a community bus permit.

(3) But subsection (2)(a) does not include a licence to which a condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licences) prohibiting the holder from using vehicles under the licence to provide local services of all descriptions or of any description to which the condition relates.

(4) A person may not provide a local service under a local service contract until—

- (a) the expiry of the period that, under the scheme, must expire between the making of the contract and the provision of the local service under the contract (see section 123H(2)(d) and (3)(c)), or
- (b) such later time as may be specified in the contract.

(5) Subsection (4) is subject to section 123L.

(6) If—

- (a) a franchising authority or authorities enter into a local service contract, and
 - (b) the contract is—
 - (i) the first contract for the provision of a local service specified in the scheme that is entered into, or
 - (ii) for any scheme sub-area, the first contract for the provision of a local service specified in relation to that scheme sub-area that is entered into,
- they must give notice of the contract to a traffic commissioner.

(7) A notice under subsection (6) must be given within a period of 14 days beginning with the date on which the local service contract in question is entered into.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123K(1)-(7): England, Wales



Law In Force

[123L Exceptions to section 123K

(1) A local service contract may specify as the time when a local service may first be provided under the contract a time before the expiry of such period as is described in section 123K(4)(a), and that service may be provided from that time, if the authority or authorities determine that action is urgently required for the purpose of—

- (a) maintaining an existing service,
- (b) securing the provision of a service in place of a service which has ceased to operate, or
- (c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly and ought in the opinion of the authority to be met without delay.

(2) A determination under subsection (1) must be made at or before the time that the authority or authorities enter into the contract.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123L(1)-(2): England, Wales



Law In Force With Amendments Pending

[123M Variation of scheme

(1) The franchising authority or authorities operating a franchising scheme may vary, or acting jointly may vary, the scheme.

(2) If the authority or authorities decide to vary a franchising scheme, the authority or authorities must—

- (a) publish a notice of the decision, and
- (b) give notice of the decision to a traffic commissioner.

(3) The notice of the decision must state the date on which the variations of the scheme are to have effect.

(4) The date must fall after a period of six months beginning with the date on which notice of the decision is published.

(5) The notice must be published, and notice must be given to a traffic commissioner, within a period of 14 days beginning with the date on which the decision was made.

(6) If a franchising authority are a mayoral combined authority, the function of deciding whether to make a proposed variation is a function of the combined authority exercisable only by the mayor acting on behalf of the combined authority (including in a case where the decision is to act jointly to vary a scheme).

[(6A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed variation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to vary a scheme).]²

(7) The references in subsections (1) to (6) to the franchising authority or authorities in relation to a franchising scheme include a reference to a franchising authority who are not operating the scheme but would do so under a proposed variation.

(8) The variation of a franchising scheme is subject to the same procedure as the making of a franchising scheme, except that—

- (a) the procedure may be modified or excluded in its application to the variation of a scheme by regulations under section 123U,
- (b) sections 123B, 123C, 123D and 123F(2) do not apply, and
- (c) section 123G(3) does not apply.

(9) If the variation of a franchising scheme would involve adding an area to the area to which the scheme relates, subsection (8) has effect in relation to the variation but without subsection (8)(b).]¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

² Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.131 (December 26, 2023)

Proposed Draft Amendments

Pt II s. 123M(3): words inserted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 11(2)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123M(4): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 11(2)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123M(7): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 11(2)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123M(8): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 11(2)(d) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on

the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123M(9): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 11(2)(d) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123M(1)-(9): England, Wales

 Law In Force With Amendments Pending

[123N Revocation of scheme

(1) The franchising authority or authorities operating a franchising scheme may revoke, or acting jointly may revoke, the franchising scheme.

(2) The authority or authorities may revoke the scheme only if they are satisfied that—

- (a) local services in the area to which the scheme relates are likely to be better if the scheme did not apply,
- (b) the continued operation of the scheme is likely to cause financial difficulties for the authority or any of the authorities, or
- (c) the burdens of continuing with the scheme are likely to outweigh the benefits of doing so.

(3) If the authority or authorities decide to revoke a franchising scheme, the authority or authorities must—

- (a) publish a notice of the decision, and
- (b) give notice of the decision to a traffic commissioner.

(4) The notice of the decision must state the date on which the revocation is to have effect.

(5) The date of revocation must fall after a period of six months beginning with the date on which notice of the decision is published.

(6) The notice must be published, and notice must be given to a traffic commissioner, within a period of 14 days beginning with the date on which the decision was made.

(7) If a franchising authority are a mayoral combined authority, the function of deciding whether to make a proposed revocation is a function of the combined authority exercisable only by the mayor acting on behalf of the combined authority (including in a case where the decision is to act jointly to revoke a scheme).

[(7A) If a franchising authority are a mayoral CCA, the function of deciding whether to make a proposed revocation is a function of the combined county authority exercisable only by the mayor acting on behalf of the combined county authority (including in a case where the decision is to act jointly to revoke a scheme).]²

(8) The revocation of a franchising scheme is subject to the same procedure as the making of a franchising scheme, except that—

- (a) the procedure may be modified or excluded in its application to the revocation of a scheme by regulations under section 123U, and
- (b) section 123G(3) does not apply.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ² Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.132 (December 26, 2023)

Proposed Draft Amendments

Pt II s. 123N(2)(a): words inserted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 5(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123N(1)-(8)(b): England, Wales



Law In Force With Amendments Pending

[123O Interim services and replacement services

(1) This section applies if—

- (a) a franchising authority or authorities have entered into a local service contract with another person (“the operator”) about providing a local service (“the original service”) for a period, and
- (b) the operator fails to provide the original service or ceases to provide the original service before the end of the period.

(2) The authority, or any one of the authorities, may provide a local service (an “interim service”) in the place of the original service or a part of it.

(3) Subsection (2) has effect notwithstanding any prohibition, restriction or limitation on the power of the authority to provide local services contained in any other enactment, apart from the restriction in section 22 of the Bus Services Act 2017.

(4) A franchising authority providing an interim service must have a PSV operator's licence to which no condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licence) prohibiting the authority from using vehicles under the licence to provide services of that description.

(5) A franchising authority may not provide an interim service after the end of the period of six months beginning with the day on which the authority begins to provide the service, subject to subsection (7).

(6) If—

- (a) an interim service is provided, and

(b) the authority or authorities decide to enter into a local service contract with another person for the provision of a local service (a “replacement service”) that would replace the original service or a part of it,
section 123K(4) does not apply in relation to the provision of the replacement service.

(7) If the authority or authorities enter into a local service contract for the provision of a replacement service, the authority or the authority providing the interim service may continue to provide it until the replacement service begins to be provided.

(8) An interim service or replacement service need not be identical to the original service, or the part of the original service, that is replaced by the interim service or the replacement service (and such a change is not to be regarded as a variation of the scheme for the purposes of section 123M).

(9) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978).

1¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123O(3): words repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 22(7) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123O(1)-(9): England, Wales



Law In Force With Amendments Pending

[123P Service permits

(1) This section applies where a franchising scheme covers the whole or part of the area or combined area of a franchising authority or authorities.

(2) The authority or authorities, acting jointly, may grant a permit (a “service permit”) authorising a person to provide a local service in the area to which the scheme relates.

1¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123P(3): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 7(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123P(1)-(2): England, Wales



Law In Force With Amendments Pending

[123Q Application for service permit

- (1) An application for a service permit authorising a person to provide a particular local service in an area to which a franchising scheme relates must be made in such manner as the authority or authorities operating the scheme may determine.
- (2) An application must be accompanied by such information as the authority or authorities operating the scheme may specify.
- (3) If the authority or authorities so require, an application for a service permit must be accompanied by a fee for processing the application of an amount that is determined in accordance with regulations made by the Secretary of State.
- (4) Regulations under subsection (3) may specify the maximum amount of the fee.
- (5) The authority or authorities must grant the service permit applied for if they are satisfied that—
 - (a) the proposed service will benefit persons making journeys on local services in the area to which the scheme relates, and
 - (b) the proposed service will not have an adverse effect on any local service that is provided under a local service contract in the area to which the scheme relates.
- (6) The authority or authorities may not grant the service permit applied for if they are not satisfied as to the matters in subsection (5)(a) and (b).
- (7) If the authority or authorities do not grant a service permit, they must give notice of their reasons to the applicant within a period of ten days beginning with the date on which they decide not to grant the service permit.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123Q(5)(a): words inserted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 5(4) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 123Q(5A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 6(2) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on

the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.6(6))

Pt II s. 123Q(5B): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 6(2) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.6(6))

Pt II s. 123Q(6): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 6(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.6(6))

Pt II s. 123Q(8): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 6(4) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.6(6))

Extent

Pt II s. 123Q(1)-(7): England, Wales

 Law In Force With Amendments Pending

[123R Conditions

(1) A franchising authority or authorities may publish a notice specifying the conditions, or descriptions of conditions, that they may attach to a service permit.

(2) A franchising authority or authorities may—

- (a) withdraw a notice under subsection (1), and
- (b) if an earlier notice under subsection (1) is withdrawn, publish another notice under subsection (1).

(3) A franchising authority or authorities may only specify in a notice under subsection (1) conditions that are specified, or are of a description specified, in regulations made by the Secretary of State.

(4) Regulations under subsection (3) may in particular provide for conditions requiring holders of service permits to participate in ticketing arrangements.

(5) Before the authority or authorities publish a notice under subsection (1) (or withdraw such a notice), they must consult—

- (a) persons operating local services in the area to which the scheme relates, and
- (b) other persons whom, in their opinion, it would be appropriate to consult.

(6) If a notice under subsection (1) is published, the franchising authority or authorities may attach to—

- (a) a service permit granted by them after the notice is published, or
- (b) a service permit already granted by them,

conditions, or conditions of a description, specified in the notice.

(7) If a notice under subsection (1) is withdrawn, conditions attached to service permits granted by the franchising authority or authorities before it was withdrawn cease to have effect (subject to being attached again under subsection (6)(b)).

(8) If the authority or authorities grant a service permit with conditions, they must give notice of their reasons for doing so to the applicant within a period of 14 days beginning with the date on which they grant the service permit with those conditions.

(9) If the authority or authorities attach conditions to a service permit after it is granted, they must give notice of their reasons for doing so to the holder of the service permit within a period of 14 days beginning with the date on which they attach those conditions.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123R(5)(a): words inserted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 5(5) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123R(1)-(9): England, Wales



Law In Force With Amendments Pending

[123S Revocation and suspension

(1) A franchising authority or authorities may revoke or suspend a service permit granted by them.

(2) The grounds on which a franchising authority or authorities may revoke or suspend a service permit are—

- (a) that a matter in section 123Q(5)(a) or (b) is not satisfied as regards the service to which the service permit relates,
- (b) that the holder of the service permit has failed to comply with a condition attached to the service permit, and
- (c) that the public would be endangered if the service continued to operate.

(3) The Secretary of State may by regulations make provision about the period of notice that must expire before a revocation or suspension takes effect.

(4) The regulations may, in particular, enable a franchising authority or authorities to revoke or suspend a service permit with immediate effect if the permit is revoked or suspended on the ground mentioned in subsection (2)(c).

(5) A service permit is of no effect during a period of suspension.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123S(2)(a): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 6(5)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.6(6))

Pt II s. 123S(2)(aa): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 6(5)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 s.6(6))

Pt II s. 123S(2A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 7(5) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123S(1)-(5): England, Wales

✓ Law In Force

[123T Appeals

- (1) A person whose application for a service permit is refused may appeal against the refusal.
- (2) A person who is granted a service permit with conditions may appeal against the attaching of the conditions or any of them.
- (3) A person to whose service permit conditions are attached after the service permit is granted may appeal against the attaching of the conditions or any of them.
- (4) A person whose service permit is revoked or suspended may appeal against the revocation or suspension.
- (5) An appeal under subsection (1), (2), (3) or (4) is to be made to a traffic commissioner.
- (6) On an appeal under subsection (1), (2), (3) or (4), a traffic commissioner may—
 - (a) uphold the decision,
 - (b) quash the decision, or
 - (c) substitute a decision for the decision made.
- (7) The Secretary of State may by regulations make provision about appeals under this section including, in particular, provision—
 - (a) as to the time within which an appeal to a traffic commissioner must be brought,
 - (b) enabling a traffic commissioner to hold a hearing,
 - (c) requiring a traffic commissioner to hold a hearing if requested by the appellant,
 - (d) as to the time within which a hearing must be held, and
 - (e) as to the time within which an appeal must be determined.

(8) A person may appeal to the Upper Tribunal against a decision of a traffic commissioner under subsection (6).

(9) For the purposes of section 13(2) of the Tribunals, Courts and Enforcement Act 2007 (appeals to Court of Appeal etc against decisions of the Upper Tribunal) the following persons are to be treated as parties to a case—

- (a) the person who appealed under subsection (1), (2), (3) or (4),
- (b) the franchising authority or authorities whose decision was appealed, and
- (c) a traffic commissioner.

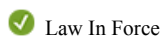
]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123T(1)-(9)(c): England, Wales



Law In Force

[123U Regulations about schemes

- (1) The Secretary of State may by regulations make further provision with respect to—
- (a) the procedure to be followed when making, varying or revoking franchising schemes,
 - (b) the local services or classes of local services which are to be, or may be, excepted from regulation arising because of the scheme, and
 - (c) such other incidental matters in connection with franchising schemes as the Secretary of State thinks fit.
- (2) The regulations may in particular make provision with respect to—
- (a) giving notice of proposed schemes or the proposed variation or revocation of schemes,
 - (b) modifications of such proposals,
 - (c) the form of schemes or variations, and
 - (d) giving notice of schemes which have been made or of the variation or revocation of schemes.
- (3) The Secretary of State may by regulations make further provision with respect to service permits.
- (4) The Secretary of State may also make regulations modifying or excluding the application of provisions of this Part, so far as relating to franchising schemes, in cases where a franchising authority, or two or more franchising authorities acting jointly—
- (a) propose or decide to vary or revoke a scheme under section 123M or 123N, or
 - (b) having varied a scheme under section 123M, propose or decide to postpone a date on which a local service contract to provide a local service specified in the scheme may first be entered into.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123U(1)-(4)(b): England, Wales



Law In Force With Amendments Pending

[123V Transitional provision about schemes

(1) The Secretary of State may by regulations make such transitional provision as the Secretary of State considers appropriate in connection with—

- (a) the making of franchising schemes,
- (b) the application of section 123J in relation to an area (effect of local service contracts: sections 6 to 9 of the Transport Act 1985 and provision of services),
- (c) the variation of franchising schemes, and
- (d) the revocation of franchising schemes.

(2) The regulations may in particular provide that in prescribed circumstances—

- (a) any provision of sections 6 to 9 of the Transport Act 1985 (registration of local services), or of sections 89 to 92 of that Act (obligation to invite tenders etc), which would otherwise have effect is not to have effect or is to have effect with such modifications as may be prescribed, or
- (b) any such provision which would not otherwise have effect is to have effect or is to have effect with such modifications as may be prescribed,

in relation to the whole or any part of the area to which the scheme relates.

(3) Regulations made by virtue of subsection (2) may in particular provide for the period in section 6(8)(a) of the Transport Act 1985 to be, for applications to vary or cancel the registration of services that have one or more stopping places in the area to which a franchising scheme relates, the period specified in a notice issued by the authority or authorities that made the franchising scheme.

(4) The regulations may impose requirements in relation to notices issued as mentioned in subsection (3) that include (but are not limited to) requirements—

- (a) as to the time when the notice may be issued,
- (b) as to the publication of the notice,
- (c) as to sending a copy of the notice to a traffic commissioner, and
- (d) as to the period, not exceeding 112 days, that may be specified in the notice.

(5) Regulations made by virtue of subsection (2) may in particular provide for cases where local services continue to be provided in an area under local service contracts after a franchising scheme—

- (a) is revoked, or
- (b) is varied so as no longer to relate to that area.

(6) The regulations may—

- (a) prohibit the registration of a service, or a variation of the registration of a service, under section 6 of the Transport Act 1985 so far as the service, or the service as varied, would be provided in that area, except in a case where the service, or the service as varied, would be a service that, under the scheme as it had effect before it was revoked or varied, could have been provided in that area under a local service contract, and
- (b) require a traffic commissioner to register a service on an application by a person who, immediately before the scheme was revoked or varied, provided the same service under a service permit.

(7) Any regulations made by virtue of subsection (1)(a) are not to have effect in the case of any franchising scheme as respects any time before the making of the scheme.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 123V(1)(ba): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 7(6) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 123V(1)-(7): England, Wales

 Law In Force

[123W Guidance about schemes

(1) The Secretary of State may issue guidance concerning the exercise by franchising authorities of their functions under this Part in relation to franchising schemes.

(2) Franchising authorities must have regard to any such guidance.

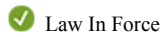
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Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123W(1)-(2): England, Wales



Law In Force

[123X Local service contracts: application of TUPE

- (1) Subsection (3) applies to a situation in which—
- (a) at the effective time of a local service contract, local services cease to be provided by a person (the “former operator”) in—
 - (i) the area to which the relevant franchising scheme relates, or
 - (ii) in the case of a franchising scheme which provides for scheme sub-areas, the relevant scheme sub-area,in accordance with section 123J(3), and
 - (b) at the same time, a person (the “new operator”) begins to provide local services in that area under that local service contract.
- (2) Subsection (3) also applies to a situation in which—
- (a) local services which, at the effective time of a local service contract, a person (the “former operator”) would be required by section 123J(3) to cease providing in—
 - (i) the area mentioned in subsection (1)(a)(i), or
 - (ii) the area mentioned in subsection (1)(a)(ii) (as the case may be),cease to be provided by the former operator before the effective time of that local service contract, and
 - (b) at the same time as those local services cease to be provided by the former operator, a person (the “new operator”) begins to provide local services in that area under an agreement which the authority or authorities operating the relevant franchising scheme entered into by reason of the cessation of the local services referred to in paragraph (a).
- (3) Any situation to which this subsection applies is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) (whether or not TUPE would apply apart from this subsection).
- (4) For the purposes of TUPE, the organised grouping of employees that is subject to the relevant transfer consists of those employees of the former operator whose employment is principally connected with the provision of the local services referred to in subsection (1)(a) or (as the case may be) the local services referred to in subsection (2)(a).
- (5) Any situation which by virtue of this section is treated as a relevant transfer for the purposes of TUPE is also to be treated as a relevant transfer within the meaning of TUPE for the purposes of—
- (a) sections 257 and 258 of the Pensions Act 2004, and
 - (b) any regulations made under section 258 of that Act.
- (6) The Secretary of State may make regulations supplementing the provision made by this section.
- (7) The provision that may be made by regulations under subsection (6) includes—
- (a) provision for determining, for the purposes of subsection (4), whether a person's employment is principally connected with the provision of any particular local services (including provision for or in connection with the appointment of a person to make such determination);
 - (b) provision for determining, in the case of any particular organised grouping of employees, the particular new operator who is to be the transferee for the purposes of TUPE (including provision for or in connection with the appointment of a person to make such determination);

(c) provision requiring any person operating local services in the area to which a franchising scheme relates to provide the authority or authorities operating the scheme with such information as may be prescribed, at such time as may be prescribed, about such of that person's employees as would fall within subsection (4) if the person ceased to provide those services in the circumstances described in subsection (1)(a);

(d) provision requiring the authority or authorities operating a franchising scheme to provide all persons operating local services in the area to which the scheme relates with such information as may be prescribed, at such time as may be prescribed, so as to enable such persons to comply with any requirement imposed by virtue of paragraph (c) of this subsection;

(e) provision requiring the authority or authorities operating a franchising scheme to ensure that any local service contract entered into with a person under the scheme, or any other agreement made with a person for the provision of local services in the area to which the scheme relates, is made on terms—

(i) that require the person, in the event of there being any transferring employees, to secure pension protection for every transferring employee, or every transferring employee of a prescribed description, who as an employee of the former operator had rights to acquire pension benefits, and

(ii) that, so far as relating to the securing of pension protection for a transferring employee, are enforceable by the employee.

(8) For the purposes of this section—

(a) “transferring employee” means an employee of a former operator whose contract of employment becomes, either by virtue of TUPE or by virtue of this section, a contract of employment with a new operator;

(b) “pension protection” is secured for a transferring employee if after the change of employer referred to in paragraph (a)—

(i) the employee has, as an employee of the new operator, rights to acquire pension benefits, and

(ii) those rights are of such description as is prescribed by regulations.

(9) The Secretary of State must exercise the power conferred by this section to make regulations containing provision falling within subsection (7)(e) so as to ensure—

(a) that pension protection is required to be secured for every transferring original employee who, as an employee of the original operator, had rights to acquire pension benefits, and

(b) that the rights to acquire pension benefits which a transferring original employee has as an employee of the new operator by virtue of paragraph (a) are rights which—

(i) are the same as the rights the transferring original employee had as an employee of the original operator, or

(ii) under provision made by regulations, count as being broadly comparable to, or better than, those rights.

(10) For the purposes of subsection (9)—

“transferring original employee” means a transferring employee—

(a) who immediately before the relevant date was employed by a person (the “original operator”) providing local services in the area to which the relevant franchising scheme relates, and

(b) whose contract of employment—

- (i) was, from that date until the change of employer referred to in subsection (8)(a), a contract of employment with the original operator, or
 - (ii) on each occasion when the employee was subject to a relevant transfer became, either by virtue of TUPE or by virtue of this section, a contract of employment with a person providing local services in the area referred to in paragraph (a);
- “relevant date”, in relation to a franchising scheme, means—
- (a) the date on which the scheme was made, or
 - (b) where—
 - (i) the local services being provided by the original operator were not subject to the scheme when it was made, and
 - (ii) as a result of the variation of the scheme, those services became subject to the scheme,
 the date on which that variation was made;
- “relevant transfer” means anything that is, or is to be treated as, a relevant transfer for the purposes of TUPE.

] ¹**Notes**

- ¹ Added by Bus Services Act 2017 c. 21 s.4 (June 27, 2017: 2017 c.21 s.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 123X(1)-(10) definition of "relevant transfer": England, Wales

Bus services: quality contracts schemes [in Wales] ¹

Notes

- ¹ Words inserted by Bus Services Act 2017 c. 21 Sch.2 para.6 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.6 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)



Partially In Force With Amendments Pending

124.— Quality contracts schemes.

(1) A local transport authority [for an area in Wales] ¹ , or two or more such authorities acting jointly, may make a quality contracts scheme covering the whole or any part of their area, or combined area, if they are satisfied that—

- [(a) the proposed scheme will result in an increase in the use of bus services (see subsection (9B)) in the area to which the proposed scheme relates,
- (b) the proposed scheme will bring benefits to persons using local services in the area to which the proposed scheme relates, by improving the quality of those services,

- (c) the proposed scheme will contribute to the implementation of the local transport policies of the authority or authorities,
- (d) the proposed scheme will contribute to the implementation of those policies in a way which is economic, efficient and effective, and
- (e) any adverse effects of the proposed scheme on operators will be proportionate to the improvement in the well-being of persons living or working in the area to which the proposed scheme relates and, in particular, to the achievement of the objectives mentioned in paragraphs (a) to (d).]²

(1A)-(1B) [...] ³

[(2) A quality contracts scheme may not be made unless the authority or authorities—

- (a) have complied with the requirements of section 125, [and]⁴
- (b) [...] ⁵ have obtained the approval of the Welsh Ministers in accordance with section 126 [.]⁶
- (c) [...] ⁶

(2A) [...] ⁷

] ²

(3) A quality contracts scheme is a scheme under which—

- (a) the authority or authorities determine what local services should be provided in the area to which the scheme relates and any additional facilities or services which should be provided in that area, and
- (b) local services may only be provided in that area in accordance with quality contracts (subject to section 127(4) [and section 132C]²).

(4) In this Part “quality contract”, in relation to a quality contracts scheme, means an agreement entered into under section 130 or 131 under which—

- (a) the authority or authorities grant to another person the exclusive right to operate the local services to which the contract relates, and
- (b) that person undertakes to provide the services on such terms (including in particular as to frequency, fares and standard of service) as may be specified in the agreement.

(5) A quality contract may be made on terms—

- (a) which include provision for the making of payments by the authority or authorities to the person undertaking to provide the local service, and
- (b) requiring one or more of the parties to provide additional facilities or services.

(6) Section 88(1) of the Transport Act 1985 (application to subsidy agreements of sections 89 to 92 of that Act) does not apply in relation to quality contracts.

(7) The authority or authorities must keep under review the extent to which quality contracts entered into by them are complied with.

(8) In carrying out their functions under this Part in relation to quality contracts schemes, local transport authorities must co-operate with one another.

(9) In considering whether to make a quality contracts scheme, a local transport authority [for an area in Wales]⁸ must have regard to the desirability, in appropriate cases, of making a scheme jointly with another [such]⁹ authority.

[

(9A) [...] ¹⁰

(9B) The reference in subsection (1)(a) to increasing the use of bus services includes a reference to reducing, arresting or reversing decline in the use of bus services.]²

(10) [...] ¹¹

(11)-(13) [...] ¹²

Notes

- ¹ Words inserted by Bus Services Act 2017 c. 21 Sch.2 para.7(2) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ² Amended by Local Transport Act 2008 c. 26 Pt 3 s.19 (January 11, 2010 as SI 2009/3242)
- ³ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.7(3) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁴ Word inserted by Bus Services Act 2017 c. 21 Sch.2 para.7(4)(a) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁵ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.7(4)(b) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁶ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.7(4)(c) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁷ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.7(5) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁸ Words inserted by Bus Services Act 2017 c. 21 Sch.2 para.7(6)(a) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁹ Word inserted by Bus Services Act 2017 c. 21 Sch.2 para.7(6)(b) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁰ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.7(7) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹¹ Amended by Local Transport Act 2008 c. 26 Sch.1 para.2 (April 1, 2009 as SI 2009/579)
- ¹² Repealed by Bus Services Act 2017 c. 21 Sch.2 para.7(8) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Amendments Pending

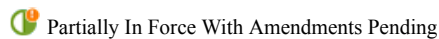
Pt II s. 124: amended by Local Transport Act 2008 c. 26 Pt 3 s. 19 (Not yet in force)

Commencement

Pt II s. 124(1)-(9): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 124(1)-(13)(b): England, Wales



125.— Notice and consultation requirements.

- (1) If an authority or authorities propose to make a quality contracts scheme, [they must—]¹
- [(a) publish, in such manner as they think fit, a consultation document complying with subsection (1A),
 - (b) supply a copy of that document to each of the persons mentioned in subsection (3), [and]²
 - (c) give notice in accordance with subsection (2) of the proposed scheme in at least one newspaper circulating in the area to which it relates [.]³
 - (d) [...]]³
-]]¹

[(1A) The consultation document mentioned in subsection (1)(a) must include—

- (a) a description of the proposed scheme;
- (b) a statement of the reasons why the authority or authorities are satisfied that the conditions in [subsection (1) of section 124]⁴ are met;
- (c) a description of any arrangements which the authority or authorities intend to make (including arrangements with other authorities or other persons) for or in connection with the implementation of the scheme;
- (d) a statement of how any costs which the authority or authorities expect to incur under the scheme are to be defrayed;
- (e) a declaration by the chief finance officer or officers of the authority or authorities that, after taking into account—
 - (i) any estimated income from fares, and
 - (ii) any grants from Ministers of the Crown or government departments,
 any remaining funding required to implement the scheme can be provided from other resources available to the authority or authorities;
- (f) the date by which any written responses to the consultation must be submitted to the authority or authorities.

(1B) The description of the proposed scheme contained in the consultation document in accordance with subsection (1A)(a) must include—

- (a) an outline of the local services which are proposed to be provided under it;
- (b) a statement of any proposed exclusions from the scheme by virtue of section 127(4).

(1C) In subsection (1A)(e) “chief finance officer”, in relation to a local transport authority, means that officer of the authority who is responsible under—

- (a) section 151 of the Local Government Act 1972, or
- (b) section 73 of the Local Government Act 1985,

for making arrangements for the proper administration of the financial affairs of the authority.]]¹

(2) The notice must—

- (a) describe the proposed scheme, [and]]¹
- (b) state where a copy of the scheme [and the consultation document]]¹ may be inspected [.]]¹
- (c) [...]]¹

- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
- (a) all persons operating local services in the area to which it relates,
 - (b) all other persons holding a PSV operator's licence or a community bus permit who would, in the opinion of the authority or authorities, be affected by it,
 - (c) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
 - (d) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by it,
 - (e) [...] ⁵ [a traffic commissioner] ⁶ ,
 - (f) the chief officer of police for each police area covering the whole or part of [the area to which the proposed scheme relates] ⁶ , and
 - (g) such other persons as the authority or authorities think fit.
- (4) For the purpose of subsection (3)(d) the following are relevant local authorities—
- (a) local transport authorities,
 - (b) district councils in England,
 - (c) London transport authorities, and
 - (d) councils in Scotland.
- (5) The authority or authorities may modify the proposed scheme following those consultations.

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.20 (January 11, 2010 as SI 2009/3242)
- ² Word inserted by Bus Services Act 2017 c. 21 Sch.2 para.8(a)(i) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ³ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.8(a)(ii) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁴ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.8(b) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁵ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.8(c) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁶ Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Amendments Pending

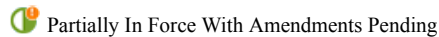
Pt II s. 125: amended by Local Transport Act 2008 c. 26 Pt 3 s. 20 (Not yet in force)

Commencement

Pt II s. 125(1)-(5): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 125(1)-(5): England, Wales



126.— [Approval of proposed schemes for areas in Wales] ¹

(A1) [...] ²

(1) If, having complied with [the requirements of] ³ section 125, the authority or authorities wish to proceed with the proposed scheme, they must apply to the appropriate national authority for its approval.

(2) The application must include—

- (a) their reasons for wishing to make the scheme, and
- (b) such other information as the appropriate national authority may reasonably require.

(3) Any person [who was consulted, or who is aggrieved at not being consulted,] ⁴ under section 125(3) may make written representations to the appropriate national authority about the scheme.

(4) The appropriate national authority may approve the proposed scheme, with or without modifications, if it is satisfied that—

- (a) the conditions set out in [paragraphs (a) to (e) of section 124(1)] ⁵ [...] ⁶ are met, and
- (b) it is in the interests of the public that the scheme is made.

(5) If the appropriate national authority proposes to approve the scheme with modifications, it must first inform the authority or authorities and they must—

- (a) consult such of the persons they consulted under section 125(3) as would, in their opinion, be affected by those modifications, and
- (b) inform the appropriate national authority as to the outcome of that consultation.

(6) After being informed of that outcome the appropriate national authority may approve the scheme either with those modifications or without modifications.

Notes

¹ Heading substituted by Local Transport Act 2008 c. 26 Pt 3 s.21(6) (January 11, 2010: commencement order SI)

² Repealed by Bus Services Act 2017 c. 21 Sch.2 para.9 (June 27, 2017: 2017 c.21 s..6 and Sch.2 para.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

³ Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.21(3) (January 11, 2010: commencement order SI)

⁴ Word substituted by Local Transport Act 2008 c. 26 Pt 3 s.21(4) (January 11, 2010: commencement order SI)

⁵ Words substituted by Local Transport Act 2008 c. 26 Pt 3 s.21(5)(a) (January 11, 2010: commencement order SI)

⁶ Words repealed by Local Transport Act 2008 c. 26 Pt 3 s.21(5)(b) (January 11, 2010: commencement order SI)

Amendments Pending

Pt II s. 126(4)(a): words repealed by Local Transport Act 2008 c. 26 Sch. 7(2) para. 1 (Not yet in force: commencement order SI)

Commencement

Pt II s. 126(1)-(6): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 126(1)-(6): England, Wales

 Repealed

126A [...]¹**Notes**

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.10 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

 Repealed

[...]¹**Notes**

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.10 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

 Repealed

[...]¹**Notes**

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.10 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

 Repealed

[...]¹**Notes**

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.10 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

 Repealed

126E [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.10 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

 Partially In Force

127.— Making of scheme.

[(1) The authority or authorities who proposed the scheme may make it—

(a) [...] ²

(b) [...] ³ in accordance with the requirements of subsection (1B).

(1A) [...] ⁴

(1B) If—

(a) [...] ⁵

(b) the Welsh Ministers approve the scheme under section 126,

the authority or authorities who proposed it may make it, as approved, at any time not later than 6 months after the date of the approval.

] ¹

(2) The scheme must specify—

(a) the area to which it relates,

[(b) the date on which it is to come into operation or, if the scheme provides for different provisions to come into operation on different dates, or on different dates for different purposes, those dates in the case of each provision, and] ⁶

(c) the period for which it is to remain in operation, which must not be more than ten years [from the earliest date on which the scheme or any of its provisions comes into operation] ⁷

[(2A) No date that is to be specified under subsection (2)(b) may be earlier than 6 months after the scheme is made.] ⁸

(3) The scheme must outline—

(a) the local services which are to be provided under quality contracts, and

(b) the features of the proposed invitations to tender for quality contracts.

[(3A) The scheme must specify the date or dates on which it is proposed that the authority or authorities will issue invitations to tender for the provision of any services to which the scheme relates (see section 130).] ⁹

(4) The scheme may provide that—

(a) local services specified in it, or

(b) local services of a class specified in it,

are to be excluded from the scheme, subject to such conditions (if any) as may be specified in it.

(5) The scheme may contain such ancillary provisions as the authority or authorities think fit.

(6) The scheme may include provision—

- (a) varying or revoking any quality partnership scheme which only relates to the area of the authority, or combined area of the authorities, by which the scheme is made, or
- (b) varying any other quality partnership scheme to the extent that it so relates.

(7) If provision is made under subsection (6)(b) to vary the quality partnership scheme so that it no longer so relates, such of the authorities by which it was made as did not make the quality contracts scheme—

- (a) may (subject to the provision so made) vary it if they decide that it is appropriate to do so, or
- (b) may revoke it if all persons who have given an undertaking to provide a service to a standard specified in the scheme consent to the revocation of the scheme (which consent must not be unreasonably withheld);

and subsections (3) and (4) of section 120 apply to a variation or revocation under this subsection.

(8) Not later than 14 days after the date on which the scheme is made, the authority or authorities must—

- (a) give notice in at least one newspaper circulating in the area to which the scheme relates, and
- (b) send a copy of the scheme to [a traffic commissioner]¹⁰.

(9) The notice must state—

- (a) that the scheme has been made,
- (b) where a copy of the scheme may be inspected, and
- [(c) the date or dates on which the scheme, or the different provisions of the scheme, are to come into operation.]¹¹

[(10) The appropriate national authority may by order vary any of the periods mentioned in subsection [...]¹³ (1B) or (2A).]¹²

Notes

- ¹ S.127(1)-(1B) substituted for s.127(1) by Local Transport Act 2008 c. 26 Pt 3 s.26(2) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ² Repealed by Bus Services Act 2017 c. 21 Sch.2 para.11(a) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ³ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.11(b) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁴ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.11(c) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁵ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.11(d) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁶ Substituted by Local Transport Act 2008 c. 26 Pt 3 s.26(3) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ⁷ Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.26(4) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ⁸ Added by Local Transport Act 2008 c. 26 Pt 3 s.26(5) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

- ⁹ Added by Local Transport Act 2008 c. 26 Pt 3 s.26(6) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ¹⁰ Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)
- ¹¹ Substituted by Local Transport Act 2008 c. 26 Pt 3 s.26(7) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ¹² Substituted by Local Transport Act 2008 c. 26 Pt 3 s.26(8) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ¹³ Word repealed by Bus Services Act 2017 c. 21 Sch.2 para.11(e) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Commencement

Pt II s. 127(1)-(10): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 127(1)-(10): England, Wales

 Repealed

127A [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.12 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.12 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

 Repealed

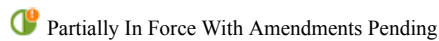
127B [...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.12 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.12 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Wales

128.— Postponement of scheme.

- (1) If it appears to the authority or authorities who made the scheme appropriate to do so, they may decide that the date on which the scheme would otherwise come into operation shall be postponed by such period as they think fit (subject to any provision of regulations made under subsection (4)).
- (2) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the decision.
- (3) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—
- (a) in at least one newspaper circulating in the area to which the scheme relates, [...] ¹
 - (b) to all operators of local services who would, in their opinion, be affected by the decision [, and] ²
 - [(c) to a traffic commissioner.] ²
- (4) The appropriate national authority may by regulations make provision with respect to postponements under subsection (1).
- (5) The regulations may in particular make provision—
- (a) as to the maximum period of postponements, and
 - (b) requiring authorities to re-issue invitations to tender in accordance with section 130.

Notes

- ¹ Word repealed by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: repeal has effect subject to transitional provisions specified in SI 2013/1644 art.7)
- ² S.128(3)(b)-(c) substituted for words by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

England

[128.— Postponement of scheme.

- (1) If it appears to the authority or authorities who made the scheme appropriate to do so, they may decide that the date on which the scheme, or any particular provision of the scheme, would otherwise come into operation, or come into operation for any particular purpose or purposes, shall be postponed by such period as they think fit (subject to any provision of regulations made under subsection (4)).
- (2) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the decision.

(3) Not later than 14 days after the date on which any such decision is made they must give notice of the decision—

- (a) in at least one newspaper circulating in the area to which the scheme relates, [...]²
- (b) to all operators of local services who would, in their opinion, be affected by the decision [, and]³
- [(c) to a traffic commissioner.]³

(4) The appropriate national authority may by regulations make provision with respect to postponements under subsection (1).

(5) The regulations may in particular make provision—

- (a) as to the maximum period of postponements, and
- (b) requiring authorities to re-issue invitations to tender in accordance with section 130.

] ¹

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.28 (January 11, 2010 as SI 2009/3242)

² Word repealed by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: repeal has effect subject to transitional provisions specified in SI 2013/1644 art.7)

³ S.128(3)(b)-(c) substituted for words by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Amendments Pending

Pt II s. 128: amended by Local Transport Act 2008 c. 26, Pt 3 s. 28 (date to be appointed)

Commencement

Pt II s. 128(1)-(3)(b), (5)-(5)(b): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Pt II s. 128(4): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 128(1)-(5)(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially In Force With Amendments Pending

Wales

129.— Effect of scheme.

- (1) During any period in which the scheme is in operation—
- (a) sections 6 to 9 of the Transport Act 1985 (registration of local services) do not have effect in relation to the area to which it relates, and
 - (b) no local service shall be provided in that area (if there is a stopping place for the service in that area) unless it is provided under a quality contract.
- (2) But subsection (1) does not apply in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 127(4).
- (3) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the Transport Act 1985 of the service concerned.
- (4) The authority or authorities must invite tenders in accordance with section 130 not later than—
- (a) three months, or
 - (b) such other period as the appropriate national authority may be order specify,
- after the scheme has been made.

England

[129.— Effect of scheme.

- (1) During any period in which the scheme, or (in the case of a scheme which provides for different provisions to come into operation on different dates) any provision of the scheme, is in operation—
- (a) sections 6 to 9 of the Transport Act 1985 (registration of local services) do not have effect in relation to the area to which the scheme, or that provision, relates, and
 - (b) no local service shall be provided in that area (if there is a stopping place for the service in that area) unless it is provided under a quality contract or is an interim service (see section 132C).
- (2) But subsection (1) does not apply—
- (a) so as to prevent the application of sections 6 to 9 of the Transport Act 1985 in relation to any service by virtue or in consequence of section 6B of that Act (application for registration or variation where quality contracts scheme in force),
 - (b) so as to prevent the provision of any service registered under section 6 of the Transport Act 1985 by virtue of section 6B of that Act, or
 - (c) in relation to services which are excluded from the scheme as a result of any provision of the scheme made in accordance with section 127(4).
- (3) Where the exclusion of a local service from the scheme is made subject to conditions as a result of such a provision, those conditions are to be treated, during any period in which the scheme is in operation, as if they were prescribed particulars registered under section 6 of the Transport Act 1985 of the service concerned.
- (4) [...]
- 1¹

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.29 (January 11, 2010 as SI 2009/3242)

Amendments Pending

Pt II s. 129: amended by Local Transport Act 2008 c. 26, Pt 3 s. 29 (date to be appointed)

Commencement

Pt II s. 129(1)-(4)(b): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 129(1)-(4)(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially In Force With Amendments Pending

Wales

130.— Tendering for quality contracts.

(1) The authority, or the authorities acting jointly, must invite tenders for the provision of services to which the scheme relates for such period and on such basis as may be specified in the invitation to tender.

(2) The period specified must not exceed five years.

(3) Subject to subsection (4), such an invitation—

- (a) must be issued generally, in such manner as the authority or authorities consider appropriate for bringing it to the attention of persons who may be interested, and
- (b) must also be issued individually to all persons who have given to that authority or any of those authorities a written notice indicating that they wish to receive invitations to tender for the provision of local services of a description to which the invitation relates.

(4) Such a notice must specify the address to which such an invitation is to be directed, and it shall be sufficient for the purposes of subsection (3)(b) if the authority or authorities send the invitation to the person giving such a notice at the address so specified.

(5) The authority or authorities may only accept a tender submitted by a person who is the holder of either—

- (a) a PSV operator's licence, or
- (b) a community bus permit.

(6) But subsection (5)(a) does not include a licence to which a condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licences) prohibiting the holder from using vehicles under the licence to provide local services of all descriptions or of any description to which the invitation relates.

(7) After entering into a quality contract, the authority or authorities must give notice to [a traffic commissioner]¹ of—

- (a) the local services to be provided in accordance with the contract, and
- (b) the duration of the contract.

(8) The appropriate national authority may by regulations make provision requiring authorities to publish prescribed information about tenders submitted to them in accordance with this section or about their reasons for entering into particular quality contracts.

Notes

¹ Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

England

[130.— Tendering for quality contracts.

(1) The authority, or the authorities acting jointly, must invite tenders for the provision of services to which the scheme, or each provision of the scheme, relates for such period and on such basis as may be specified in the invitation to tender.

(2) The period specified must not exceed 10 years.

(3) Subject to subsection (4), such an invitation—

- (a) must be issued generally, in such manner as the authority or authorities consider appropriate for bringing it to the attention of persons who may be interested, and
- (b) must also be issued individually to all persons who have given to that authority or any of those authorities a written notice indicating that they wish to receive invitations to tender for the provision of local services of a description to which the invitation relates.

(4) Such a notice must specify the address to which such an invitation is to be directed, and it shall be sufficient for the purposes of subsection (3)(b) if the authority or authorities send the invitation to the person giving such a notice at the address so specified.

(5) The authority or authorities may only accept a tender submitted by a person who is the holder of either—

- (a) a PSV operator's licence, or
- (b) a community bus permit.

(6) But subsection (5)(a) does not include a licence to which a condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licences) prohibiting the holder from using vehicles under the licence to provide local services of all descriptions or of any description to which the invitation relates.

(7) After entering into a quality contract, the authority or authorities must give notice to [a traffic commissioner]² of—

- (a) the local services to be provided in accordance with the contract, and
- (b) the duration of the contract.

(8) The appropriate national authority may by regulations make provision requiring authorities to publish prescribed information about tenders submitted to them in accordance with this section or about their reasons for entering into particular quality contracts.

]¹

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 3 s.30 (January 11, 2010 as SI 2009/3242)

² Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Amendments Pending

Pt II s. 130: amended by Local Transport Act 2008 c. 26, Pt 3 s. 30 (date to be appointed)

Commencement

Pt II s. 130(1)-(7)(b): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Pt II s. 130(8): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1)

Extent

Pt II s. 130(1)-(8): England, Wales

 Partially In Force

131.— Exceptions from section 130.

(1) Section 130 does not apply in any case where it appears to the authority or authorities that action is urgently required for the purpose of—

- (a) maintaining an existing service,
- (b) securing the provision of a service in place of a service which has ceased to operate, or
- (c) securing the provision of a service to meet any public transport requirement which has arisen unexpectedly and ought in the opinion of the authority to be met without delay.

(2) The appropriate national authority may by regulations make provision for further exceptions from section 130, including in particular with respect to—

- (a) cases in which no tender, or no acceptable tender, is submitted in response to an invitation to tender issued under section 130(1) or under any provision made by virtue of subsection (5)(a), and
- (b) agreements of a prescribed description.

(3) The appropriate national authority may make regulations fixing the maximum duration of a quality contract entered into under subsection (1) or under any provision made by virtue of subsection (2).

(4) The appropriate national authority may by regulations make further provision with respect to exceptions from section 130.

(5) Regulations under subsection (4) may in particular—

(a) require authorities to invite tenders for the provision of a service which is the subject of a quality contract made under subsection (1) or under any provision made by virtue of subsection (2), and

(b) require authorities to publish prescribed information (including as to their reasons for entering into particular quality contracts) or to give notices.

Commencement

Pt II s. 131(1)-(1)(c), (5)-(5)(b): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Pt II s. 131(2)-(4): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 131(1)-(5)(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially In Force With Amendments Pending

Wales

[NOTE: not yet in force otherwise.]

England

[131A Continuation of schemes for further periods

(1) If it appears to them appropriate to do so, the authority or authorities who made a quality contracts scheme (other than any to whose area the scheme no longer relates) may decide that the scheme should continue in operation for a further period, with or without modification.

(2) Before making such a decision, they must, unless the proposal that the scheme should continue is an exempt continuation proposal (see section 131B), comply with the requirements of—

(a) section 124(2)(b) (approval by Welsh Ministers) [.]²

(b) [...] ³

(3) Section 125 applies in relation to the continuation of a scheme under this section as it applies in relation to the making of a scheme, but with the following modifications—

(a) any reference to a proposal to make a scheme is to be read as a reference to a proposal for the continuation of a scheme,

(b) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,

and with the further modifications specified in subsections (4) and (5), but this is subject to such modifications or exclusions as may be prescribed by regulations under section 133.

(4) [...] ⁴

(5) The consultation document that is to be published by virtue of section 125(1)(a), as applied by subsection (3), must (instead of complying with section 125(1A)) include—

(a) a description of the scheme, together with any proposed modifications to it;

(b) a statement of the opinion of the authority or authorities as to the effectiveness of the scheme in achieving the objectives set out in [paragraphs (a) to (e) of section 124(1)] ⁵ up to the date of the report;

(c) a statement of the reasons why they are satisfied that the scheme as proposed to be continued (with any proposed modifications) will meet the conditions in [subsection (1) of section 124] ⁶;

(d) a description of any arrangements which the authority or authorities intend to make (including arrangements with other authorities or other persons) for or in connection with the continuation of the scheme;

(e) a statement of the period for which it is proposed that the scheme should continue in operation, which must not be more than a further 10 years;

(f) if the authority or authorities consider that the proposal for the scheme to continue is an exempt continuation proposal, a statement of that fact;

(g) a statement of how any costs which the authority or authorities expect to incur under the scheme are to be defrayed;

(h) a declaration by the chief finance officer or officers of the authority or authorities that, after taking into account—

(i) any estimated income from fares, and

(ii) any grants from Ministers of the Crown or government departments,

any remaining funding required to continue the scheme in operation can be provided from other resources available to the authority or authorities;

(i) the date by which any written responses to the consultation must be submitted to the authority or authorities.

(6) For the purposes of this section—

(a) subsection (1B) of section 125 (matters to be included in the description of the proposed scheme) applies for the purposes of subsection (5)(a) as it applies for the purposes of subsection (1A)(a) of that section, and

(b) subsection (1C) of that section (meaning of “chief finance officer”) applies for the purposes of subsection (5)(h) as it applies for the purposes of subsection (1A)(e) of that section.

- (7) The consultation document mentioned in subsection (5) must be published and supplied in accordance with section 125(1)(a) and (b) (as applied by this section) not less than 12 months before the scheme's expiry date.
- (8) For the purposes of this section, a scheme's "expiry date" is the later of the following dates—
- (a) the end of the period specified in the scheme in accordance with section 127(2)(c),
 - (b) if the scheme has been continuing in operation by virtue of the previous application of this section, the end of the period for which it is so continuing in operation.
- (9) The period for which a scheme continues in operation by virtue of a decision under subsection (1) may begin—
- (a) on such day falling before, on, or immediately after the scheme's expiry date as the authority or authorities decide, or
 - (b) if the circumstances are such that the continuation of the scheme cannot begin on a day falling within paragraph (a), on such later day as the authority or authorities decide in accordance with regulations made by the appropriate national authority for the purposes of such circumstances.
- (10) If the authority or authorities publish and supply a consultation document in accordance with subsection (7), the scheme remains in operation (without any modifications proposed by them under subsection (1)) until—
- (a) in a case where the scheme is to continue in operation for a further period, the day before the beginning of that period, or
 - (b) in any other case, the scheme's expiry date.
- (11) Section 130 (tendering) applies to a scheme that continues in operation under this section (whether or not the proposal for the scheme to continue in operation was an exempt continuation proposal) but subject to regulations made by the appropriate national authority under section 133(3).
- ¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.31 (January 11, 2010 as SI 2009/3242)
- ² Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.13(a)(i) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.13 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ³ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.13(a)(ii) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.13 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁴ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.13(b) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.13 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁵ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.13(c)(i) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.13 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁶ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.13(c)(ii) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.13 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Amendments Pending

Pt II s. 131A: added by Local Transport Act 2008 c. 26 Pt 3 s. 31 (Not yet in force: commencement order SI)

Extent

Pt II s. 131A(1)-(11): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially In Force With Amendments Pending

Wales

[NOTE: not yet in force otherwise.]

England

[131B Meaning of “exempt continuation proposal”

(1) For the purposes of this Part a proposal that a quality contracts scheme should continue in operation is an “exempt continuation proposal” if—

- (a) any one or more of Conditions 1 to 3 are met and Conditions A and B are met, or
- (b) the circumstances are as prescribed in regulations made by the appropriate national authority.

(2) Condition 1 is that it is not proposed that the area to which the continuation scheme relates is to be greater than the area to which the existing scheme relates.

(3) Condition 2 is that it is proposed that the area to which the continuation scheme relates is to be greater than the area to which the existing scheme relates, but—

- (a) the additional area proposed to be included falls wholly within the area or combined area of the authority or authorities proposing the continuation of the scheme, and
- (b) it is not proposed that under the continuation scheme any descriptions of local services are to be provided under quality contracts in addition to the descriptions of local services so provided under the existing scheme.

(4) Condition 3 is that during the period while the existing scheme has been in force—

- (a) there has been a change in the area of the authority, or of any of the authorities, that last made or continued the scheme, or
- (b) a different authority has become the local transport authority for some or all of the area to which the scheme relates,

but it is not proposed that under the continuation scheme any descriptions of local services are to be provided under quality contracts in addition to the descriptions of local services so provided under the existing scheme.

(5) Condition A is that it is not proposed under the continuation scheme that any local services which, immediately before the coming into force of that scheme, were unregulated services are under the continuation scheme to be provided under quality contracts.

(6) Condition B is that it is not proposed under the continuation scheme that any services which, immediately before the coming into force of that scheme, were excluded services in the case of the existing scheme are not to be excluded services in the case of the continuation scheme.

(7) In this section—

“the continuation scheme” means the scheme as proposed to continue in operation;

“excluded services”, in the case of any quality contracts scheme, means any local services, or class of local services, which are excluded from the scheme by virtue of section 127(4);

“the existing scheme” means—

(a) the scheme as last continued or varied, or

(b) if the scheme has not previously been continued or varied, the scheme as originally made;

“unregulated services” means any local services provided otherwise than—

(a) under a contract with one or more local transport authorities, or

(b) by an authority or authorities acting under section 132C(2) (power to provide interim services in exceptional circumstances);

and any reference to the coming into force of a scheme includes a reference to the coming into force of any particular provision of it.

(8) See also section 131E (which makes provision about appeals relating to exempt continuation proposals).

]¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.32(1) (January 11, 2010 as SI 2009/3242)

Amendments Pending

Pt II s. 131B: added by Local Transport Act 2008 c. 26, Pt 3 s. 32(1) (date to be appointed: commencement order SI)

Extent

Pt II s. 131B(1)-(8): England, Wales

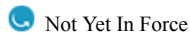


Repealed

131C [...] ¹

Notes

¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.14 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.14 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

**[131D Continuation of schemes for areas in Wales: procedure**

(1) This section has effect with respect to the continuation in operation under section 131A (or the proposed continuation in operation under that section) of a quality contracts scheme for an area in Wales (whether with or without modifications).

(2) Subsections (2) and (3) to (9) of section 127 apply in relation to the continuation of the scheme as they apply in relation to the making of a scheme, but with the modifications in subsection (4).

(3) Unless the proposal for the continuation of the scheme—

(a) is an exempt continuation proposal, or

(b) in a case where the authority or authorities have decided that the scheme should continue, was such a proposal,

subsections (1)(b) and (1B) of section 127 also apply in relation to the continuation of the scheme, and with the modifications in subsection (4).

(4) The modifications are—

(a) any reference to proposing to make a scheme is to be read as a reference to proposing the continuation of a scheme,

(b) any reference to making a scheme is to be read as a reference to deciding that a scheme should continue in operation,

(c) any reference to the proposed scheme is to be read as a reference to the scheme as proposed to continue in operation,

(d) the references in section 127(2)(b) and (9)(c) to the date or dates on which the scheme is, or provisions of the scheme are, to come into operation are to be read as references to the day decided by the authority or authorities by virtue of section 131A(9),

but further or different modifications, or exclusions, may also be made by regulations under section 133(3)(b).

(5) Subsection (6) applies in any case where—

(a) an authority or authorities propose that a quality contracts scheme for an area in Wales should continue in operation (with or without modification) under section 131A, and

(b) the proposal is not an exempt continuation proposal.

(6) In any such case, section 126 (approval by Welsh Ministers of proposed schemes for areas in Wales) applies in relation to a proposal for the continuation of a scheme as it applies in relation to a proposal to make a scheme, but with the modifications set out in subsection (7).

(7) The modifications are—

(a) any reference to a proposed scheme is to be read as a reference to a proposal for a scheme to continue in operation under section 131A;

(b) the reference in section 126(2)(a) to wishing to make a scheme is to be read as a reference to wishing that a scheme should continue in operation;

(c) any reference to any conditions set out in any paragraphs of section 124(1) being met is to be read as a reference to those conditions being met by the scheme as proposed to continue in operation (with any proposed modifications);

(d) any reference to section 125 or any provision of that section is to be read as a reference to that section or provision as it has effect by virtue of section 131A.

(8) If, acting on the basis that the proposal for the continuation of the scheme is an exempt continuation proposal, the authority or authorities decide that the scheme is to continue, they must—

- (a) publish in such manner as they think fit, and within the time allowed, a notice announcing their decision on the proposal,
- (b) supply a copy of that notice to each of the persons mentioned in section 125(3) as it applies by virtue of section 131A, and
- (c) give notice of the decision in accordance with section 127(8) and (9).

(9) For the purposes of subsection (8)(a), the time allowed is the period of 6 months following the date of publication of the consultation document required by section 125(1)(a) as it applies by virtue of section 131A.

]¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.34 (date to be appointed: commencement order SI)

Extent

Pt II s. 131D(1)-(9): England, Wales

 Partially In Force

[131E Appeals where proposed continuation considered exempt

(1) This section applies where an authority or authorities who propose that a quality contracts scheme should continue in operation (with or without modifications) under section 131A—

- (a) decide that the proposal is an exempt continuation proposal, and
- (b) acting on the basis of that decision, decide that the scheme should so continue in operation.

(2) Any person falling within subsection (3) may appeal to the [Upper]² Tribunal against—

- (a) the decision of the authority or authorities that the proposal is an exempt continuation proposal, or
- (b) the decision of the authority or authorities that the scheme is to continue in operation (with or without any modifications).

(3) The persons are—

- (a) any person who was consulted under section 125(3) (as it applies by virtue of section 131A in a case where the proposal is an exempt proposal),
- (b) any person who was not so consulted, but who, in the opinion of the [Upper]² Tribunal, ought to have been so consulted.

(4) An appeal under this section may be—

- (a) on a point of law, or
- (b) on a question of fact.

(5) On an appeal under this section the [Upper]² Tribunal shall have power—

- (a) to make such order as they think fit, or
- (b) to remit any matter (with or without directions) to the authority or authorities for their consideration or determination or for such other purposes as the Tribunal may direct.

(6) The powers of the Tribunal on an appeal under this section include power to do any one or more of the following—

- (a) dismiss the appeal in whole or in part,
- (b) remit the matter to the authority or authorities with one or more directions under subsection (7),
- (c) direct the authority or authorities to vary the scheme, as it continues or is to continue in operation, in such manner as the Tribunal may specify in the direction (but see subsection (8)),
- (d) quash the whole or any part of the decision of the authority or authorities (but see subsection (9)).

(7) A direction under this subsection is a direction for the authority or authorities to do each of the following—

- (a) consider or reconsider such matters as may be specified in the direction,
- (b) as respects those matters, consult or further consult the persons mentioned in section 125(3) as it applies by virtue of section 131A in a case where the proposal is an exempt continuation proposal,
- (c) make such variations of the scheme, as it continues or is to continue in operation, as may in consequence appear appropriate to the authority or authorities.

(8) The Tribunal may give a direction under this section to vary a scheme by reducing the area to which it relates only if they are of the opinion that the conditions in section 132(3) are met.

(9) The power of the Tribunal under this section to quash a decision of an authority or authorities that a scheme should continue in operation under section 131A is exercisable only if the Tribunal are of the opinion that there are defects in the scheme which are not capable of being remedied by varying the scheme under or by virtue of subsection (6)(b) or (c).

(10) If, on an appeal under paragraph (a) or (b) of subsection (2), the Tribunal decide that the proposal for the scheme to continue in operation was not an exempt continuation proposal—

- (a) they must allow the appeal to that extent,
- (b) they must remit the matter to the authority or authorities, with or without directions, and
- (c) subsections (11) to (14) have effect.

(11) The directions that the Tribunal may give under this section include—

- (a) directions to take any action specified in the directions for the purpose of remedying any failure to comply with requirements of this Part that have effect where a proposal for continuation under section 131A is not an exempt continuation proposal,
- (b) directions to make variations specified in the directions for the purpose of securing that the condition in paragraph (a) or (b) of subsection (1) of section 131B (meaning of “exempt continuation proposal”) is met in the case of the scheme,
- (c) directions authorising the scheme to continue in operation temporarily, with or without variations, for a period specified or described in the directions, but subject to compliance with conditions as to the time within which any particular action specified in directions under this section is to be taken.

(12) Where the Tribunal give directions falling within subsection (11), they may also make provision in the order dispensing with the need to comply with such procedural requirements imposed by or under this Part as they may specify in the order.

(13) [The]³ Tribunal may not make any order which has the effect of—

- (a) giving approval under section 126 as it applies by virtue of section 131D, or

(b) dispensing with the need for any such approval, but this is without prejudice to the temporary provision that may be made in directions falling within subsection (11)(c).

(14) The appropriate national authority may make regulations with respect to the procedure to be followed in relation to a scheme in cases where the Tribunal decide that the proposal for continuation under section 131A was not an exempt continuation proposal.

]¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.35 (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ² Word substituted by Transfer of Tribunal Functions (Transport Tribunal) Order 2015/65 Sch.1 para.5(c) (January 27, 2015: substitution has effect subject to transitional and savings provisions specified in SI 2015/65 Sch.2 paras 6-9)
- ³ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.15 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.15 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 131E(1)-(14): England, Wales



Repealed

[...]¹

Notes

- ¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.16 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.16 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)



Partially In Force

132.— Variation or revocation of scheme.

(1) The authority or authorities who made the scheme (other than any to whose area the scheme no longer relates) may vary it by—

- (a) increasing the area to which it relates (to no greater than the whole of their area or combined area) or adding to the description of local services which are to be provided under quality contracts,
- (b) reducing that area or reducing the description of services, or
- (c) providing for new exclusions from the scheme or for the variation or revocation of existing exclusions.

(2) The scheme may not be varied under subsection (1)(a) unless the conditions set out in [subsection (1)(a) and (e) of section 124] ¹ [...] ² are met with respect to the scheme as varied.

(3) The scheme may not be varied under subsection (1)(b) unless [the relevant conditions] ³ —

- (a) are no longer met with respect to it, but
- (b) are met with respect to the scheme as varied.

(4) The authority or authorities who made the scheme (other than any to whose area the scheme no longer relates) may revoke the scheme—

- (a) if [the relevant conditions]³ are no longer met with respect to it, [...] ⁴
- [(aa) if they consider that those conditions would no longer be met with respect to it if they were to act in accordance with a direction given by the [Upper]⁵ Tribunal under this Part, or]⁴
- (b) if they and one or more other authorities make a quality contracts scheme covering the whole or part of the area to which it relates.

[(4A) In subsections (3) and (4) “the relevant conditions” means—

- (a) in the case of a scheme made under section 124(1) and not subsequently [continued in operation under section 131A or]⁷ varied under subsection (1)(a) of this section, the conditions set out in [section 124(1)(a) to (e)]⁸; [and]⁹
- (b) [...] ⁹
- (c) in the case of a scheme that has been [continued in operation under section 131A or]¹⁰ varied under subsection (1)(a) of this section, the conditions by reference to which it was last so [continued in operation or]¹¹ varied.

] ⁶

[(5) The variation or revocation of a scheme under subsection (1) or (4) is subject to the provisions of—

- (a)-(c) [...] ¹³
- (d) subsection (9) (areas in Wales),

except to the extent that section 132B (exemption for specific variations directed by [Upper]⁵ Tribunal on appeal) otherwise provides.

(6)-(8) [...] ¹⁴

(9) The variation or revocation of a scheme for an area in Wales—

- (a) requires the approval of the Welsh Ministers, except in the case of a variation which is an exempt variation, and
- (b) is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified or excluded by regulations made by the Welsh Ministers under section 133.

(10) Section 130 (tendering) applies to a varied scheme (whether or not the variation is an exempt variation) but subject to regulations made by the appropriate national authority under section 133(3).

(11) A variation of a scheme is an exempt variation for the purposes of this section if the variation is—

- (a) a reduction in the area to which the scheme relates,
- (b) a reduction in the descriptions of services which are to be provided under quality contracts, or
- (c) the provision of new exclusions from the scheme,

and a “non-exempt variation” is any other variation of a scheme.

(12) The appropriate national authority may by regulations provide that in prescribed circumstances quality contracts schemes may be revoked by that authority before coming into operation.] ¹²

Notes

- ¹ Words substituted by Local Transport Act 2008 c. 26 Pt 3 s.37(2) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ² Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.17(a) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.17 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ³ Words substituted by Railways Act 2005 c. 14 Pt 4 s.39(4)(b) (December 1, 2006)
- ⁴ S.132(4)(aa) substituted for word by Local Transport Act 2008 c. 26 Pt 3 s.37(3) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ⁵ Word substituted by Transfer of Tribunal Functions (Transport Tribunal) Order 2015/65 Sch.1 para.5(e) (January 27, 2015: substitution has effect subject to transitional and savings provisions specified in SI 2015/65 Sch.2 paras 6-9)
- ⁶ Added by Railways Act 2005 c. 14 Pt 4 s.39(5) (December 1, 2006)
- ⁷ Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.37(4)(a) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ⁸ Words substituted by Local Transport Act 2008 c. 26 Pt 3 s.37(4)(b) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ⁹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.17(b) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.17 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁰ Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.37(4)(d) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ¹¹ Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.37(4)(e) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ¹² S.132(5)-(11) substituted for existing s.132(5) and existing s.132(6) renumbered as s.132(12) by Local Transport Act 2008 c. 26 Pt 3 s.37 (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ¹³ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.17(c) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.17 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁴ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.17(d) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.17 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

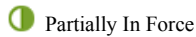
Commencement

Pt II s. 132(1)-(5)(b): August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.2; October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Pt II s. 132(6): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 132(1)-(12): England, Wales

**[132A Appeals where proposed variation considered exempt**

- (1) This section applies where an authority or authorities who propose to vary a quality contracts scheme under section 132—
- (a) decide that the proposal is an exempt variation for the purposes of that section, and
 - (b) acting on the basis of that decision, decide to vary the scheme under that section.
- (2) Any person falling within subsection (3) may appeal to the [Upper]² Tribunal against—
- (a) the decision of the authority or authorities that the variation is an exempt variation for the purposes of section 132, or
 - (b) the decision of the authority or authorities as to the variation of the scheme under that section.
- (3) The persons are—
- (a) any person who was consulted under section 125(3) (as it applies by virtue of subsection (8) or, as the case may be, (9)(b) of section 132 in a case where the variation is an exempt variation for the purposes of section 132),
 - (b) any person who was not so consulted, but who, in the opinion of the [Upper]² Tribunal, ought to have been so consulted.
- (4) An appeal under this section may be—
- (a) on a point of law, or
 - (b) on a question of fact.
- (5) On an appeal under this section the [Upper]² Tribunal shall have power—
- (a) to make such order as they think fit, or
 - (b) to remit any matter (with or without directions) to the authority or authorities for their consideration or determination or for such other purposes as the Tribunal may direct.
- (6) The powers of the Tribunal on an appeal under this section include power to do any one or more of the following—
- (a) dismiss the appeal in whole or in part,
 - (b) remit the matter to the authority or authorities with one or more directions under subsection (7),
 - (c) direct the authority or authorities to vary the scheme, to the extent of the variation made by the authority or authorities, in such manner as the Tribunal may specify in the direction (but see subsection (8)),
 - (d) quash the whole or any part of the decision of the authority or authorities.
- (7) A direction under this subsection is a direction for the authority or authorities to do each of the following—
- (a) consider or reconsider such matters as may be specified in the direction,
 - (b) as respects those matters, consult or further consult the persons mentioned in section 125(3) (as it applies by virtue of subsection (8) or, as the case may be, (9)(b) of section 132 in a case where the variation is an exempt variation for the purposes of section 132),
 - (c) make such variations of the scheme as may in consequence appear appropriate to the authority or authorities.
- (8) The Tribunal may give a direction under this section to vary a scheme by reducing the area to which the scheme relates only if they are of the opinion that the conditions in section 132(3) are met.

(9) If, on an appeal under paragraph (a) or (b) of subsection (2), the Tribunal decide that the variation was not an exempt variation for the purposes of section 132—

- (a) they must allow the appeal to that extent,
- (b) they must remit the matter to the authority or authorities, with or without directions, and
- (c) subsections (10) to (13) have effect.

(10) The directions that the Tribunal may give under this section include—

- (a) directions to take any action specified in the directions for the purpose of remedying any failure to comply with requirements of this Part that have effect where a proposed variation under section 132 is not an exempt variation,
- (b) directions to make variations specified in the directions for the purpose of securing that the condition in paragraph (a), (b) or (c) of section 132(11) (meaning of “exempt variation”) is met in the case of the variation,
- (c) directions authorising the scheme to continue in operation temporarily, with or without variations, for a period specified or described in the directions, but subject to compliance with conditions as to the time within which any particular action specified in directions under this section is to be taken.

(11) Where the Tribunal give directions falling within subsection (10), they may also make provision in the order dispensing with the need to comply with such procedural requirements imposed by or under this Part as they may specify in the order.

(12) [The]³ Tribunal may not make any order which has the effect of—

- (a) giving approval under section 126 as it applies by virtue of section 132, or
- (b) dispensing with the need for any such approval,

but this is without prejudice to the temporary provision that may be made in directions falling within subsection (10)(c).

(13) The appropriate national authority may make regulations with respect to the procedure to be followed in cases where the Tribunal decide that the variation or proposed variation was not an exempt variation for the purposes of section 132.

]¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.38 (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

² Word substituted by Transfer of Tribunal Functions (Transport Tribunal) Order 2015/65 Sch.1 para.5(f) (January 27, 2015: substitution has effect subject to transitional and savings provisions specified in SI 2015/65 Sch.2 paras 6-9)

³ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.18 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.18 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 132A(1)-(13): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Partially In Force With Amendments Pending

Wales

[NOTE: not yet in force otherwise.]

England

[132B Exemption from s.132 for specific variations directed by Tribunal

(1) This section applies in relation to any of the following appeals—

- (a) [...] ²
- (b) an appeal under section 131E(2)(a) against a decision that a proposal was an exempt continuation proposal,
- (c) an appeal under section 131E(2)(b) against a decision that a scheme should continue in operation,
- (d) an appeal under section 131F(2) against a decision that a scheme should continue in operation,
- (e) an appeal by virtue of section 132 against a decision to vary a scheme,
- (f) an appeal under section 132A(2)(a) against a decision that a variation was an exempt variation for the purposes of section 132,
- (g) an appeal under section 132A(2)(b) against a decision as to the variation of a scheme under section 132.

(2) Where—

- (a) any such appeal is made to the [Upper] ³ Tribunal, and
- (b) on that appeal, the Tribunal direct the authority or authorities to vary the scheme in the manner specified by the Tribunal in the direction,

nothing in section 132(5) to (9) (procedure for variation of scheme) applies in relation to the varying of the scheme in the manner specified in the direction, unless the Tribunal otherwise direct.

(3) Subsection (2) is without prejudice to any right of appeal against the decision of the [Upper] ³ Tribunal.

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.39 (January 11, 2010 as SI 2009/3242)

² Repealed by Bus Services Act 2017 c. 21 Sch.2 para.19 (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.19 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

- ³ Word substituted by Transfer of Tribunal Functions (Transport Tribunal) Order 2015/65 Sch.1 para.5(g) (January 27, 2015: substitution has effect subject to transitional and savings provisions specified in SI 2015/65 Sch.2 paras 6-9)

Amendments Pending

Pt II s. 132B: added by Local Transport Act 2008 c. 26 Pt 3 s. 39 (Not yet in force: commencement order SI)

Extent

Pt II s. 132B(1)-(3): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially In Force With Amendments Pending

Wales

[NOTE: not yet in force otherwise.]

England

[132C Power of authorities to provide services in exceptional circumstances

(1) This section applies where a person who has agreed to provide a service (“the old service”) in accordance with a quality contract ceases to do so before the end of the period for which the contract was intended to have effect.

(2) The authority, or any one of the authorities, who entered into the quality contract may, in accordance with subsections (4) to (8) and section 132D, provide a local service (an “interim service”) in place of the old service or any part of it.

(3) Subsection (2) has effect notwithstanding any prohibition, restriction or limitation contained in any other enactment on the power of the authority to provide local services.

(4) An authority who provide an interim service of any description must hold a PSV operator's licence to which no condition is attached under section 26 of the Transport Act 1985 (power of traffic commissioner to attach conditions to licence) prohibiting the authority from using vehicles under the licence to provide services of that description.

(5) Subsection (6) applies if—

- (a) an authority provide an interim service in place of an old service or any part of an old service, and

- (b) the authority or authorities who entered into the quality contract for the provision of the old service propose to enter into a quality contract for the provision of a replacement service in place of that service or (as the case may be) that part.
- (6) The authority, or the authorities acting jointly, must invite tenders (in accordance with section 130) for the provision of the replacement service—
- (a) as soon as reasonably practicable after the authority providing the interim service begin to do so, and
 - (b) in any event no later than three months after the date on which provision of the old service ceased.
- (7) But subsection (6) does not apply if the authority, or the authorities acting jointly, decide to secure the provision of the replacement service under section 131 (circumstances in which quality contracts may be entered into without inviting tenders).
- (8) The particulars of an interim service, or of a replacement service, need not be identical to the particulars of the old service, or that part of the old service, which it replaces.
- (9) In this section—
- “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
 - “interim service” has the meaning given by subsection (2);
 - “the old service” has the meaning given by subsection (1);
 - “replacement service” means a local service provided under a quality contract in place of an old service or any part of an old service.

1

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.40(1) (January 11, 2010 as SI 2009/3242)

Amendments Pending

Pt II s. 132C: added by Local Transport Act 2008 c. 26 Pt 3 s. 40(1) (Not yet in force: commencement order SI)

Extent

Pt II s. 132C(1)-(9) definition of "replacement service": England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially In Force With Amendments Pending

Wales

[NOTE: not yet in force otherwise.]

England

[132D Period for which interim service may be provided

(1) This section applies for the purpose of determining the period for which an authority may provide an interim service which is provided in place of—

- (a) an old service (“the relevant service”), or
- (b) part of an old service (“the relevant part”).

(2) If the authority do not, within the period of three months beginning with the date on which provision of the relevant service ceased,—

- (a) enter into a quality contract to provide a replacement service in place of the relevant service or (as the case may be) the relevant part, or
- (b) issue an invitation to tender in pursuance of section 132C(6),

the authority must not provide the interim service after the end of that period.

(3) If the authority enter into a quality contract to provide such a replacement service within the period mentioned in subsection (2), the authority must not provide the interim service after the earlier of the following dates—

- (a) the date on which the replacement service is first provided;
- (b) the date falling nine months after the date on which the interim service is first provided.

(4) If the authority issue invitations to tender in pursuance of section 132C(6) within the period mentioned in subsection (2) (but do not enter into a quality contract to provide such a replacement service within that period), the authority must not provide the interim service after the earlier of the following dates—

- (a) the date on which a replacement service is first provided in place of the relevant service or (as the case may be) the relevant part;
- (b) the date determined in accordance with subsection (5).

(5) The date is the later of—

- (a) the date falling nine months after the date on which the interim service is first provided;
- (b) such date, not later than three months after the date mentioned in paragraph (a), as may be determined by [a traffic commissioner]² on the application of the authority.

(6) [A traffic commissioner]² may determine a date under subsection (5)(b) only if satisfied that there is a realistic prospect that, if the determination is made, a replacement service will be provided in place of the relevant service or (as the case may be) the relevant part on or before that date.

[(7) Any application to a traffic commissioner under paragraph (b) of subsection (5) must be made at least one month before the date mentioned in paragraph (a) of that subsection.]²

(8) The authority must not make more than one application under subsection (5)(b) in respect of any interim service.

(9) In this section—

“interim service” and “replacement service” have the meaning given in section 132C;

“the relevant service” and “the relevant part” have the meaning given in subsection (1);

and, in any case where the authority entered into the quality contract for the provision of the relevant service jointly with one or more other authorities, references in this section to the authority entering

into a quality contract for a replacement service, or issuing invitations to tender for such contracts, are references to those authorities acting jointly.

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.40(1) (January 11, 2010 as SI 2009/3242)

² Amended by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Amendments Pending

Pt II s. 132D: added by Local Transport Act 2008 c. 26 Pt 3 s. 40(1) (Not yet in force: commencement order SI)

Extent

Pt II s. 132D(1)-(9) definition of "the relevant service": England, Wales

✓ Law In Force

133.— Regulations about schemes.

- (1) The appropriate national authority may by regulations make further provision with respect to—
- (a) the procedure to be followed when making, [continuing,] ¹ varying or revoking quality contracts schemes,
 - (b) the approval of schemes [...] ²,
 - (bb)-(bc) [...] ³
 - (c) the local services or classes of local services which are to be, or may be, excluded from schemes,
 - (d) the conditions which must be, or may be, attached to such exclusions, and
 - (e) such other incidental matters in connection with quality contracts schemes as the appropriate national authority thinks fit.
- (2) The regulations may in particular make provision with respect to—
- (a) giving notice of proposed schemes or proposed [continuations,] ⁴ variations or revocation of schemes,
 - (b) objections to such proposals,
 - (c) the holding of inquiries or hearings into objections,
 - (d) modifications of such proposals,
 - (e) the form and manner of applications for approval of such proposals [...] ⁵,
 - [(ee) the procedure for determining such applications,
 - (ef)-(ei) [...] ⁷
-] ⁶
- (f) the form of schemes [, continuations] ⁸ or variations, and
 - (g) giving notice of schemes which have been made or of the [continuation,] ⁹ variation or revocation of schemes.

[(3) The appropriate national authority may also make regulations modifying or excluding the application of provisions of this Part, so far as relating to quality contracts schemes, in cases where

a local transport authority, or two or more local transport authorities acting jointly, do any of the following—

(a) [...] ¹¹

(b) propose or decide that a scheme should continue in operation (with or without modification) under section 131A,

(c) propose or decide to vary or revoke a scheme under section 132.

(4) Regulations made by virtue of subsection (3) must not exclude any requirement for the authority or authorities—

(a) under section 126 , to obtain the approval of the Welsh Ministers [.] ¹²

(b) [...] ¹²

] ¹⁰

Notes

¹ Word inserted by Local Transport Act 2008 c. 26 Pt 3 s.41(2) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

² Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.20(a) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.20 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

³ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.20(b) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.20 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁴ Word inserted by Local Transport Act 2008 c. 26 Pt 3 s.41(5)(a) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

⁵ Words repealed by Bus Services Act 2017 c. 21 Sch.2 para.20(c) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.20 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁶ Added by Local Transport Act 2008 c. 26 Pt 3 s.41(5)(c) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

⁷ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.20(d) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.20 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁸ Word inserted by Local Transport Act 2008 c. 26 Pt 3 s.41(5)(d) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

⁹ Word inserted by Local Transport Act 2008 c. 26 Pt 3 s.41(5)(e) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

¹⁰ Added by Local Transport Act 2008 c. 26 Pt 3 s.41(6) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

¹¹ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.20(e) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.20 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

¹² Repealed by Bus Services Act 2017 c. 21 Sch.2 para.20(f) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.20 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Commencement

Pt II s. 133(1)-(2)(g): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 133(1)-(4)(b): England, Wales

✓ Law In Force

134.— Transitional provision about schemes.

(1) The appropriate national authority may by regulations make such transitional provision as it considers appropriate in connection with—

- (a) the coming into operation of quality contracts schemes [or of provisions of such schemes]¹ ,
- (b) the [continuation in operation or]² variation of such schemes, and
- (c) the ending of such schemes (whether or not as a result of their revocation).

(2) The regulations may in particular provide that in prescribed circumstances—

- (a) any provision of sections 6 to 9 of the Transport Act 1985 (registration of local services) [, or of sections 89 to 92 of that Act (obligation to invite tenders etc),]³ which would otherwise have effect is not to have effect or is to have effect with such modifications as may be prescribed, or
- (b) any such provision which would not otherwise have effect is to have effect or is to have effect with such modifications as may be prescribed,

in relation to the whole or any part of the area to which the scheme relates.

[(3) Any regulations made by virtue of paragraph (a) of subsection (1) are not to have effect in the case of any quality contracts scheme as respects any time before the making of the scheme.]⁴

Notes

- ¹ Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.42(2) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ² Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.42(3) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ³ Words inserted by Local Transport Act 2008 c. 26 Pt 3 s.42(4) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)
- ⁴ Added by Local Transport Act 2008 c. 26 Pt 3 s.42(5) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

Commencement

Pt II s. 134(1)-(2)(b): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 134(1)-(3): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Partially In Force With Amendments Pending

Wales

[NOTE: not yet in force otherwise.]

England

[134A Guidance about schemes

(1) The appropriate national authority may issue guidance concerning the performance by local transport authorities of their functions under this Part in relation to quality contracts schemes.

(2) Those authorities must have regard to any such guidance.

]¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.43 (January 11, 2010 as SI 2009/3242)

Amendments Pending

Pt II s. 134A: added by Local Transport Act 2008 c. 26, Pt 3 s. 43 (date to be appointed: commencement order SI)

Extent

Pt II s. 134A(1)-(2): England, Wales

 Partially In Force

[134B Quality contracts: application of TUPE

(1) Subsection (3) applies to a situation in which—

(a) on the coming into force of a quality contract, local services cease to be provided by a person (the “former operator”) in the area to which the relevant quality contracts scheme, or (in the case of a scheme which provides for different provisions to come into operation on different dates) the relevant provision of the scheme, relates, in accordance with section 129(1)(b), and

(b) at the same time, a person (the “new operator”) begins to provide local services in that area under that quality contract.

(2) Subsection (3) also applies to a situation in which—

(a) local services which, on the coming into force of a quality contract, a person (the “former operator”) would be required by virtue of section 129(1)(b) to cease providing in the area mentioned in subsection (1)(a) of this section, cease to be provided by the former operator before the coming into force of that quality contract, and

- (b) at the same time, a person (the “new operator”) begins to provide local services in that area under an agreement which the authority or authorities who made the relevant quality contracts scheme entered into by reason of the cessation of the local services referred to in paragraph (a).
- (3) Any situation to which this subsection applies is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”) (whether or not TUPE would apply apart from this subsection).
- (4) For the purposes of TUPE, the organised grouping of employees that is subject to the relevant transfer consists of those employees of the former operator whose employment is principally connected with the provision of the local services referred to in subsection (1)(a) or (as the case may be) the local services referred to in subsection (2)(a).
- (5) Any situation which by virtue of this section is treated as a relevant transfer for the purposes of TUPE is also to be treated as a relevant transfer within the meaning of TUPE for the purposes of sections 257 and 258 of the Pensions Act 2004 and any regulations made under section 258 of that Act.
- (6) The Secretary of State may make regulations supplementing the provision made by this section.
- (7) The provision that may be made by regulations under subsection (6) includes—
- (a) provision for determining, for the purposes of subsection (4), whether a person's employment is principally connected with the provision of any particular local services (including provision for or in connection with the appointment of a person to make such determination);
 - (b) provision for determining, in the case of any particular organised grouping of employees, the particular new operator who is to be the transferee for the purposes of TUPE (including provision for or in connection with the appointment of a person to make such determination);
 - (c) provision requiring any person operating local services in the area to which a quality contracts scheme relates to provide the authority or authorities who made the scheme with such information as may be prescribed, at such time as may be prescribed, about such of that person's employees as would fall within subsection (4) if the person ceased to provide those services in the circumstances described in subsection (1)(a);
 - (d) provision requiring the authority or authorities who made a quality contracts scheme to provide all persons operating local services in the area to which the scheme relates with such information as may be prescribed, at such time as may be prescribed, so as to enable such persons to comply with any requirement imposed by virtue of paragraph (c) of this subsection;
 - (e) provision requiring the authority or authorities who made a quality contracts scheme to ensure that any quality contract entered into with a person under the scheme, or any other agreement made with a person for the provision of local services in the area to which the scheme relates, is made on terms—
 - (i) that require the person, in the event of there being any transferring employees, to secure pension protection for every transferring employee, or every transferring employee of a prescribed description, who as an employee of the former operator had rights to acquire pension benefits, and
 - (ii) that, so far as relating to the securing of pension protection for a transferring employee, are enforceable by the employee.
- (8) For the purposes of this section—

(a) “transferring employee” means an employee of a former operator whose contract of employment becomes, either by virtue of TUPE or by virtue of this section, a contract of employment with a new operator;

(b) “pension protection” is secured for a transferring employee if after the change of employer referred to in paragraph (a)—

(i) the employee has, as an employee of the new operator, rights to acquire pension benefits, and

(ii) those rights are of such description as is prescribed by regulations.

(9) The Secretary of State must exercise the power conferred by this section to make regulations containing provision falling within subsection (7)(e) so as to ensure—

(a) that pension protection is required to be secured for every transferring original employee who, as an employee of the original operator, had rights to acquire pension benefits, and

(b) that the rights to acquire pension benefits which a transferring original employee has as an employee of the new operator by virtue of paragraph (a) are rights which—

(i) are the same as the rights the transferring original employee had as an employee of the original operator, or

(ii) under provision made by regulations, count as being broadly comparable to, or better than, those rights.

(10) For the purposes of subsection (9)—

“transferring original employee” means a transferring employee—

(a) who immediately before the relevant date was employed by a person (the “original operator”) providing local services in the area to which the relevant quality contracts scheme relates, and

(b) whose contract of employment—

(i) was, from that date until the change of employer referred to in subsection (8)(a), a contract of employment with the original operator, or

(ii) on each occasion when the employee was subject to a relevant transfer became, either by virtue of TUPE or by virtue of this section, a contract of employment with a person providing local services in the area referred to in paragraph (a);

“relevant date”, in relation to a quality contracts scheme, means—

(a) the date on which the scheme was made, or

(b) where—

(i) the local services being provided by the original operator were not subject to the scheme when it was made, and

(ii) as a result of either the variation of the scheme, or the continuation of the scheme with modifications, those services became subject to the scheme, the date on which that variation, or (as the case may be) the decision to continue the scheme with those modifications, was made;

“relevant transfer” means anything that is, or is to be treated as, a relevant transfer for the purposes of TUPE.

(11) A person is guilty of an offence under this subsection if—

(a) the person provides information in accordance with a requirement imposed by virtue of subsection (7)(c),

(b) the information is false or misleading in a material particular, and

(c) the person knows that it is or is reckless as to whether it is.

(12) A person who is guilty of an offence under subsection (11) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

]¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Pt 3 s.44(1) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

Extent

Pt II s. 134B(1)-(12): England, Wales

[Bus services: advanced ticketing schemes]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.7 (June 27, 2017: 2017 c.21 s.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
-

 Law In Force

[134C Advanced ticketing schemes

(1) A local transport authority whose area is in England, or two or more such authorities acting jointly, may make a ticketing scheme (an "advanced ticketing scheme") covering the whole or any part of their area, or combined area, if they consider that the proposed scheme—

- (a) would be in the interests of the public, and
- (b) would contribute to the implementation of their local transport policies.

(2) An advanced ticketing scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 134D.

(3) An advanced ticketing scheme is a scheme under which operators of local services of a class specified in it are required to make and implement arrangements under which persons may purchase, in a single transaction, a ticket (or tickets) of any of the descriptions which may be covered by an advanced ticketing scheme and to which the scheme applies.

(4) The descriptions of tickets which may be covered by an advanced ticketing scheme are—

- (a) tickets entitling the holder to make more than one journey on particular local services or on local services of a class specified in the scheme (whether or not operated by the same person),
- (b) tickets entitling the holder to make a particular journey on two or more local services (whether or not operated by the same person),
- (c) where a particular journey could be made on local services provided by any of two or more operators, tickets entitling the holder to make the journey on whichever service the holder chooses, and

- (d) tickets entitling the holder to make a journey, or more than one journey, involving both travel on one or more local services and travel by one or more connecting rail or tram services.
- (5) A connecting rail or tram service, in relation to an advanced ticketing scheme, is a service for the carriage of passengers by railway or by tramway (or by both) which runs between—
- (a) a station or stopping place at or in the vicinity of which local services stop and which serves any part of the area to which the ticketing scheme relates, and
 - (b) any other place.
- (6) The arrangements in an advanced ticketing scheme may make provision for different types of ticket including, in particular—
- (a) tickets that are valid for a specified period, and
 - (b) tickets that are valid only in a specified area.
- (7) The arrangements in an advanced ticketing scheme may include—
- (a) provision about enabling tickets to be purchased or fares to be paid in particular ways,
 - (b) provision about the persons from whom tickets may be purchased or to whom fares may be paid,
 - (c) provision about enabling entitlement to travel to be evidenced in particular ways,
 - (d) provision about providing information about the arrangements to the public,
 - (e) provision about publicising local services, fares or ticketing arrangements provided or made available by any operator of a local service of a class specified in the scheme, and
 - (f) provision as to the appearance of tickets.
- (8) Different arrangements may be specified in an advanced ticketing scheme for different cases.
- (9) In carrying out their functions under this Part in relation to advanced ticketing schemes, local transport authorities whose areas are in England must co-operate with one another.
- (10) In carrying out their functions under this Part in relation to making or varying advanced ticketing schemes, local transport authorities must have regard to the desirability, in appropriate cases, of having a ticketing scheme that—
- (a) facilitates journeys between the area to which the ticketing scheme applies and adjoining areas of England, or
 - (b) facilitates the adoption of similar ticketing arrangements in adjoining areas of England.
- (11) In considering whether to make or vary an advanced ticketing scheme under this section, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority.

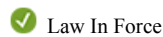
]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.7 (June 27, 2017: 2017 c.21 s.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 134C(1)-(11): England, Wales



Law In Force

[134D Notice and consultation requirements

- (1) If a local transport authority for an area in England, or two or more such authorities, propose to make an advanced ticketing scheme under section 134C, they must give notice of the proposed scheme in such manner as they consider appropriate for bringing it to the attention of persons in the area to which it relates.
- (2) The notice must specify the date on which the scheme is proposed to come into operation.
- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
 - (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
 - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
 - (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by the proposed scheme,
 - (d) the Passengers' Council,
 - (e) the Competition and Markets Authority, and
 - (f) a traffic commissioner.
- (4) For the purpose of subsection (3)(c) the following are relevant local authorities—
 - (a) local transport authorities,
 - (b) district councils in England,
 - (c) National Park authorities,
 - (d) the Broads Authority,
 - (e) London transport authorities, and
 - (f) councils in Scotland.

] ¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.7 (June 27, 2017: 2017 c.21 s.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 134D(1)-(4)(f): England, Wales



Law In Force

[134E Making of scheme

- (1) If, after consulting in accordance with section 134D, the authority or authorities decide that it is appropriate to make the scheme, they may make it as proposed or with modifications.
- (2) If the scheme applies to tickets within section 134C(4)(d), it may only be made with the agreement of the operators of the connecting rail or tram services concerned.
- (3) The scheme must specify the date on which it is to come into operation, which must not be earlier than three months after the date on which it is made.

- (4) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice of the making of the scheme—
- (a) in such manner as they consider appropriate for bringing it to the attention of persons in the area to which it relates,
 - (b) to a traffic commissioner,
 - (c) to all operators of local services or services for the carriage of passengers by railway or by tramway (or by both) who would, in the opinion of the authority or authorities, be affected by it, and
 - (d) to the Secretary of State if it applies to tickets within section 134C(4)(d).
- (5) The notice must set out the terms of the scheme and the date on which it is to come into operation.
- (6) The authority or authorities to whose area or combined area the scheme relates may vary or revoke the scheme.
- (7) If the proposed variation would result in the scheme relating to all or part of the area of another local transport authority, the reference in subsection (6) to the authority or authorities includes that other authority.
- (8) The variation or revocation is subject to the same procedure as the making of the scheme and in the application of that procedure—
- (a) a reference in sections 134C(1) to (9) and 134D and subsections (1) to (5) to making a scheme is to be treated as a reference to varying or revoking a scheme,
 - (b) a reference in those provisions to the proposed scheme is to be treated as a reference to the scheme as proposed to be varied or to the proposed revocation of the scheme, and
 - (c) a reference in those provisions to the date on which a scheme comes into operation is to be treated as a reference to the date on which the scheme as varied comes into operation or the date on which the scheme comes to an end.

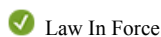
] ¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.7 (June 27, 2017: 2017 c.21 s.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 134E(1)-(8)(c): England, Wales



Law In Force

[134F Effect of scheme

During any period in which an advanced ticketing scheme is in operation, operators of local services to which the scheme relates must make and implement the arrangements required by the scheme.] ¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.7 (June 27, 2017: 2017 c.21 s.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 134F: England, Wales

✓ Law In Force

[134G Guidance

(1) The Secretary of State may issue guidance concerning the exercise by local transport authorities of their functions under this Part in relation to advanced ticketing schemes.

(2) The authorities must have regard to any such guidance in exercising those functions.

] ¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.7 (June 27, 2017: 2017 c.21 s.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 134G(1)-(2): England, Wales

Bus services: ticketing schemes

✓ Law In Force

135.— Joint and through ticketing schemes.

(1) A local transport authority, or two or more such authorities acting jointly, may make a ticketing scheme covering the whole or any part of their area, or combined area, if they consider that the proposed scheme—

(a) would be in the interests of the public, and

[(b) would contribute to the implementation of their local transport policies [,] ²] ¹

[(but this is subject to subsection (1A)).] ²

[(1A) A local transport authority whose area is in England may exercise the power to make a ticketing scheme only if—

(a) they are acting jointly with one or more other local transport authorities, and

(b) at least one of those other local transport authorities is an authority whose area is in Wales.

] ³

(2) A ticketing scheme may not be made unless the authority or authorities have complied with the notice and consultation requirements imposed by section 136.

(3) A ticketing scheme is a scheme under which operators of local services of a class specified in it are required to make and implement arrangements under which persons may purchase, in a single

transaction, a ticket (or tickets) of any of the descriptions which may be covered by a ticketing scheme and to which the scheme applies.

- (4) The descriptions of tickets which may be covered by a ticketing scheme are—
- (a) tickets entitling the holder to make more than one journey on particular local services or on local services of a class specified in the scheme (whether or not operated by the same person),
 - (b) tickets entitling the holder to make a particular journey on two or more local services (whether or not operated by the same person),
 - (c) where a particular journey could be made on local services provided by any of two or more operators, tickets entitling the holder to make the journey on whichever service the holder chooses, and
 - (d) tickets entitling the holder to make a journey, or more than one journey, involving both travel on one or more local services and travel by one or more connecting rail or tram services.
- (5) A connecting rail or tram service, in relation to a ticketing scheme, is a service for the carriage of passengers by railway or by tramway (or by both) which runs between—
- (a) a station or stopping place at or in the vicinity of which local services stop and which serves any part of the area to which the ticketing scheme relates, and
 - (b) any other place.
- (6) Different arrangements may be specified in a ticketing scheme for different cases.
- (7) In carrying out their functions under this Part in relation to ticketing schemes, local transport authorities must co-operate with one another.
- (8) In considering whether to make a ticketing scheme, a local transport authority must have regard to the desirability, in appropriate cases, of making a scheme jointly with another authority.

Notes

- ¹ Substituted by Local Transport Act 2008 c. 26 Sch.1 para.3(2) (April 1, 2009 as SI 2009/579)
- ² Words inserted by Bus Services Act 2017 c. 21 Sch.3 para.4(2) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ³ Added by Bus Services Act 2017 c. 21 Sch.3 para.4(3) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.4 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

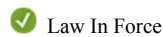
Commencement

Pt II s. 135(1)-(8): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 135(1)-(1)(b), (2)-(8): England, Wales

Pt II s. 135(1A)-(1A)(b): (extent not available)



Law In Force

136.— Notice and consultation requirements.

- (1) If an authority or authorities propose to make a ticketing scheme, they must give notice of the proposed scheme in at least one newspaper circulating in the area to which it relates.
- (2) The notice must specify the date on which the scheme is proposed to come into operation.
- (3) After giving notice of the proposed scheme, the authority or authorities must consult—
 - (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by it,
 - (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit, and
 - [(c) a traffic commissioner.]¹

Notes

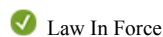
- ¹ Substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 136(1)-(3)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 136(1)-(3)(c): England, Wales



Law In Force

137.— Making of scheme.

- (1) If the authority or authorities decide that it is appropriate to make the scheme, they may make it as proposed or with modifications.
- (2) If the scheme applies to tickets within section 135(4)(d), it may only be made with the agreement of the operators of the connecting rail or tram services concerned.
- (3) The scheme must specify the date on which it is to come into operation, which must not be earlier than three months after the date on which it is made.
- (4) Not later than 14 days after the date on which the scheme is made, the authority or authorities must give notice of it—
 - (a) in at least one newspaper circulating in the area to which it relates,
 - [(b) to a traffic commissioner,]¹
 - (c) to all operators of local services or services for the carriage of passengers by railway or by tramway (or by both) who would, in the opinion of the authority or authorities, be affected by it,
 - (d) to the [Secretary of State]² if it applies to tickets within section 135(4)(d), and
 - (e) in such other manner, or to such other persons or class of person, (if any) as the appropriate national authority may prescribe by regulations.

(5) The notice must set out the terms of the scheme and the date on which it is to come into operation.

(6) The authority or authorities may vary or revoke the scheme; and the variation or revocation is subject to the same procedure as the making of the scheme, except to the extent that that procedure is modified by regulations made by the appropriate national authority.

Notes

¹ Substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

² Words substituted by Railways Act 2005 c. 14 Sch.12 para.17(2) (July 24, 2005)

Commencement

Pt II s. 137(1)-(6): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 137(1)-(6): England, Wales

 Law In Force

138. Effect of scheme.

During any period in which a ticketing scheme is in operation, operators of local services to which the scheme relates must make and implement the arrangements required by the scheme.

Commencement

Pt II s. 138: February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 138: England, Wales

[Bus services: enhanced partnership plans and schemes]¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)



Law In Force With Amendments Pending

[138A Enhanced partnership plans and schemes

- (1) A local transport authority whose area is in England, or two or more such authorities acting jointly, may make—
- (a) an enhanced partnership plan in relation to the whole or part of their area, or combined area, and
 - (b) one or more enhanced partnership schemes relating to the whole or part of the area to which the plan relates.
- (2) A local transport authority or authorities who have made an enhanced partnership plan may make further enhanced partnership schemes relating to the whole or part of the area to which the plan relates.
- (3) An enhanced partnership plan is a plan that—
- (a) specifies the area and the period to which the plan relates,
 - (b) sets out an analysis of the local services provided in that area,
 - (c) sets out policies relating to local services in that area,
 - (d) sets out objectives as regards the quality and effectiveness of local services provided in that area by reference to that period,
 - (e) describes how the related enhanced partnership scheme or schemes is or are intended to assist in implementing those policies and achieving those objectives, and
 - (f) describes the intended effect of the related enhanced partnership scheme or schemes on areas neighbouring the area to which the plan relates.
- (4) An enhanced partnership plan must state whether the plan is to be reviewed and, if so—
- (a) specify how it is to be reviewed, and
 - (b) specify the dates by which reviews are to be completed.
- (5) An enhanced partnership scheme is a scheme that—
- (a) specifies the area to which the scheme relates, and
 - (b) imposes requirements in relation to local services that have one or more stopping places in that area by specifying them in the scheme (see section 138C).
- (6) An enhanced partnership scheme may also—
- (a) require the authority or authorities to provide particular facilities in the area to which the scheme relates (see section 138D),
 - (b) require the authority or authorities to take particular measures in relation to routes in the whole or part of that area that are served, or might be served, by local services (see section 138D), and
 - (c) include provision about its variation or revocation (see section 138E).
- (7) An enhanced partnership scheme must state whether the operation of the scheme is to be reviewed and, if so—
- (a) specify how it is to be reviewed, and
 - (b) specify the dates by which reviews are to be completed.
- (8) An enhanced partnership plan must include a description of the authority's or authorities' plans for consulting such organisations appearing to the authority or authorities to be representative of users of local services as they think fit in order to seek their views on how well the plan and any related scheme are working.

- (9) An enhanced partnership scheme may not be made unless the authority or authorities are satisfied that the scheme will contribute to the implementation of—
- (a) the policies set out in the related enhanced partnership plan, and
 - (b) their local transport policies.
- (10) An enhanced partnership scheme may not be made unless the authority or authorities are satisfied that the scheme will—
- (a) bring benefits to persons using local services in the whole or any part of the area to which the scheme relates by improving the quality or effectiveness of those services, or
 - (b) reduce or limit traffic congestion, noise or air pollution.
- (11) An enhanced partnership plan or scheme may not be made unless the authority or authorities have complied with the requirements in—
- (a) section 138F (preparation, notice and consultation), and
 - (b) section 138G(1) to (4) (making of plan and scheme).
- (12) An enhanced partnership plan may not be made without also making an enhanced partnership scheme.
- (13) In carrying out their functions under this Part in relation to enhanced partnership plans or schemes local transport authorities must co-operate with each other.
- (14) Before making an enhanced partnership plan, a local transport authority must have regard to the desirability, in appropriate cases, of making an enhanced partnership plan and enhanced partnership schemes jointly with one or more other local transport authorities.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138A(3)(ba): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 14(2)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 2024-25 s.14(4))

Pt II s. 138A(4A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 14(2)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 2024-25 s.14(4))

Pt II s. 138A(5)(b): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 18(5) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138A(6)(b): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 15(2) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138A(15): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 14(2)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on

which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 2024-25 s.14(4))

Extent

Pt II s. 138A(1)-(4)(b), (5)(a), (6)-(14): England, Wales

Pt II s. 138A(5), (5)(b): (extent not available)



Law In Force With Amendments Pending

[138B Further parties to a scheme

(1) Subsection (2) applies if—

- (a) the provision of any of the facilities specified in an enhanced partnership scheme, or
- (b) the taking of any of the measures specified in such a scheme,

requires the making of a traffic regulation order in respect of a road or other place in a metropolitan district (other than a road for which the Secretary of State is the traffic authority).

(2) Where this subsection applies, the scheme may not be made unless it is made by—

- (a) the local transport authority or authorities, and
- (b) the metropolitan district council for the district,

acting jointly.

(3) Subsection (4) applies if—

- (a) the provision of any of the facilities specified in an enhanced partnership scheme, or
- (b) the taking of any of the measures specified in such a scheme,

requires the making of a traffic regulation order in respect of a road for which the Secretary of State is the traffic authority.

(4) Where this subsection applies, the scheme may not be made unless it is made by—

- (a) the local transport authority or authorities, and
- (b) the Secretary of State,

acting jointly.

(5) Where subsection (2) or (4) applies so that a metropolitan district council or the Secretary of State makes an enhanced partnership scheme, then (subject to section 138N) the references to the authority or authorities in—

- (a) sections 138A(6) and (11),
- (b) sections 138F to 138J,
- (c) section 138K(1) and (3) to (5),
- (d) sections 138L and 138M,
- (e) section 138O, and
- (f) paragraph 27(4) of Schedule 9 to the Road Traffic Regulation Act 1984,

include (as well as the local transport authority or authorities) the metropolitan district council or the Secretary of State.

(6) Subsection (5) is not to be taken as affecting the area indicated by references in the provisions mentioned in that subsection to the authority's or authorities' area or combined area.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138B(2)(b): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 12(a) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 138B(5): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 12(b) (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Extent

Pt II s. 138B(1)-(4)(b), (5)(a), (5)(c)-(6): England, Wales

Pt II s. 138B(5), (5)(b): (extent not available)



Law In Force With Amendments Pending

[138C Requirements in respect of local services

- (1) An enhanced partnership scheme may specify under section 138A(5)(b) requirements about the frequency or timing of particular local services or local services of particular descriptions.
- (2) A requirement falling within subsection (1) may, in particular, determine the frequency or timing allowed in relation to a local service—
- (a) by reference only to that service, or
 - (b) by reference to that service and other local services, taken together.
- (3) An enhanced partnership scheme may specify under section 138A(5)(b) other requirements as to the standard of services to be provided.
- (4) The other requirements referred to in subsection (3) include—
- (a) requirements which the vehicles being used to provide local services, or particular descriptions of local services, must meet,
 - (b) requirements about enabling tickets to be purchased or fares to be paid in particular ways,
 - (c) requirements about enabling entitlement to travel to be evidenced in particular ways,
 - (d) requirements about providing information to the public about local services or particular descriptions of local services,
 - (e) requirements as to the publicising of local services, fares or ticketing arrangements or particular descriptions of local services, fares or ticketing arrangements,
 - (f) requirements as to the appearance of tickets for local services or particular descriptions of local services,
 - (g) requirements as to the appearance of vehicles being used to provide local services or particular descriptions of local services,
 - (h) requirements as to the prices of multi-operator tickets,
 - (i) requirements as to dates upon which operators may change the timing of local services or particular descriptions of local services, and

- (j) requirements as to ticketing arrangements.
- (5) The requirements that may be specified under subsection (4)(a) include—
 - (a) requirements about providing information to passengers by placing particular electronic equipment, or electronic equipment of particular descriptions, in vehicles, and
 - (b) requirements about emissions or types of fuel or power.
- (6) The requirements that may be specified under subsection (4)(b) include requirements about the persons from whom tickets may be purchased or to whom fares may be paid.
- (7) The requirements that may be specified under subsection (4)(j) include—
 - (a) requirements to make arrangements for—
 - (i) travel to, within or through particular areas,
 - (ii) travel at particular times,
 - (iii) travel on particular local services or particular descriptions of local services,
 - (iv) travel on particular journeys or on particular descriptions of journey, or
 - (v) travel by persons of particular descriptions,
 - (b) requirements to make arrangements entitling persons to make a journey, or journeys, involving both travel on one or more local services and travel by one or more connecting rail or tram services, and
 - (c) requirements about the terms and conditions upon which such travel is made available.
- (8) A connecting rail or tram service, in relation to an enhanced partnership scheme, is a service for the carriage of passengers by railway or by tramway (or by both) which runs between—
 - (a) a station or stopping place at or in the vicinity of which local services stop and which serves any part of the area to which the scheme relates, and
 - (b) any other place.
- (9) The requirements that may be specified in an enhanced partnership scheme also include requirements as to operators of local services establishing and operating arrangements that facilitate the operation of the scheme.
- (10) A requirement imposed by an enhanced partnership scheme has effect only in relation to so much of a local service as is provided in the area to which the scheme relates.
- (11) An enhanced partnership scheme may not impose requirements in relation to the use of vehicles under permits granted under section 22 of the Transport Act 1985.
- (12) In this section "multi-operator ticket" means a ticket, or a number of tickets purchased in a single transaction, entitling the holder to make a journey that involves or may involve, or journeys that involve or may involve, the use of local services provided by more than one operator.

]¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138C(9): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 16 (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138C(9A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 14(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise subject to Bus Services (No. 2) Bill 2024-25 2024-25 s.14(4))

Extent

Pt II s. 138C(1)-(12): England, Wales



Law In Force With Amendments Pending

[138D Facilities and measures

- (1) The facilities which may be specified in an enhanced partnership scheme—
 - (a) must be facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the scheme relates, or facilities which are ancillary to such facilities, but
 - (b) may not be facilities which are required to be provided as a result of section 139 or 140.
- (2) The measures which may be specified in an enhanced partnership scheme—
 - (a) must be measures taken for the purpose of—
 - (i) increasing the use of local services serving the routes to which the measures relate or ending or reducing a decline in the use of such services, or
 - (ii) improving the quality of local services serving the routes to which the measures relate, but
 - (b) may not include the provision of such facilities as are described in subsection (1)(a) or as are required to be provided as a result of section 139 or 140.
- (3) The Secretary of State may by regulations make further provision about the measures which may or may not be specified in an enhanced partnership scheme.

¹

Notes

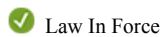
- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138D(2)(a): words repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 15(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 138D(1)-(3): England, Wales



Law In Force

[138E Provision relating to variation or revocation

- (1) An enhanced partnership scheme may specify cases in which the scheme may be varied or revoked in accordance with the scheme.
- (2) The scheme may provide for variation or revocation in a particular case to be subject to satisfying such conditions as the scheme specifies.
- (3) The cases that may be specified under subsection (1) as regards variation include cases where the variations in question consist only of such descriptions of variation as are specified in the scheme.
- (4) The conditions that may be specified under subsection (2) include conditions prohibiting variation or revocation where a number of operators of local services disagree to the variation or revocation.
- 1**¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138E(1)-(4): England, Wales



Law In Force With Amendments Pending

[138F Preparation, notice and consultation

- (1) If a local transport authority or authorities propose to make an enhanced partnership plan and scheme, they must—
- (a) give notice of their intention to prepare a plan and scheme in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area,
 - (b) prepare a plan and scheme for consultation,
 - (c) give notice of the plan and scheme prepared to the persons who are operators of qualifying local services in the area to which the plan relates on the relevant day, and
 - (d) give notice of the proposal to make the plan and scheme in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area.
- (2) A notice under subsection (1)(c) must—
- (a) contain full details of the plan and scheme prepared,
 - (b) state the effect of subsection (5), and
 - (c) state the period within which objections may be made (which may not be less than 28 days).
- (3) A notice under subsection (1)(d) must—
- (a) contain full details of the plan and scheme proposed, or
 - (b) state where such details may be inspected.

(4) A local transport authority or authorities proposing to make an enhanced partnership plan and scheme must—

- (a) invite operators of qualifying local services in the area to which the plan relates to participate in the preparation of the plan and scheme before starting to prepare them, and
- (b) invite any person who becomes an operator of a qualifying local service in the area to which the plan relates while the plan and scheme are being prepared to participate in that preparation (including any person who becomes such an operator because of a change in the area to which the plan relates while the plan is being prepared).

(5) A local transport authority or authorities may not give notice of a proposal under subsection (1)(d) if, within the period for objections stated in the notice under subsection (1)(c)—

- (a) a sufficient number of the persons who, on the relevant day, are operators of qualifying local services in the area to which the plan relates object to the plan prepared, or
- (b) a sufficient number of the persons who, on the relevant day, are operators of qualifying local services in the area to which the scheme relates object to the scheme prepared.

(6) After giving notice of the proposed plan and scheme under subsection (1)(d), the authority or authorities must consult—

- (a) all operators of local services who would, in the opinion of the authority or authorities, be affected by them,
- (b) such organisations appearing to the authority or authorities to be representative of users of local services as they think fit,
- (c) any other relevant local authority any part of whose area would, in the opinion of the authority or authorities, be affected by them,
- (d) a traffic commissioner,
- (e) the chief officer of police for each police area covering the whole or part of the area to which the plan relates,
- (f) the Passengers' Council,
- (g) the Competition and Markets Authority, and
- (h) such other persons as the authority or authorities think fit.

(7) For the purpose of subsection (6)(c) the following are relevant local authorities—

- (a) local transport authorities,
- (b) district councils in England,
- (c) National Park authorities,
- (d) the Broads Authority,
- (e) London transport authorities, and
- (f) councils in Scotland.

(8) If a local transport authority or authorities propose to make a scheme or schemes relating to an existing enhanced partnership plan, subsections (1) to (7) have effect as if—

- (a) references to a proposed plan and scheme were references to a proposed scheme or schemes, and
- (b) subsection (5)(a) were omitted.

(9) If a local transport authority or authorities propose to make two or more schemes at the same time (whether at the same time as making a plan or in relation to an existing plan), subsection (5)(b) has effect as if references to the scheme were references to one of the schemes in question.

(10) The Secretary of State may by regulations—

- (a) specify the descriptions of local services that are qualifying local services for the purposes of this section, and
- (b) specify what constitutes a sufficient number of persons for the purposes of subsection (5)(a) or (b).

(11) Regulations under subsection (10)(b) may, in particular—

- (a) require that a plan or scheme be objected to by such number of persons as, together, provide at least such proportion of the qualifying local services in the area in question as is specified in the regulations, in addition to being at least such proportion of the persons providing those services as is specified in the regulations, and
- (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.

(12) In this section "the relevant day", in relation to an enhanced partnership plan or scheme prepared by a local transport authority or authorities under subsection (1)(b), means the day before the authority or authorities send out a notice relating to that plan or scheme in accordance with subsection (1)(c).

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138F(2)(c): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(2)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138F(4A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(2)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138F(5): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(2)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138F(6)(ba): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 18(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 138F(1)-(9), (10)(a)-(12): England, Wales

Pt II s. 138F(10): (extent not available)



Law In Force With Amendments Pending

[138G Making of plans and schemes

- (1) If, after complying with section 138F as regards a proposal to make an enhanced partnership plan and scheme, a local authority or authorities consider it appropriate to make the plan and scheme, they may make them as proposed or with modifications.
- (2) If the authority or authorities intend to make the plan and scheme with modifications of one or both of them, the authority or authorities must give notice of their intention to make the plan and scheme, with modifications, to the persons who are operators of qualifying local services in the area to which the plan relates on the relevant day.
- (3) A notice under subsection (2) must—
- (a) contain full details of the plan and scheme,
 - (b) state the effect of subsection (4), and
 - (c) state the period within which objections may be made (which may not be less than 28 days).
- (4) The authority or authorities may not make the plan and scheme with modifications if, within the period for objections stated in the notice under subsection (2)—
- (a) a sufficient number of the persons who, on the relevant day, are operators of qualifying local services in the area to which the plan relates object to the plan, or
 - (b) a sufficient number of the persons who, on the relevant day, are operators of qualifying local services in the area to which the scheme relates object to the scheme.
- (5) Not later than 14 days after the date on which a local transport authority or authorities make an enhanced partnership plan and scheme, the authority or authorities must give notice of the making of the plan and scheme—
- (a) in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area,
 - (b) to all operators of local services who would, in the opinion of the authority or authorities, be affected by the scheme, and
 - (c) to a traffic commissioner.
- (6) The notice must—
- (a) contain full details of the plan and scheme or state where such details may be inspected, and
 - (b) if the plan or scheme made is a modified version of the plan or scheme that was proposed, state that it is a modified version.
- (7) If the proposal of a local transport authority or authorities is to make a scheme or schemes relating to an existing enhanced partnership plan, subsections (1) to (6) have effect as if—
- (a) references to a plan and scheme were references to a scheme or schemes, and
 - (b) subsection (4)(a) were omitted.
- (8) If the proposal of a local transport authority or authorities is to make two or more schemes at the same time (whether at the same time as making a plan or in relation to an existing plan), subsection (4)(b) has effect as if references to the scheme were references to one of the schemes in question.
- (9) The Secretary of State may by regulations—

- (a) specify the descriptions of local services that are qualifying local services for the purposes of this section, and
- (b) specify what constitutes a sufficient number of persons for the purposes of subsection (4)(a) or (b).

(10) Regulations under subsection (9)(b) may, in particular—

- (a) require that a plan or scheme be objected to by such number of persons as, together, provide at least such proportion of the qualifying local services in the area in question as is specified in the regulations, in addition to being at least such proportion of the persons providing those services as is specified in the regulations, and
- (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.

(11) In this section "the relevant day", in relation to a plan or scheme that a local transport authority or authorities intend to make, means the day before the authority or authorities send out notices relating to that plan or scheme in accordance in subsection (2).

1

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138G(3)(c): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(3)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138G(3A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(3)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138G(4): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(3)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 138G(1)-(8), (9)(a)-(11): England, Wales

Pt II s. 138G(9): (extent not available)

 Law In Force

[138H Content of scheme

- (1) If a local transport authority or authorities make a scheme, the scheme must specify—
- (a) the requirements imposed under it,
 - (b) the facilities (if any) to be provided under it by the authority or authorities,

- (c) the measures (if any) to be taken under it by the authority or authorities,
 - (d) the provision (if any) about variation or revocation of the plan or scheme,
 - (e) the date on which it is to come into operation, and
 - (f) the period for which it is to remain in operation.
- (2) The scheme must also specify—
- (a) if a requirement imposed under the scheme is to have effect as from a date after the scheme comes into operation, the date as from which it has effect,
 - (b) if any facilities are to be provided under the scheme as from a date after the scheme comes into operation, the date as from which they are to be so provided,
 - (c) if any measures to be taken under the scheme as from a date after the scheme comes into operation, the date as from which they are to be so taken,
 - (d) if a condition under section 138E is to apply as from a date after the scheme comes into operation, the date as from which it applies, and
 - (e) if a condition under section 138E is to cease to apply as from a particular date, the date as from which it ceases to apply.
- (3) Subject to regulations under section 138P, the scheme may provide that—
- (a) local services specified in it, or
 - (b) local services of a class specified in it,
- are to be excluded from the scheme.
- 1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138H(1)-(3)(b): England, Wales



Law In Force

[138I Postponement of scheme or part of scheme

- (1) If it appears to a local transport authority or authorities that have made an enhanced partnership scheme appropriate to do so, they may decide that any of the dates specified in subsection (3) are to be postponed by such period as they think fit.
- (2) A date may not be postponed under subsection (1) by a period or periods which in total exceed 12 months.
- (3) The dates are—
- (a) the date on which the scheme is to come into operation,
 - (b) the date as from which any particular requirement is to be imposed under the scheme,
 - (c) the date as from which any particular facilities are to be provided under the scheme,
 - (d) the date as from which any particular measures are to be taken under the scheme, and
 - (e) the date as from which any particular condition under section 138E applies.

- (4) Before making such a decision they must consult all operators of local services who would, in their opinion, be affected by the scheme.
- (5) Not later than 14 days after the date on which any such decision is made, they must give notice of the making of the decision—
- (a) in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area,
 - (b) to all operators of local services who would, in their opinion, be affected by the scheme, and
 - (c) to a traffic commissioner.
- (6) The notice must include a statement of their reasons for the decision.

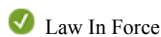
1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138I(1)-(6): England, Wales



Law In Force

[138J Effect of plans and schemes

- (1) If an enhanced partnership scheme requires a local transport authority or authorities to provide particular facilities, they must—
- (a) provide each of the specified facilities not later than the date specified for its provision under the scheme (subject to section 138I), and
 - (b) continue to provide it throughout the remainder of the period for which the scheme is in operation.
- (2) Subsection (1) does not apply in relation to any period during which the authority or authorities are temporarily unable to provide the facilities because of circumstances beyond their control.
- (3) Subsection (1) does not apply in the case of the Secretary of State if the Secretary of State is unable to provide the facilities because of the variation or revocation of a traffic regulation order.
- (4) If an enhanced partnership scheme made by a local transport authority or authorities requires them to take particular measures, they must—
- (a) take each of the specified measures not later than the date specified for taking it under the scheme (subject to section 138I), and
 - (b) continue to take those measures throughout the remainder of the period for which the scheme is in operation.
- (5) Subsection (4) does not apply in relation to any period during which the authority or authorities are temporarily unable to take those measures because of circumstances beyond their control.
- (6) Subsection (4) does not apply in the case of the Secretary of State if the Secretary of State is unable to take the measures because of the variation or revocation of a traffic regulation order.

- (7) Subsection (8) applies if the enhanced partnership plan or scheme made by a local transport authority or authorities makes provision about—
- (a) one or more reviews of the plan, or
 - (b) one or more reviews of the operation of the scheme.
- (8) The authority or authorities must secure that the review or each review—
- (a) is carried out in the manner specified in the plan or scheme, and
 - (b) is completed by the date specified in the plan or scheme as the date for completing that review.
- (9) If a requirement applies to a local service, the operator of the service must comply with that requirement.
- (10) Subsection (9) does not apply in relation to services which are excluded from the scheme because of any provision of the scheme made in accordance with section 138H(3).
- 1**¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138J(1)-(8)(b), (10): England, Wales

Pt II s. 138J(9): (extent not available)



Law In Force With Amendments Pending

[138K Variation

- (1) A local transport authority or authorities to whose area or combined area, or part of it, an enhanced partnership plan relates may vary the plan and any related enhanced partnership scheme.
- (2) An enhanced partnership plan or scheme may, in particular, be varied by changing the area to which the plan or scheme relates so that—
- (a) it includes the whole or a part of the area of another local transport authority, or
 - (b) it ceases to include any part of the area of a local transport authority.
- (3) An enhanced partnership plan or scheme may not be varied unless the authority or authorities have complied with the requirements in—
- (a) section 138L (preparation, notice and consultation), and
 - (b) section 138M(1) to (5) (making the variation).
- (4) An enhanced partnership scheme may not be varied unless the authority or authorities are satisfied that the scheme, as varied, will contribute to the implementation of—
- (a) the policies set out in the related enhanced partnership plan (or those policies as proposed to be varied, if the scheme and the policies in the plan are being varied at the same time), and
 - (b) their local transport policies.

(5) An enhanced partnership scheme may not be varied unless the authority or authorities are satisfied that the scheme, as varied, will—

- (a) bring benefits to persons using local services in the whole or any part of the area to which the scheme relates by improving the quality or effectiveness of those services, or
- (b) reduce or limit traffic congestion, noise or air pollution.

(6) The references in subsections (1) and (3) to (5) and sections 138L and 138M to the local transport authority or authorities—

- (a) in relation to the variation of an enhanced partnership plan, or
- (b) in relation to the variation of an enhanced partnership scheme, if the scheme is proposed to be varied at the same time as the related enhanced partnership plan is proposed to be varied,

include a reference to a local transport authority to no part of whose area the plan relates but to whose area or part of it the plan would relate under a proposed variation.

(7) Nothing in this section prevents an enhanced partnership scheme being varied, in accordance with the scheme, in such cases as are allowed by the scheme (see section 138E).

(8) Before varying an enhanced partnership plan, a local transport authority must have regard to the desirability, in appropriate cases, of varying a plan so as to include in the area to which the plan relates any part of the area of one or more other local transport authorities.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138K(9): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 18(4) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138K(10): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 18(4) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 138K(1)-(8): England, Wales



Law In Force With Amendments Pending

[138L Variation: preparation, notice and consultation

(1) If a local transport authority or authorities propose to vary an enhanced partnership plan or scheme, they must—

- (a) give notice of their intention to prepare changes to the plan or scheme in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area,
- (b) prepare the changes,

- (c) give notice of the changes prepared to the persons who are operators of qualifying local services in the area to which the plan (or the plan as proposed to be varied) relates on the relevant day, and
 - (d) give notice of the proposal to vary the plan or scheme in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area.
- (2) A notice under subsection (1)(c) must—
 - (a) contain full details of the changes prepared,
 - (b) state the effect of subsection (5), and
 - (c) state the period within which objections may be made (which may not be less than 28 days).
- (3) A notice under subsection (1)(d) must—
 - (a) contain full details of the changes, or
 - (b) state where such details may be inspected.
- (4) The authority or authorities must—
 - (a) invite operators of qualifying local services to participate in the preparation of the changes before starting to prepare them, and
 - (b) invite any person who becomes an operator of a qualifying local service while the changes are being prepared to participate in their preparation.
- (5) A local transport authority or authorities may not give notice of a proposal under subsection (1)(d) if, within the period for objections given in the notice under subsection (1)(c)—
 - (a) a sufficient number of the persons who are operators of qualifying local services in the area to which the plan relates on the relevant day object to the changes prepared for the plan (if changes to a plan are prepared), or
 - (b) a sufficient number of the persons who are operators of qualifying local services in the area to which the scheme relates on the relevant day object to the changes prepared for the scheme (if changes to a scheme are prepared).
- (6) After giving notice of the proposal under subsection (1)(d), the authority or authorities must consult the Competition and Markets Authority.
- (7) If a local authority or authorities propose to vary two or more enhanced partnership schemes at the same time, subsection (5)(b) has effect as if references to the scheme were references to one of the schemes in question.
- (8) The Secretary of State may by regulations—
 - (a) specify the descriptions of local services that are qualifying local services for the purposes of this section, and
 - (b) specify what constitutes a sufficient number of persons for the purposes of subsection (5)(a) or (b).
- (9) Regulations under subsection (8)(b) may, in particular—
 - (a) require that changes to a plan or scheme be objected to by such number of persons as, together, provide at least such proportion of the qualifying local services in the area in question as is specified in the regulations, in addition to being at least such proportion of the persons providing those services as is specified in the regulations, and
 - (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.

(10) In this section "the relevant day", in relation to changes to an enhanced partnership plan or scheme prepared by a local transport authority or authorities under subsection (1)(b), means the day before the authority or authorities send out a notice relating to that plan or scheme in accordance with subsection (1)(c).

]

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138L(2)(c): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(4)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138L(4A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(4)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138L(5): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(4)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 138L(1)-(10): England, Wales



Law In Force With Amendments Pending

[138M Variation: making the variation

(1) This section applies if a local transport authority or authorities have complied with the requirements of section 138L as regards a proposal to vary an enhanced partnership plan or scheme.

(2) If the authority or authorities consider it appropriate to vary the plan or scheme, they may vary the plan or scheme as proposed or with modifications.

(3) Before varying the plan or scheme, the authorities must give notice of their intention to vary the plan or scheme, as proposed or with modifications, to persons who were operators of qualifying local services at the qualifying time.

(4) The notice under subsection (3) must—

- (a) contain full details of the variation or state where such details may be inspected,
- (b) if the variation made is a modified version of the variation that was proposed, state that it is a modified version,
- (c) state the effect of subsection (5), and
- (d) specify the period within which persons who are operators of qualifying local services at the qualifying time may object to the proposed variation.

- (5) The authority or authorities may not vary the plan or scheme (with or without modifications) if a sufficient number of the persons who were operators of qualifying local services at the qualifying time object to the variation.
- (6) Not later than 14 days after the date on which the variation of the plan or scheme is made, the authority or authorities must give notice of the variation—
- (a) in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area,
 - (b) to all operators of local services who would, in the opinion of the authority or authorities, be affected by it, and
 - (c) to a traffic commissioner.
- (7) The notice must—
- (a) contain full details of the variation or state where such details may be inspected, and
 - (b) if the variation made is a modified version of the variation that was proposed, state that it is a modified version.
- (8) The Secretary of State may by regulations—
- (a) specify the descriptions of local services that are qualifying local services for the purposes of this section,
 - (b) provide for the determination of the qualifying time for the purposes of this section,
 - (c) specify the minimum period which may be specified under subsection (4)(d),
 - (d) specify what constitutes a sufficient number of persons for the purposes of subsection (5), and
 - (e) specify how a person's objection is to be evidenced.
- (9) Regulations under subsection (8)(d) may, in particular—
- (a) require that a proposed variation be objected to by such number of persons as, together, provide at least such proportion of the qualifying local services as is specified in the regulations, in addition to being at least such proportion of the persons providing those services as is specified in the regulations, and
 - (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.

]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138M(4)(d): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(5)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138M(4A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(5)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138M(8)(c): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(5)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 138M(1)-(9)(b): England, Wales

 Law In Force With Amendments Pending

[138N Variation: supplementary

(1) The relevant references to the authority or authorities in relation to an enhanced partnership scheme—

- (a) include a traffic regulation authority if it has been varied so that it specifies traffic regulation facilities or measures, but
- (b) do not include a traffic regulation authority if it has been varied so that it no longer specifies such facilities or measures.

(2) But if (although the scheme does not specify facilities or measures which are traffic regulation facilities or measures in relation to a traffic regulation authority) it would do by reason of a proposed variation, those references to the authority or authorities in relation to an enhanced partnership scheme (apart from the relevant references in section 138J) include that authority.

(3) And if (although the scheme specifies facilities or measures which are traffic regulation facilities or measures in relation to a traffic regulation authority)—

- (a) the traffic regulation order, or (where more than one) each of the traffic regulation orders, required to be made by that authority for the provision of those facilities or measures has been revoked, and
- (b) the scheme is proposed to be varied (but not so that it specifies other facilities or measures which are traffic regulation facilities or measures in relation to that authority),

the relevant references to the authority or authorities in relation to an enhanced partnership scheme (apart from those in section 138J) do not include that authority.

(4) For the purposes of this section the relevant references are those in—

- (a) section 138A(6) and (11),
- (b) sections 138F to 138J,
- (c) section 138K(1) and (3) to (5),
- (d) sections 138L and 138M,
- (e) section 138O, and
- (f) paragraph 27(4) of Schedule 9 to the Road Traffic Regulation Act 1984.

(5) Subsections (1) and (2) are not to be taken as affecting the area indicated by references in the provisions mentioned in subsection (4) to the authority's or authorities' area or combined area.

(6) For the purposes of this section—

- (a) facilities are traffic regulation facilities, in relation to a traffic regulation authority and an enhanced partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those facilities or would have been required to be a maker of it had it done so, and

(b) measures are traffic regulation measures, in relation to a traffic regulation authority and an enhanced partnership scheme, if that authority was required to be a maker of the scheme because it originally specified those measures or would have been required to be a maker of it had it done so.

(7) In this section "traffic regulation authority" means—

- (a) a metropolitan district council, or
- (b) the Secretary of State.

1¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138N(7)(a): words substituted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 13 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Extent

Pt II s. 138N(1)-(7)(b): England, Wales



Law In Force With Amendments Pending

[138O Revocation

- (1) A local transport authority or authorities may, if they consider it appropriate to do so—
- (a) revoke an enhanced partnership plan that relates to the whole or any part of their area or combined area, and
 - (b) revoke an enhanced partnership scheme relating to such a plan.
- (2) A local transport authority or authority may not—
- (a) revoke an enhanced partnership plan without also revoking all enhanced partnership schemes relating to it, or
 - (b) revoke all enhanced partnership schemes relating to an enhanced partnership plan without also revoking the plan.
- (3) A local transport authority or authorities may not revoke an enhanced partnership plan or scheme unless they have complied with subsections (4) to (8).
- (4) A local transport authority or authorities must give notice of a proposal to revoke an enhanced partnership plan or scheme in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area.
- (5) After giving notice under subsection (4), the authority or authorities must consult—
- (a) operators of qualifying local services,
 - (b) the Competition and Markets Authority, and
 - (c) such other persons as the authority or authorities think fit.

(6) If, after consulting those persons, the authority or authorities wish to revoke the plan or scheme, they must give notice of their intention to revoke the plan or scheme to persons who were operators of qualifying local services at the qualifying time.

(7) The notice under subsection (6) must—

- (a) state the date on which the plan or scheme is to be revoked,
- (b) state the authority's or authorities' reasons for revoking the plan or scheme,
- (c) state the effect of subsection (8), and
- (d) specify the period within which persons who are operators of qualifying local services at the qualifying time may object to the revocation.

(8) The authority or authorities may not revoke the plan or scheme if a sufficient number of the persons who were operators of qualifying local services at the qualifying time object to the revocation of the plan or (as the case may be) the scheme.

(9) Not later than 14 days after the date on which the plan or scheme is revoked, the authority or authorities must give notice of the revocation—

- (a) in such manner as they consider appropriate for bringing it to the attention of persons in their area or combined area,
- (b) to all operators of local services who would, in the opinion of the authority or authorities, be affected by the revocation, and
- (c) to a traffic commissioner.

(10) Nothing in subsections (3) to (8) prevents an enhanced partnership scheme being revoked, in accordance with the scheme, in such cases as are allowed by the scheme (see section 138E).

(11) The Secretary of State may by regulations—

- (a) specify the descriptions of local services that are qualifying local services for the purposes of this section,
- (b) provide for the determination of the qualifying time for the purposes of this section,
- (c) specify the minimum period which may be specified under subsection (7)(d),
- (d) specify what constitutes a sufficient number of persons for the purposes of subsection (8), and
- (e) specify how a person's objection is to be evidenced.

(12) Regulations under subsection (11)(d) may, in particular—

- (a) require that the revocation of a plan or scheme be disagreed to by such number of persons as, together, provide at least such proportion of the qualifying local services as is specified in the regulations, in addition to being at least such proportion of the persons providing those services as is specified in the regulations, and
- (b) make provision about determining the proportion of qualifying local services provided by an operator, including provision about the time by reference to which the proportion is to be determined.

¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 138O(7)(a): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(6)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138O(7)(d): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(6)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138O(7A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(6)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138O(7B): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(6)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 138O(11)(c): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 19(6)(d) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 138O(1)-(12)(b): England, Wales

✓ Law In Force

[138P Regulations about plans and schemes

- (1) The Secretary of State may by regulations make further provision with respect to—
 - (a) the procedure to be followed when making, varying or revoking enhanced partnership plans or schemes,
 - (b) the content or operation of schemes which include a requirement falling within section 138C(1),
 - (c) the local services or classes of local services which must be, or may be, excluded from schemes,
 - (d) the making of traffic regulation orders in connection with schemes, and
 - (e) such other incidental matters in connection with schemes as the Secretary of State thinks fit.
- (2) The regulations may in particular make provision with respect to—
 - (a) giving notice of proposed schemes or proposed variations or revocations of enhanced partnership plans or schemes,
 - (b) objections to such proposals,
 - (c) modifications of such proposals,
 - (d) the form of plans, schemes or variations, and
 - (e) giving notice of plans or schemes which have been made or of the variation or revocation of plans or schemes.

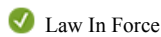
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Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138P(1)-(2)(e): England, Wales



Law In Force

[138Q Transitional provision about schemes

(1) The Secretary of State may by regulations make such transitional provision as the Secretary of State considers appropriate in connection with—

- (a) the making of enhanced partnership plans and schemes,
- (b) the coming into operation of provisions of enhanced partnership plans and schemes,
- (c) the variation of enhanced partnership plans and schemes, and
- (d) the revocation of enhanced partnership plans and schemes.

(2) The regulations may in particular provide that in prescribed circumstances—

- (a) any provision of sections 6 to 9 of the Transport Act 1985 (registration of local services), or of sections 89 to 92 of that Act (obligation to invite tenders for subsidised services etc), which would otherwise have effect is not to have effect or is to have effect with such modifications as may be prescribed, or
- (b) any such provision which would not otherwise have effect is to have effect or is to have effect with such modifications as may be prescribed,

in relation to the whole or any part of the area to which the scheme relates.

(3) The regulations may in particular provide for the application of requirements imposed under section 138A(5)(b) to local services that were registered under section 6 of the Transport Act 1985 before the requirements came into force.

(4) Regulations made by virtue of subsection (3) may in particular—

- (a) make provision about recording requirements that apply to local services with the registered particulars of those local services;
- (b) make provision requiring the local transport authority or authorities that made an enhanced partnership scheme to notify a traffic commissioner of the local services or the descriptions of local services to which each requirement specified in the scheme would apply, subject to such exceptions as may be prescribed;
- (c) make provision for the cancellation of the registration of local services that could not be provided in accordance with requirements falling within section 138C(1);
- (d) make provision about the determination by the local transport authority or authorities that made an enhanced partnership scheme of what local services may be registered under section 6 of the Transport Act 1985 in place of local services whose registrations are cancelled under paragraph (c), including provision for awarding contracts authorising the provision of local services or local services of particular descriptions;

- (e) make provision as to the period during which the registration, or variation of registration, of local services is subject to provision under paragraph (d);
 - (f) make provision for cancellation under paragraph (c) to be revoked if prescribed conditions are satisfied, including conditions relating to the variation or cancellation under section 6 of the Transport Act 1985 of the registration of one or more of the local services affected;
 - (g) make provision for the time at which cancellation under paragraph (c) becomes effective to be postponed in prescribed circumstances;
 - (h) make provision for appeals against—
 - (i) decisions to record or not to record requirements under paragraph (a);
 - (ii) decisions to cancel registrations of local services under paragraph (c).
- (5) Regulations made by virtue of subsection (4)(h) may in particular include provision about—
- (a) to whom an appeal may be made;
 - (b) how an appeal may be made and dealt with;
 - (c) further appeals;
 - (d) who may be parties to an appeal or further appeal.
- (6) In this section "registered particulars", in relation to a local service, means the particulars of the service required to be registered under section 6 of the Transport Act 1985.

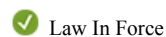
]¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138Q(1)-(6): England, Wales



Law In Force

[138R Guidance about plans and schemes

- (1) The Secretary of State may issue guidance concerning the carrying out by local transport authorities and metropolitan district councils of their functions under this Part in relation to enhanced partnership plans and schemes.
- (2) Those authorities and councils must have regard to any such guidance.

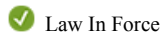
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Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138R(1)-(2): England, Wales



Law In Force

[138S Application of TUPE

- (1) Subsection (3) applies to a situation in which—
- (a) on the coming into force of an awarded contract, one or more local services cease to be provided by a person (the "former operator") in the area to which the relevant enhanced partnership scheme relates because the cancellation of the registration of the service or services under a relevant provision becomes effective, and
 - (b) at the same time, a person (the "new operator") begins to provide one or more local services in that area by virtue of that awarded contract.
- (2) Subsection (3) also applies to a situation in which—
- (a) one or more local services which, on the coming into force of an awarded contract, a person (the "former operator") would be required to cease providing in the area mentioned in subsection (1)(a) of this section because the cancellation of the registration of the service or services under a relevant provision would have become effective, cease to be provided by the former operator before the coming into force of that awarded contract, and
 - (b) at the same time, a person (the "new operator") begins to provide one or more local services in that area under an agreement which the authority or authorities operating the relevant enhanced partnership scheme entered into by reason of the cessation of the local service or services referred to in paragraph (a).
- (3) Any situation to which this subsection applies is to be treated as a relevant transfer for the purposes of the Transfer of Undertakings (Protection of Employment) Regulations 2006 ("TUPE") (whether or not TUPE would apply apart from this subsection).
- (4) For the purposes of TUPE, the organised grouping of employees that is subject to the relevant transfer consists of those employees of the former operator whose employment is principally connected with the provision of the local services referred to in subsection (1)(a) or (as the case may be) the local services referred to in subsection (2)(a).
- (5) Any situation which by virtue of this section is treated as a relevant transfer for the purposes of TUPE is also to be treated as a relevant transfer within the meaning of TUPE for the purposes of—
- (a) sections 257 and 258 of the Pensions Act 2004, and
 - (b) any regulations made under section 258 of that Act.
- (6) The Secretary of State may make regulations supplementing the provision made by this section.
- (7) The provision that may be made by regulations under subsection (6) includes—
- (a) provision for determining, for the purposes of subsection (4), whether a person's employment is principally connected with the provision of any particular local services (including provision for or in connection with the appointment of a person to make such determination);
 - (b) provision for determining, in the case of any particular organised grouping of employees, the particular new operator who is to be the transferee for the purposes of TUPE (including provision for or in connection with the appointment of a person to make such determination);
 - (c) provision requiring any person operating local services in the area to which an enhanced partnership scheme relates to provide the authority or authorities operating the scheme with such information as may be prescribed, at such time as may be prescribed, about such of

that person's employees as would fall within subsection (4) if the person ceased to provide those services in the circumstances described in subsection (1)(a);

(d) provision requiring the authority or authorities operating an enhanced partnership scheme to provide all persons operating local services in the area to which the scheme relates with such information as may be prescribed, at such time as may be prescribed, so as to enable such persons to comply with any requirement imposed by virtue of paragraph (c) of this subsection;

(e) provision requiring the authority or authorities operating an enhanced partnership scheme to ensure that any awarded contract entered into with a person because of the scheme, or any other agreement made with a person for the provision of local services in the area to which the scheme relates, is made on terms—

(i) that require the person, in the event of there being any transferring employees, to secure pension protection for every transferring employee, or every transferring employee of a prescribed description, who as an employee of the former operator had rights to acquire pension benefits, and

(ii) that, so far as relating to the securing of pension protection for a transferring employee, are enforceable by the employee.

(8) For the purposes of this section—

(a) "transferring employee" means an employee of a former operator whose contract of employment becomes, either by virtue of TUPE or by virtue of this section, a contract of employment with a new operator;

(b) "pension protection" is secured for a transferring employee if after the change of employer referred to in paragraph (a)—

(i) the employee has, as an employee of the new operator, rights to acquire pension benefits, and

(ii) those rights are of such description as is prescribed by regulations.

(9) The Secretary of State must exercise the power conferred by this section to make regulations containing provision falling within subsection (7)(e) so as to ensure—

(a) that pension protection is required to be secured for every transferring original employee who, as an employee of the original operator, had rights to acquire pension benefits, and

(b) that the rights to acquire pension benefits which a transferring original employee has as an employee of the new operator by virtue of paragraph (a) are rights which—

(i) are the same as the rights the transferring original employee had as an employee of the original operator, or

(ii) under provision made by regulations, count as being broadly comparable to, or better than, those rights.

(10) For the purposes of subsection (9)—

"transferring original employee" means a transferring employee—

(a) who immediately before the relevant date was employed by a person (the "original operator") providing local services in the area to which the relevant enhanced partnership scheme relates, and

(b) whose contract of employment—

(i) was, from that date until the change of employer referred to in subsection (8)(a), a contract of employment with the original operator, or

(ii) on each occasion when the employee was subject to a relevant transfer became, either by virtue of TUPE or by virtue of this section, a contract of

employment with a person providing local services in the area referred to in paragraph (a);

"relevant date", in relation to an enhanced partnership scheme, means—

(a) the date on which the scheme was made, or

(b) where—

(i) the local services being provided by the original operator were not subject to the scheme when it was made, and

(ii) as a result of the variation of the scheme, those services became subject to the scheme,

the date on which that variation was made;

"relevant transfer" means anything that is, or is to be treated as, a relevant transfer for the purposes of TUPE.

(11) In this section—

"awarded contract" means a contract authorising a person to provide a local service that is awarded in accordance with—

(a) regulations made by virtue of section 6E(6) of the Transport Act 1985 (provision for services to be allocated), or

(b) regulations made by virtue of section 138Q(4)(d);

and an awarded contract is to be regarded as in force when the authority to provide a service has effect;

"relevant provision" means—

(a) section 6E(2) of the Transport Act 1985 (cancellation where incompatibility with a requirement falling within section 138C(1)), or

(b) regulations made by virtue of section 138Q(4)(c).

] ¹

Notes

¹ Added by Bus Services Act 2017 c. 21 s.9 (June 27, 2017: 2017 c.21 s.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Pt II s. 138S(1)-(6), (7)(a)-(7)(b), (7)(d)-(11)(b): England, Wales

Pt II s. 138S(7), (7)(c): (extent not available)

Bus services: provision of information

 Law In Force

139.— Information about bus services.

(1) Each local transport authority must from time to time determine, having regard to their [local transport policies] ¹ —

- (a) what local bus information should be made available to the public (“the required information”), and
 - (b) the way in which it should be made available (“the appropriate way”).
- (2) Before making such a determination, the authority must consult—
- (a) such organisations appearing to the authority to be representative of users of local services as they think fit, and
 - [(b) a traffic commissioner.] ²
- (3) Each authority must from time to time ascertain whether the required information is being made available to the public in the appropriate way.
- (4) Subsection (5) applies if an authority consider that—
- (a) the required information is not being made available to the public to any extent, or
 - (b) that information is not being made available to the public in the appropriate way.
- (5) If this subsection applies, the authority must seek to make arrangements with the operators of the local services concerned under which those operators agree to make the information available (or to make it available in that way).
- (6) In this section “local bus information”, in relation to a local transport authority, means—
- (a) information about routes and time tabling of local services to, from and within the authority's area,
 - (b) information about fares for journeys on such local services, and
 - (c) such other information about facilities for disabled persons, travel concessions, connections with other public passenger transport services or other matters of value to the public as the authority consider appropriate in relation to their area.

Notes

¹ Words substituted by Local Transport Act 2008 c. 26 Sch.1 para.4(2) (April 1, 2009 as SI 2009/579)

² Substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 139(1)-(6)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 139(1)-(6)(c): England, Wales



Law In Force

140.— Duty of authority to make information available.

- (1) If the authority are unable to make satisfactory arrangements with one or more of those operators, they—
- (a) must make available, or secure that there is made available, in the appropriate way such of the required information as is not being made available or is not being made available

in that way (whether by virtue of arrangements made under section 139(5) or otherwise), and

(b) may recover from that operator or those operators the reasonable costs incurred by them in doing so as a civil debt due to them.

(2) In determining for the purposes of subsection (1)(b) what is reasonable in relation to a particular operator, the authority must have regard to—

(a) the amount of information which has to be made available, and

(b) the way in which that information has to be made available,

in respect of the local services provided by that operator.

(3) If the authority require an operator to provide information to them or to another person in order to perform their duty under subsection (1)(a), the operator must provide the information at such times and in such manner as is specified by the authority.

(4) The authority must give notice of any requirement imposed under subsection (3) to [a traffic commissioner]¹.

Notes

¹ Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

Commencement

Pt II s. 140(1)-(4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 140(1)-(4): England, Wales



Law In Force

141.— Bus information: supplementary.

(1) In considering how they should carry out their functions under sections 139 and 140, a local transport authority must have regard to a combination of economy, efficiency and effectiveness.

(2) In carrying out those functions, local transport authorities—

(a) must not act in such a way as to discriminate (whether directly or indirectly) against any operator, or class of operator, of local services, and

(b) must co-operate with one another.

(3) A local transport authority must have regard to the desirability, in appropriate cases, of carrying out those functions jointly with another authority (whether as respects the whole or any part of their combined area).

Commencement

Pt II s. 141(1)-(3): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 141(1)-(3): England, Wales

 Law In Force With Amendments Pending

[141A Power to require provision of information about English bus services

- (1) The Secretary of State may by regulations require—
- (a) applicants for the registration of relevant local services, or for the variation or cancellation of any such registration, to provide prescribed information—
 - (i) in relation to the services, or
 - (ii) in connection with the application;
 - (b) operators of registered relevant local services to provide prescribed information in relation to the services;
 - (c) local transport authorities to provide prescribed information in relation to relevant local services which have one or more stopping places in their areas;
 - (d) traffic commissioners to provide prescribed information that is held by them in relation to relevant local services.
- (2) The information that may be prescribed is such information within subsection (3) as appears to the Secretary of State to be required—
- (a) in order to make information about relevant local services available to users or prospective users of those services, or
 - (b) in order to facilitate the exercise of functions relating to the registration of relevant local services.
- (3) The information within this subsection is—
- (a) information about routes, stopping places, timetables, fares and tickets,
 - (b) information about changes or proposed changes to routes, stopping places, timetables, fares and tickets, and
 - (c) information about the operation of the services.
- (4) The information within subsection (3)(c) includes—
- (a) live information, that is to say information provided immediately it becomes available about the location of vehicles operating the services and the time at which they stop, or are expected to stop, at stopping places, and
 - (b) information about the operation of the services in the past.
- (5) The regulations may make provision about—
- (a) the person to whom the information is to be provided,
 - (b) the time when it is to be provided, and
 - (c) the manner and form in which it is to be provided (including, in particular, provision requiring it to be provided electronically).

- (6) The provision made under subsection (5)(a) may not require the information to be provided to a person other than—
- (a) the Secretary of State;
 - (b) a local transport authority whose area is in England;
 - (c) a person prescribed in the regulations, being a person who provides or facilitates the provision of, or is to provide or facilitate the provision of, information about relevant local services to users or prospective users of those services.
- (7) The regulations may provide that a reference in the regulations to a standard according to which the information is to be provided is to be construed as a reference to that standard as it has effect from time to time.
- (8) The regulations may make provision as to the use and disclosure of the information, including—
- (a) provision for the information to be made available free of charge and without restrictions on its use and disclosure, and
 - (b) provision for information provided in connection with an application for registration, or for the variation or cancellation of a registration, to be provided to a traffic commissioner.
- (9) The regulations may make different provision for different areas.
- (10) Before making regulations under this section the Secretary of State must consult—
- (a) such persons or organisations as appear to the Secretary of State to represent the interests of operators and users of relevant local services,
 - (b) such persons or organisations as appear to the Secretary of State to represent the interests of local transport authorities whose areas are in England, and
 - (c) such other persons or organisations as the Secretary of State considers appropriate.
- (11) The references to traffic commissioners in subsections (1)(d) and (8)(b) are to be read as including references to any local transport authority carrying out the functions of a traffic commissioner in accordance with section 6G of the Transport Act 1985.
- (12) In this section—
- (a) "relevant local service" means a local service which has one or more stopping places in the relevant area,
 - (b) references to registration, in relation to a relevant local service, are to registration under section 6 of the Transport Act 1985,
 - (c) "prescribed" means prescribed by regulations under this section, and
 - (d) "relevant area" means England outside Greater London.
- (13) Where a local service is or is to be provided both inside and outside the relevant area, any part of the service which is or is to be provided outside the relevant area is to be treated as a separate service for the purposes of subsection (12)(a) if there is any stopping place for that part of the service outside the relevant area.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.18(1) (June 27, 2017: 2017 c.21 s.18 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 141A(2)(a): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(2)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(2)(c): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(2)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(3)(a): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(3)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(3)(b): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(3)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(3)(d): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(3)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(3)(e): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(3)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(3)(f): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(3)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(3)(g): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(3)(c) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(4)(a): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(4)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(4)(c): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(4)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(8)(b): substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(5) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(8A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(6) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 141A(8B): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 25(6) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 141A(1)-(1)(a): (extent not available)

Pt II s. 141A(1)(a)(i)-(13): England, Wales

Bus services: miscellaneous

✓ Law In Force

142. Traffic regulation conditions to reduce or limit pollution.

In section 7 of the Transport Act 1985 (traffic regulation conditions to be met in provision of local services subject to registration), in subsection (4) (reasons for which conditions may be determined), insert at the end

“; or
(c) reduce or limit noise or air pollution.”

Commencement

Pt II s. 142: February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 142: England, Wales

✓ Law In Force

143.— Power to obtain information about local services.

(1) A local transport authority may, in connection with the exercise of any of their functions relating to public transport, require an operator of local services to provide them with any information relating to the matters specified in subsection (2) which is in his possession or control.

(2) The matters referred to in subsection (1) are—

- (a) the total number of journeys undertaken by passengers on the local services operated by the operator in the authority's area or any part of its area,
- (b) the structure of fares for those journeys, and
- (c) the total distance covered by vehicles used by him in operating those local services.

(3) The operator may be required to provide the information in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect him to provide it.

(4) No information which—

- (a) has been provided under this section, or provided together with information so provided, and
- (b) relates to the affairs of an individual or to a particular business,

shall be disclosed during the lifetime of the individual or while the business continues to be carried on.

(5) But subsection (4) does not apply to a disclosure made—

- (a) with the consent of the individual or the person for the time being carrying on the business,
- (b) in connection with the investigation of crime or for the purposes of criminal proceedings,
- (c) for the purposes of civil proceedings brought by virtue of this Act or the Transport Act 1985, or
- (d) in order to comply with the order of a court or tribunal.

(6) A person who discloses information in contravention of subsection (4) is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement

Pt II s. 143(1)-(6): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 2(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 143(1)-(6): England, Wales



Law In Force With Amendments Pending

[143A Power to obtain information: franchising schemes

(1) A franchising authority may, in connection with their functions under this Part in relation to franchising schemes, require an operator of local services to provide them with such relevant information about local services operated by the operator in the authority's area, or any part of it, as the operator possesses or controls.

(2) If two or more franchising authorities are exercising functions under this Part in relation to the same franchising scheme or proposed franchising scheme, each of them may, in connection with their functions under this Part in relation to franchising schemes, require an operator of local services to provide them with such relevant information about local services operated by the operator in the authorities' areas, or any part of those areas, as the operator possesses or controls.

(3) For the purposes of this section, information about the local services operated by an operator in an area is relevant information if it is—

- (a) information about the total number of journeys undertaken by passengers on the local services operated by the operator in the area;
- (b) information about the structure of fares for journeys on those local services;
- (c) information about revenue received from those local services, including information about revenue attributable to particular types of fares or derived from journeys undertaken on particular parts of those local services;
- (d) information about the total distance covered by vehicles used by the operator in operating those local services;
- (e) information about persons employed by the operator in the provision of those local services;

- (f) information about journeys that the operator has forecast will be undertaken by passengers on those services and revenue that the operator has forecast will be received from those services;
 - (g) information of such description as is specified in regulations made by the Secretary of State.
- (4) The powers in subsections (1) and (2) may not be used to require an operator to provide information relating to periods that fall more than five years before the date of the demand.
- (5) If a franchising authority or authorities require the consent of the Secretary of State under section 123C before preparing an assessment under section 123B, that consent must be given before the authority or any of them may exercise the powers in subsections (1) and (2).
- (6) The operator may be required—
- (a) to provide the information in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect the operator to provide it, and
 - (b) to provide the information before the end of such reasonable period as may be specified by the franchising authority.
- (7) If it appears to a franchising authority that an operator of a local service has failed to take all reasonable steps to comply with a requirement imposed under this section, the authority must inform a traffic commissioner.
- (8) A franchising authority that have obtained information under this section may—
- (a) use the information for the purposes of their functions under this Part in relation to franchising schemes, and
 - (b) supply the information to a person specified in subsection (9) for use in connection with the same franchising scheme or the same proposed franchising scheme.
- (9) The persons referred to in subsection (8) are—
- (a) a franchising authority;
 - (b) a person providing services to a franchising authority;
 - (c) a person carrying out functions under section 123D.
- (10) The requirements in sections 123E and 123G about publishing documents do not require a franchising authority to publish information obtained by the authority, or another franchising authority exercising functions under this Part in relation to the same franchising scheme or proposed franchising scheme, under this section if it is information that the authority could refuse to disclose in response to a request under—
- (a) the Freedom of Information Act 2000, or
 - (b) the Environmental Information Regulations 2004 (S.I. 2004/3391) or any regulations replacing those regulations.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.5 (June 27, 2017: 2017 c.21 s.5 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 143A(5): repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(4) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 143A(1)-(10)(b): England, Wales



Law In Force With Amendments Pending

[143B Power to obtain information about local services: enhanced partnership schemes

(1) If a local transport authority in England, or two or more such authorities acting jointly, are preparing an enhanced partnership plan or scheme, the authority or any of the authorities may, in connection with preparing the plan or scheme, require an operator of a local service in their area or combined area to supply relevant information.

(2) A local transport authority in England that are party to an enhanced partnership plan may, in connection with any relevant function, require an operator of a local service in their area, or in the combined area of the authority and any other local transport authority in England that are party to the plan, to supply relevant information.

(3) If an enhanced partnership plan is proposed to be varied so as to include another local transport authority in England, that authority may, in connection with determining whether and how to vary an enhanced partnership plan or scheme, require an operator of a local service in their area, or in the combined area of that authority and any other local transport authority in England that would be party to the plan as it is proposed to be varied, to supply relevant information.

(4) The operator may be required—

- (a) to provide the information in any form in which, having regard to the manner in which the information is kept, it is reasonable to expect him to provide it, and
- (b) to provide the information before the end of such reasonable period as may be specified by the local transport authority.

(5) If it appears to a local transport authority that an operator of a local service has failed to take all reasonable steps to comply with a request under this section, the authority must inform a traffic commissioner.

(6) A local transport authority that have obtained information under this section in connection with a function relating to an enhanced partnership plan or scheme may—

- (a) use the information for the purposes of the function for which it was obtained, and
- (b) supply the information to a person specified in subsection (7) for use for those purposes in connection with the same plan or scheme.

(7) The persons referred to in subsection (6) are—

- (a) a local transport authority;
- (b) the Secretary of State;
- (c) a metropolitan district council;
- (d) a person providing services to a local transport authority, the Secretary of State or a metropolitan district council.

(8) A public authority must not disclose information supplied to the authority under this section if it is information which the authority may refuse to disclose in response to a request under the Freedom of Information Act 2000 in reliance on a claim that the information is exempt information by virtue of section 40, 41, 42 or 43 of the Freedom of Information Act 2000.

(9) Subsection (8) does not prevent the disclosure of information—

- (a) under subsection (6)(b),
- (b) in the case of information relating to the affairs of an individual who is alive or a particular business that is being carried on, with the consent of the individual or the person for the time being carrying on the business,
- (c) in connection with the investigation of crime or for the purposes of criminal proceedings,
- (d) for the purposes of civil proceedings brought by virtue of this Act or the Transport Act 1985,
- (e) in order to comply with the order of a court of tribunal, or
- (f) in order to comply with a requirement imposed by law.

(10) The prohibition in subsection (8) is to be disregarded for the purposes of section 44 of the Freedom of Information Act 2000.

(11) In this section—

"relevant function" means—

- (a) reviewing an enhanced partnership plan or the operation of an enhanced partnership scheme,
- (b) determining whether and how to vary an enhanced partnership plan or scheme, or
- (c) determining whether to revoke an enhanced partnership plan or scheme;

"relevant information" means information relating to a local service or passengers on a local service which is of a description specified in regulations made by the Secretary of State.

¹

Notes

- ¹ Added by Bus Services Act 2017 c. 21 s.10 (June 27, 2017: 2017 c.21 s.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Proposed Draft Amendments

Pt II s. 143B(4A): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 20 (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 143B(4B): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 20 (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Extent

Pt II s. 143B(1)-(11): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [Wales](#)

 Repealed

England

144.— [...]¹

Notes

¹ Repealed by Traffic Management Act 2004 c. 18 Sch.12(1) para.1 (May 31, 2022 as SI 2022/66 art.2(2)(d))

Wales

[...]¹

Notes

¹ Repealed by Traffic Management Act 2004 c. 18 Sch.12(1) para.1 (March 31, 2008 as SI 2007/3174)

[Mandatory travel concessions for journeys not beginning on the London bus network]¹

Notes

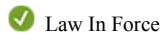
¹ S.145A substituted for s.145 subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.1 (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

 Repealed

145.— [...]¹

Notes

¹ S.145A substituted for s.145 subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.1 (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)



Law In Force

[145A England: mandatory concessions for journeys not beginning on the London bus network

- (1) Any person to whom a current statutory travel concession permit has been issued and who travels on an eligible journey on an eligible service is entitled, on production of the permit, to a concession consisting of a waiver of the fare for the journey by the operator of the service.
- (2) In subsection (1) “eligible journey” means a journey on one public service vehicle (in one direction) which—
- (a) is between places in England,
 - (b) begins at a relevant time, and
 - (c) is not one to which section 242(8) of the Greater London Authority Act 1999 (journeys beginning on the London bus network) applies.
- (3) In this section “statutory travel concession permit” means—
- (a) a permit issued pursuant to subsection (4),
 - (b) a permit issued by a London authority relating to the travel concession specified in section 242(8) and (8A) of the Greater London Authority Act 1999 (travel concessions on journeys beginning on the London bus network etc), or
 - (c) a permit issued by a London authority pursuant to paragraph 4(2) of Schedule 16 to that Act (free travel scheme in Greater London).
- (4) A travel concession authority in England other than a London authority must, on an application made to it by any person who appears to the authority to be an elderly or disabled person whose sole or principal residence is in the authority's area, issue to the person free of charge a permit indicating that he is entitled to the concession specified in subsection (1).
- (5) A permit issued pursuant to subsection (4) must be issued in such form and for such period—
- (a) as may be specified in regulations made by the Secretary of State, and
 - (b) subject to that, as the authority issuing the permit considers appropriate.
- (6) The Secretary of State may issue guidance to travel concession authorities in England to which they must have regard in determining for the purposes of subsection (4) whether a person is a disabled person.
- (7) Before issuing guidance under subsection (6) the Secretary of State shall consult—
- (a) the Disabled Persons Transport Advisory Committee,
 - (b) associations representative of travel concession authorities, and
 - (c) such other persons as he thinks fit.
- (8) The Secretary of State may issue guidance to travel concession authorities in England to which they must have regard in determining for the purposes of subsection (4) whether a person has his sole or principal residence in an authority's area.
- (9) A person entitled to be issued with a statutory travel concession permit by a travel concession authority under subsection (4) may agree with the authority that he is not to be entitled to—
- (a) the concession specified in subsection (1), and
 - (b) the concession provided by virtue of section 242(8) of, or paragraph A1 of Schedule 16 to, the Greater London Authority Act 1999,

for a period in return for being entitled during that period to receive travel concessions under a scheme under section 93 of the Transport Act 1985 to which the authority is a party (if the scheme provides that a person may not receive travel concessions under the scheme unless he so agrees).

(10) The Secretary of State may by regulations make provision about agreements within subsection (9).

(11) The regulations may in particular make provision—

- (a) requiring the serving of notices before an agreement is made,
- (b) about the form of agreements, and
- (c) as to the period for which a person may agree not to be entitled to the concessions mentioned in subsection (9)(a) and (b).

]¹

Notes

- ¹ S.145A substituted for s.145 subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.1 (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

Extent

Pt II s. 145A(1)-(11)(c): England, Wales

✓ Law In Force

[145B Wales: mandatory concessions

(1) Any person to whom a current statutory travel concession permit has been issued by a travel concession authority in Wales and who travels on an eligible service on a journey (beginning at any time)—

- (a) between places in the authority's area,
- (b) between a place in the authority's area and a place outside but in the vicinity of that area, or
- (c) between places outside but in the vicinity of that area,

is entitled, on production of the permit, to a concession consisting of a waiver of the fare for the journey by the operator of the service.

(2) And if the permit is in a form approved by the Welsh Ministers for the purpose of this subsection, subsection (1) has effect as if each reference in it to the authority's area were to Wales.

(3) A travel concession authority in Wales must, on an application made to it by any person who appears to the authority to be an elderly or disabled person residing in its area, issue to the person free of charge a permit, in such form and for such period as the authority considers appropriate, indicating that he is entitled to the concession specified in subsection (1).

(4) If it appears to a travel concession authority in Wales issuing a statutory travel concession permit to a disabled person that the person requires the assistance of a companion to travel on journeys on public passenger transport services, the authority must mark that clearly on the permit.

- (5) Where a person whose current statutory travel concession permit is marked in accordance with subsection (4) is entitled under this section to waiver of the fare for a journey, one companion travelling on the journey with the person (and nominated by the person as the person's companion for that journey) is also entitled to waiver of the fare for the journey.
- (6) The Welsh Ministers may issue guidance to travel concession authorities in Wales to which they must have regard in determining for the purposes of subsection (3) whether a person is a disabled person.
- (7) Before issuing guidance under subsection (6) the Welsh Ministers shall consult—
- (a) the Disabled Persons Transport Advisory Committee,
 - (b) associations representative of travel concession authorities, and
 - (c) such other persons as they think fit.
- (8) A person entitled to be issued with a statutory travel concession permit by a travel concession authority in Wales may agree with the authority that he is not to be entitled to the concession specified in subsection (1) for a period in return for being entitled during that period to receive travel concessions under a scheme under section 93 of the Transport Act 1985 (if the scheme provides that a person may not receive travel concessions under the scheme unless he so agrees).
- (9) The Welsh Ministers may by regulations make provision about agreements within subsection (8).
- (10) The regulations may in particular make provision—
- (a) requiring the serving of notices before an agreement is made,
 - (b) about the form of agreements, and
 - (c) as to the period for which a person may agree not to be entitled to the concession specified in subsection (1).
- (11) In this section “statutory travel concession permit” means a permit issued pursuant to subsection (3).

¹

Notes

- ¹ Inserted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.2 para.11 (October 17, 2007: insertion has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

Extent

Pt II s. 145B(1)-(11): England, Wales



Law In Force With Amendments Pending

146. Mandatory concessions: supplementary.

In this Part—

“disabled person” means a person who—

- (a) is blind or partially sighted,
- (b) is profoundly or severely deaf,
- (c) is without speech,

- (d) has a disability, or has suffered an injury, which has a substantial and long-term adverse effect on his ability to walk,
- (e) does not have arms or has long-term loss of the use of both arms,
- (f) has a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning, or
- (g) would, if he applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, have his application refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol,

[“elderly person” means a person who has attained the age of 60 years,]¹

“eligible service” means—

(a) [...] ²

(b) [...] ³ a bus service of a class specified in an order made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales), “a half-price travel concession”, in relation to a journey, means reduction of the fare for the journey to not more than one-half of that applicable to an adult who is not entitled to any reduction,

[“London authority” means a London borough council or the Common Council of the City of London,] ⁴

“relevant time” means—

(a) any time on a Saturday or Sunday or on any day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971, or

(b) a time during the period from 9.30 a.m. to 11 p.m. on any other day, and

“travel concession authority” means—

[(a) a council of a non-metropolitan district in England comprised in an area for which there is no county council,] ⁵

[(b) a county council in England,] ⁶

[(ba) a London authority,] ⁷

(c) a Passenger Transport Executive for [an integrated transport area] ⁸ in England, [...] ⁹

[(ca) the Council of the Isles of Scilly, or] ¹⁰

(d) a county council or county borough council in Wales.

Notes

¹ Definition substituted by Travel Concessions (Eligibility) Act 2002 c. 4 s.1(3) (April 1, 2003 as SI 2002/3014)

² Repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (August 14, 2002 as SI 2002/2024)

³ Words repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (August 14, 2002 as SI 2002/2024)

⁴ Definition inserted by Concessionary Bus Travel Act 2007 c. 13 s.2(2) (October 17, 2007: insertion has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2; April 1, 2008 subject to transitional provisions as specified in SI 2007/2799 art.4 otherwise)

⁵ Substituted by Concessionary Bus Travel Act 2007 (Variation of Reimbursement and Other Administrative Arrangements) Order 2010/1179 art.2(2) (April 1, 2011: substitution has effect subject to transitional provision specified in SI 2010/1179 art.3)

⁶ Substituted by Concessionary Bus Travel Act 2007 (Variation of Reimbursement and Other Administrative Arrangements) Order 2010/1179 art.2(3) (May 1, 2010: substitution has effect subject to transitional provision specified in SI 2010/1179 art.3)

- ⁷ Added by Concessionary Bus Travel Act 2007 c. 13 s.2(3)(a) (October 17, 2007: insertion has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2; April 1, 2008 subject to transitional provisions as specified in SI 2007/2799 art.4 otherwise)
- ⁸ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.44 (February 9, 2009)
- ⁹ Word repealed subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.3 para.1 (October 17, 2007: repeal has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)
- ¹⁰ Added by Concessionary Bus Travel Act 2007 c. 13 s.2(3)(b) (October 17, 2007: insertion has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2; April 1, 2008 subject to transitional provisions as specified in SI 2007/2799 art.4 otherwise)

Proposed Draft Amendments

Pt II s. 146 definition of "travel concession authority" (cza): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 14 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Pt II s. 146 definition of "travel concession authority" (czb): added by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 14 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 146 definition of "disabled person"- definition of "disabled person" (g): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt II s. 146 definition of "elderly person"- definition of "relevant time" (b): January 1, 2001 in relation to England for the purposes of 2000 c.38 s.150; June 1, 2001 in relation to England otherwise; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1, Sch. 1(IV) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt II s. 146 definition of "travel concession authority"- definition of "travel concession authority" (d): January 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 146 definition of "disabled person"- definition of "travel concession authority" (d): England, Wales



Law In Force

147. [Wales: variation of mandatory concessions.]¹

[The Welsh Ministers may by order amend either or both of sections 145B and 146 for or in connection with securing that section 145B(1)]²—

- (a) applies to any person for the time being eligible to receive travel concessions under a scheme under section 93 of the Transport Act 1985 or to any such person of a specified description (as well as to any elderly person and any disabled person),
- (b) applies to travel on any public passenger transport service or to travel on any such service of a specified description (as well as to travel on an eligible service),
- (c) applies to a journey between a place in a travel concession authority's area and a place outside but in the vicinity of that area or to a journey between places outside but in the vicinity of that area (as well as to a journey between places in that area),
- (d) provides for the reduction of fares to less than one-half of those applicable to adults who are not entitled to any reduction or for waiver of fares, or
- (e) applies, or does not apply, to a journey beginning at a specified time.

Notes

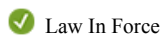
- ¹ Words substituted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.2 para.13(3) (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)
- ² Words substituted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.2 para.13(2) (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

Commencement

Pt II s. 147(a)-(e): June 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 147(a)-(e): England, Wales



Law In Force

148.— Enforcement.

- (1) An operator commits an offence if he systematically fails to comply with the obligation under [section 145A(1) or 145B(1)]¹ during any period.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Proceedings for an offence under this section shall not be instituted except—
- (a) by a travel concession authority, or
 - (b) by or with the consent of the Director of Public Prosecutions;
- and any authority who would not otherwise have power to bring such proceedings shall accordingly have that power.

Notes

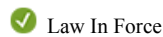
- ¹ Word substituted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.2 para.14 (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

Commencement

Pt II s. 148(1)-(3)(b): June 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 148(1)-(3)(b): England, Wales



149.— Reimbursement of operators.

[(1) Where—

- (a) an operator provides concessions under section 145A(1) in respect of eligible journeys beginning in the area of a travel concession authority in England, or
- (b) an operator provides concessions under section 145B(1) for persons who reside in the area of a travel concession authority in Wales,

the authority shall reimburse the operator for providing the concessions.

] ¹

(2) Subject to regulations under subsection (3), the arrangements with respect to reimbursement shall be—

- (a) such as the travel concession authority may agree with the operators who provide concessions [—] ²

[(i) in respect of eligible journeys beginning in the authority's area (if the authority is in England), or

(ii) for persons who reside in the authority's area (if the authority is in Wales), or] ²

- (b) in the absence of agreement, such as may be determined by the authority (being the same in the case of all of those operators) not later than 28 days before the date on which the arrangements, or any variations of the arrangements, are to come into operation.

(3) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by regulations make provision—

- (a) with respect to the determination by travel concession authorities of the amounts to be paid to individual operators, or to any class of operators, by way of reimbursement,
- (b) as to the manner of making any payments due to operators by way of reimbursement, and
- (c) about the terms on which, and the extent to which, travel concession authorities may employ any person as their agent for the purpose of making payments due to operators by way of reimbursement and the descriptions of persons who may be so employed.

Notes

¹ Substituted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.3(2) (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

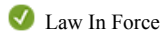
² S.149(2)(a)(i) and (ii) substituted for words subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.3(3) (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

Commencement

Pt II s. 149(1)-(2)(b): January 1, 2001 in relation to England for the purposes of 2000 c.38 s.150; June 1, 2001 in relation to England otherwise; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1, Sch. 1(IV) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt II s. 149(3)-(3)(c): January 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

ExtentPt II s. 149(1)-(3)(c): England, Wales



Law In Force

150.— Procedure for reimbursement arrangements determined by authority.

(1) At least four months before the coming into operation of, or of any variations of, any arrangements with respect to reimbursement determined by a travel concession authority in accordance with section 149(2)(b), the authority shall publish the proposed arrangements, or the proposed variations, in such manner as they consider appropriate.

(2) Following publication—

- (a) copies of the published material shall be made available at the principal office of the authority,
- (b) a copy of it shall be supplied to every operator of local services who would, in the opinion of the authority, be affected by the proposals, and
- (c) a copy of it shall be supplied to any person on request (whether at the principal office or by post), either free of charge or at a charge representing no more than the cost of providing the copy.

(3) An operator who considers that he may be prejudicially affected by the proposals may apply to—

- (a) the Secretary of State (in the case of arrangements determined by a travel concession authority in England), or
- (b) the National Assembly of Wales (in the case of arrangements determined by such an authority in Wales),

for a modification of the proposed arrangements, or proposed variations, on the grounds that there are special reasons why they would be inappropriate with respect to one or more local services provided by him.

(4) An application under [subsection (3)(a)]¹ shall be made by notice in writing given not later than [56 days]² after the date on which the arrangements, or the variations, come into operation.

[(4A) An application under subsection (3)(b) shall be made by notice in writing given not later than 28 days after the date on which the arrangements, or the variations, come into operation.]³

(5) An application under subsection (3) may not be made unless the applicant has previously given notice in writing of his intention to make the application to the travel concession authority by which the arrangements, or varied arrangements, are being, or have been, determined.

(6) The Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales)—

- (a) may make regulations as to the form and content of notices under this section and the manner in which they are to be given,
- (b) may appoint a person to determine an application under subsection (3) on his or its behalf, and
- (c) may by regulations make provision as to the procedure to be followed in connection with applications under subsection (3).

- (7) Regulations made under subsection (6)(c) may in particular make provision—
- (a) as to the conduct of any proceedings held in connection with applications under subsection (3), and
 - (b) for applicants or travel concession authorities, or both, to make payments towards the expenses incurred in connection with the determination of such applications.
- (8) On an application under subsection (3) the Secretary of State or the National Assembly for Wales, or (if a person is appointed under subsection (6)(b) to determine the application) the person so appointed, may direct—
- (a) that the arrangements, or varied arrangements, are to have effect with such modifications as are specified in the direction from the time so specified, and
 - (b) that the authority shall make a payment of an amount specified in the direction to the applicant.

Notes

- ¹ Words substituted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.3(5)(a) (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)
- ² Words substituted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.3(5)(b) (October 17, 2007: substitution has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)
- ³ Inserted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 s.3(6) (October 17, 2007: insertion has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

Commencement

Pt II s. 150(1)-(8)(b): January 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 150(1)-(8)(b): England, Wales

Travel concessions in Greater London

 Law In Force

151.— Concessions in Greater London.

- (1) Chapter VIII of Part IV of the Greater London Authority Act 1999 (travel concessions on journeys in and around Greater London) has effect subject to the following amendments.
- (2) Section 240 (travel concessions on journeys in and around Greater London) is amended as follows.

(3) In subsections (1) and (2), for “any persons eligible to receive them in accordance with subsection (5) below” substitute “such of the persons eligible to receive them in accordance with subsection (5) below as are specified in the arrangements”.

(4) In subsection (5), for “are persons, or any description of persons,” substitute “by an authority are persons appearing to the authority to be persons” and for paragraphs (b) and (c) substitute—

- “(b) who are blind;
- (c) who are partially sighted;
- (d) who are profoundly or severely deaf;
- (e) who are without speech;
- (f) who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
- (g) who do not have arms or have long-term loss of the use of both arms;
- (h) who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning; or
- (i) who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol.”

(5) After that subsection insert—

“(5A) The Secretary of State may issue guidance to local authorities to which they must have regard in determining whether a person falls within subsection (5)(b) to (i) above.

(5B) Before issuing guidance under subsection (5A) above the Secretary of State shall consult—

- (a) the Disabled Persons Transport Advisory Committee;
- (b) associations representative of local authorities; and
- (c) such other persons as he thinks fit.”

(6) In section 241(1) (reserve free travel scheme), after “provided for” insert “all”.

(7) Section 242 (requirements as to scope of concessions which must be given if free travel scheme is not to have effect) is amended as follows.

(8) In subsection (1), after “provide” insert “(a)” and insert at the end

“; and

- (b) for the travel concessions granted to them to include the concession specified in subsection (8) below.”

(9) In subsection (2), for “Those journeys” substitute “The journeys referred to in subsection (1)(a) above”.

(10) In subsection (5), for “The requirements of this section as to scope do” substitute “Subsection (1)(a) above does”.

(11) In subsection (7), for “the categories of such residents mentioned in paragraphs (a), (b) and (c)” substitute “a category specified in any one of the paragraphs”.

(12) [...]¹

(13) In section 243 (requirements as to uniformity), after subsection (5) insert—

“(6) No charge may be made for the issue to an eligible London resident of a travel concession permit relating to the travel concession specified in section 242(8) above.”

Notes

¹ Repealed subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.3 para.1 (October 17, 2007: repeal has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

Commencement

Pt II s. 151(1)-(13): April 1, 2001 subject to transitional provisions specified in SI 2000/3229 art.4 (SI 2000/3229 art. 2, art. 4, Sch. 1(III) para. 1)

Extent

Pt II s. 151(1)-(13): England, Wales

Financial and competition provisions

 Law In Force

152.— Agreements providing for service subsidies.

(1) Part V of the Transport Act 1985 (expenditure on public passenger transport services) is amended as follows.

(2) In section 89 (obligation to invite tenders for subsidised services), for subsections (7) and (8) substitute—

“(7) An authority issuing an invitation to tender under this section shall, in determining whether to accept a tender submitted in response to the invitation or which (if any) of several such tenders to accept, have regard in particular to—

- (a) a combination of economy, efficiency and effectiveness;
- (b) the implementation of the policies set out in the appropriate bus strategy; and
- (c) the reduction or limitation of traffic congestion, noise or air pollution.

(8) In subsection (7)(b) above “the appropriate bus strategy” means—

- (a) in the case of a local transport authority (within the meaning of section 108(4) of the Transport Act 2000), their bus strategy;
- (b) in the case of a district council which is not such an authority, the bus strategy of the council for the county in which the district is situated; and
- (c) in the case of a Passenger Transport Executive for a passenger transport area, the bus strategy made jointly by the Passenger Transport Authority for the area and the councils for the metropolitan districts comprised in the area.”

(3) In section 90(3) (duty of authority to publish reasons for considering that payment of subsidies to secure service in accordance with accepted tender is conducive to achieving most effective and economic application of funds), for the words from “is conducive” to the end substitute “accords with section 89(7) of this Act.”

(4) In section 92(1) (authorities subsidising public passenger transport services not to inhibit competition between persons providing or seeking to provide such services in their area), for the words from “so conduct” to the end substitute “have regard to the interests of the public and of persons providing public passenger transport services in their area.”

Commencement

Pt II s. 152(1)-(4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 152(1)-(4): England, Wales

 Partially In Force

[153 Competition test: functions and agreements relating to buses

(1) Schedule 10 contains provision applying competition tests in relation to—

(a) the exercise of functions relating to [advanced quality partnership schemes,]² quality partnership schemes, [advanced ticketing schemes,]³ ticketing schemes [, enhanced partnership schemes]⁴ and subsidised local services,

(b) voluntary partnership agreements and certain other agreements, decisions and practices relating to bus services.

(2) A voluntary partnership agreement is any voluntary agreement under which—

(a) a local transport authority, or two or more local transport authorities, undertake to provide particular facilities, or to do anything else for the purpose of bringing benefits to persons using local services, within the whole or part of their area, or combined area, and

(b) one or more operators of local services undertake to provide services of a particular standard.

(3) In subsection (2)—

“facilities” means—

(a) facilities provided at specific locations along routes served, or proposed to be served, by local services within the area to which the agreement relates, or

(b) facilities which are ancillary to such facilities;

“standard”, in the case of any services, includes—

(a) any requirements which the vehicles being used to provide the services must meet,

(b) any requirements as to frequency or timing of the services,

(c) any requirements as to the maximum fares that may be charged for particular journeys, or for journeys of particular descriptions, on services to which the agreement applies;

“voluntary agreement” means an agreement made otherwise than under [sections 113C to 113O (advanced quality partnership schemes), or under]⁵ sections 114 to 123 (quality partnership schemes).

] ¹

Notes

- ¹ Substituted by Local Transport Act 2008 c. 26 Pt 3 s.46(1) (April 1, 2009 as SI 2009/579)
- ² Words inserted by Bus Services Act 2017 c. 21 Sch.1 para.8(2) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ³ Words inserted by Bus Services Act 2017 c. 21 Sch.3 para.5 (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.5 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁴ Words inserted by Bus Services Act 2017 c. 21 Sch.4 para.5 (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.5 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁵ Words inserted by Bus Services Act 2017 c. 21 Sch.1 para.8(3) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Commencement

Pt II s. 153: February 1, 2001 in relation to England for provisions specified in SI 2001/57 art.3 and Sch.3 Part I; August 1, 2001 in relation to Wales for provisions specified in SI 2001/2788 Sch.1 para.8; October 26, 2001 in relation to England otherwise; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 153(1)-(3) definition of "voluntary agreement": England, Wales

 Law In Force

154.— Grants to bus service operators.

(1) The Secretary of State with the approval of the Treasury (as respects England) or the National Assembly for Wales (as respects Wales) may make grants to operators of eligible bus services towards their costs in operating those services.

(2) The Secretary of State with the approval of the Treasury (as respects England) or the National Assembly for Wales (as respects Wales) may make provision by regulations as to the method of calculation of grants.

(3) Subject to the provisions of any such regulations, grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as may be determined by—

- (a) the Secretary of State with the approval of the Treasury (as respects England), or
- (b) the National Assembly for Wales (as respects Wales).

(4) A determination under subsection (3) may be made either generally or in relation to particular cases or classes of case.

(5) In this section “eligible bus services” means bus services of a class (or using vehicles of a class) prescribed by regulations made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).

(6) Section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) and section 111 of the Transport Act 1985 (unregistered and unreliable local services: reduction of fuel duty grant) cease to have effect.

Commencement

Pt II s. 154(1)-(5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt II s. 154(6): May 1, 2002 in relation to England; August 14, 2002 in relation to Wales (SI 2002/1014 art. 2(1), Sch. 1(1) para. 1; SI 2002/2024 art. 2(a))

Extent

Pt II s. 154(1)-(6): England, Wales



Law In Force With Amendments Pending

155.— [Sanctions] ¹.

(1) Where [a traffic commissioner] ² is satisfied that the operator of a local service has, without reasonable excuse—

(a) failed to operate a local service registered under section 6 of the Transport Act 1985, [(aa) failed to comply with the requirements of regulations made under section 6(9)(i), (j) or (k) of that Act,] ³

[(ab) failed to comply with a requirement to provide information imposed by virtue of section 6C of that Act,] ⁴

(b) operated a local service in contravention of that section or [section 113J(4) or (5), 118(4)] ⁵ [, 129(1)(b) or 138J(9)] ⁶ of this Act, [...] ⁷

[(ba) failed to comply with a requirement imposed by virtue of [section 123X(7)(c), 134B(7)(c)] ⁸ [or 138S(7)(c)] ⁹ of this Act, or] ⁷

(c) failed to comply with [section 134F, 138 or 140(3)] ¹⁰ of this Act [or with regulations under section 141A of this Act] ¹¹,

he may [make one or more orders under subsection (1A)] ¹².

[(1ZA) Where a traffic commissioner is satisfied that—

(a) a person has operated a local service in contravention of section 123J(3) of this Act, and

(b) in operating the local service, the person has failed to take all reasonable precautions and to exercise all due diligence to avoid contravening section 123J(3) of this Act,

the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).

] ¹³

[(1ZB) Where a traffic commissioner is satisfied that—

(a) a person has operated a local service in contravention of section 138J(9) of this Act, and

(b) in operating the local service, the person has failed to take all reasonable precautions and to exercise all due diligence to avoid contravening section 138J(9) of this Act, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).]¹⁴

[(1ZC) Where a traffic commissioner is satisfied that the operator of a local service has failed to take all reasonable steps to comply with a requirement imposed under section 143A of this Act, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).]¹⁵

[(1ZD) Where a traffic commissioner is satisfied that the operator of a local service has failed to take all reasonable steps to comply with a requirement imposed under section 143B the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).]¹⁶

[(1ZE) Where a traffic commissioner is satisfied that the operator of a local service has, without reasonable excuse, failed to comply with a requirement of regulations made under section 181A of the Equality Act 2010, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).]¹⁷

[(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.

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).

] ¹⁸

(2) [...] ¹⁹

(3) [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] ²⁰ —

- (a) £550, or
- (b) such other amount as the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales) may by order specify,

multiplied by the total number of vehicles which the operator is licensed to use under all the PSV operator's licences held by him.

(4) [...] ¹⁹

(5) After [making an order under subsection (1A)] ²¹, the traffic commissioner must at once give notice in writing to—

- (a) the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales), and
- (b) the operator.

(6) The operator may appeal to the [Upper Tribunal] ²² against [the making of the order] ²³.

[(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).] ²⁴

[(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.

] ²⁵

[(8) Other provisions that may need to be considered include the following provisions of the Transport Act 1985—

- (a) sections 26 and 27 (attachment of conditions to PSV operator's licence),
- (b) sections 27A and 27B (additional powers of traffic commissioner where services are not operated as registered etc).[...]³

] ²⁶

Notes

¹ Word substituted by Local Transport Act 2008 c. 26 Pt 4 s.64(11) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)

² Words substituted by Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013/1644 Sch.3 para.1 (July 3, 2013: substitution has effect subject to transitional provisions specified in SI 2013/1644 art.7)

³ Added by Local Transport Act 2008 c. 26 Pt 4 s.65(1) (April 1, 2009 as SI 2009/579)

⁴ Added by Bus Services Act 2017 c. 21 s.19(2) (June 27, 2017: 2017 c.21 s.19 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁵ Words inserted by Bus Services Act 2017 c. 21 Sch.1 para.9 (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁶ Words substituted by Bus Services Act 2017 c. 21 Sch.4 para.6(2) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.6 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁷ S.155(1)(ba) substituted for word by Local Transport Act 2008 c. 26 Pt 3 s.44(3) (November 26, 2008 in relation to any power to make regulations or an order; January 11, 2010 in relation to England; not yet in force otherwise)

- ⁸ Word inserted by Bus Services Act 2017 c. 21 Sch.2 para.21(2) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.21 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁹ Words inserted by Bus Services Act 2017 c. 21 Sch.4 para.6(3) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.6 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁰ Word inserted by Bus Services Act 2017 c. 21 Sch.3 para.6 (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.6 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹¹ Words inserted by Bus Services Act 2017 c. 21 s.18(2) (June 27, 2017: 2017 c.21 s.18 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹² Words substituted by Local Transport Act 2008 c. 26 Pt 4 s.64(2) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)
- ¹³ Added by Bus Services Act 2017 c. 21 Sch.2 para.21(3) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.21 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁴ Added by Bus Services Act 2017 c. 21 Sch.4 para.6(4) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.6 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁵ Added by Bus Services Act 2017 c. 21 Sch.2 para.21(4) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.21 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁶ Added by Bus Services Act 2017 c. 21 Sch.4 para.6(5) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.6 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁷ Added by Bus Services Act 2017 c. 21 s.17(5) (June 26, 2018)
- ¹⁸ Added by Local Transport Act 2008 c. 26 Pt 4 s.64(3) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)
- ¹⁹ Amended by Local Transport Act 2008 c. 26 Pt 4 s.64 (April 1, 2009 as SI 2009/579)
- ²⁰ Words substituted by Local Transport Act 2008 c. 26 Pt 4 s.64(5) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)
- ²¹ Words substituted by Local Transport Act 2008 c. 26 Pt 4 s.64(7) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)
- ²² Words substituted by Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009/1885 Sch.1 para.26 (September 1, 2009: substitution has effect subject to savings and transitional provisions as specified in SI 2009/1885 Sch.4)
- ²³ Words substituted by Local Transport Act 2008 c. 26 Pt 4 s.64(8) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)
- ²⁴ Added by Local Transport Act 2008 c. 26 Pt 4 s.64(9) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)

- ²⁵ Substituted by Local Transport Act 2008 c. 26 Pt 4 s.64(10) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)
- ²⁶ Added by Local Transport Act 2008 c. 26 Pt 4 s.63(2) (February 9, 2009)

Proposed Draft Amendments

Pt II s. 155(1ZDA): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 34(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 155(1ZDB): added by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 37(3) (Consideration of Amendments, October 13, 2025) (Not yet in force: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Commencement

Pt II s. 155(1)-(7): August 1, 2001 in relation to Wales; May 1, 2002 in relation to England subject to transitional provisions specified in SI 2002/1014 art.3 (SI 2001/2788 art. 2, Sch. 1; SI 2002/1014 art. 2(1), art. 3, Sch. 1(1) para. 1)

Extent

Pt II s. 155(1)-(8)(b): England, Wales

 Repealed

156.— [...] ¹

Notes

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(4) para.1 (February 9, 2009 as SI 2009/107)

 Law In Force

157.— [Grants to Integrated Transport Authorities] ¹ [, combined authorities and combined county authorities] ² .

(1) The Secretary of State may, with the approval of the Treasury, make grants to [the Integrated Transport Authority for an integrated transport area] ³ in England for the purpose of enabling the Authority, or the Passenger Transport Executive for the area, to carry out any of their functions.

[(1A) The Secretary of State may, with the approval of the Treasury, make grants to a combined authority for the purpose of enabling the authority to carry out any of their functions.] ⁴

[(1B) The Secretary of State may, with the approval of the Treasury, make grants to a combined county authority for the purpose of enabling the authority to carry out any of their functions.] ⁵

(2) Grants under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Secretary of State may, with the approval of the Treasury, determine.

(3) A determination under subsection (2) may be made either generally or in relation to particular cases or classes of case.

Notes

- ¹ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.45(2) (February 9, 2009)
- ² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.133(2) (December 26, 2023)
- ³ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.45(1) (February 9, 2009)
- ⁴ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.100(2) (December 17, 2009)
- ⁵ Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.133(3) (December 26, 2023)

Commencement

Pt II s. 157(1)-(3): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 157(1)-(3): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Repealed

Wales

158.— [...]¹

Notes

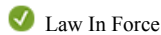
- ¹ Repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (August 14, 2002 as SI 2002/2024)

England

[...]¹

Notes

- ¹ Repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (May 1, 2002 as SI 2002/1014)
-



Law In Force

159. Abolition of financial plans of Passenger Transport Executives.

Sections 3 to 5 of the Transport Act 1983 (duty of Passenger Transport Executives to prepare three-year financial plans and determination of revenue grants) shall cease to have effect.

Commencement

Pt II s. 159: February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 159: England, Wales

Supplementary



Law In Force With Amendments Pending

160.— Part II: regulations and orders.

(1) Any power to make regulations or orders under this Part—

- (a) is exercisable by statutory instrument,
- (b) includes power to make different provision for different cases, and
- (c) may be exercised so as to make incidental, consequential, supplementary or transitional provision or savings.

(2) A statutory instrument containing regulations or an order made by a Minister of the Crown under this Part (whether alone or jointly with the National Assembly for Wales) [, other than [regulations under section 123A(4)]² [, 138F(10), 138G(9)]³ [or 141A(1) or]⁴ an order under section 155(1A)(d),]¹ shall be subject to annulment in pursuance of a resolution of either House of Parliament.

[(2A) A statutory instrument containing regulations under section 123A(4) [, 138F(10), 138G(9)]⁶ [or 141A(1)]⁷ shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.]⁵

[(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.

] ⁸

Notes

¹ Words inserted by Local Transport Act 2008 c. 26 Pt 4 s.64(13) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)

- ² Words inserted by Bus Services Act 2017 c. 21 Sch.2 para.22(2) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.22 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ³ Words inserted by Bus Services Act 2017 c. 21 Sch.4 para.7(2) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁴ Words inserted by Bus Services Act 2017 c. 21 s.18(3)(a) (June 27, 2017: 2017 c.21 s.18 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁵ Added by Bus Services Act 2017 c. 21 Sch.2 para.22(3) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.22 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁶ Words inserted by Bus Services Act 2017 c. 21 Sch.4 para.7(3) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁷ Words inserted by Bus Services Act 2017 c. 21 s.18(3)(b) (June 27, 2017: 2017 c.21 s.18 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁸ Added by Local Transport Act 2008 c. 26 Pt 4 s.64(14) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England subject to transitional provisions specified in SI 2009/107 art.2(2) and Sch.2 Part 2 para.4 otherwise; April 1, 2009 subject to transitional provisions specified in SI 2009/579 Sch.1 para.2 otherwise)

Proposed Draft Amendments

Pt II s. 160(2): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(5) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 160(2): words substituted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 37(4)(a) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 160(2A): word repealed by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 1(5) (Consideration of Amendments, October 13, 2025) (Not yet in force: repeal has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

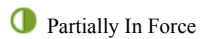
Pt II s. 160(2A): possible drafting error - words purportedly substituted in s.160(3) do not exist therefore amendment applied to s.160(2A) instead by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 37(4)(b) (Consideration of Amendments, October 13, 2025) (Not yet in force: substitution has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Commencement

Pt II s. 160(1)-(2): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt II s. 160(1)-(3)(b): England, Wales



161. Part II: minor and consequential amendments.

Schedule 11 makes minor and consequential amendments relating to this Part.

Commencement

Pt II s. 161: February 1, 2001 in relation to England for provisions specified in SI 2001/57 art.3 and Sch.3 Part I; February 20, 2001 in relation to England for provisions specified in SI 2001/242 art.2; April 1, 2001 in relation to England for provisions specified in SI 2000/3229 art.2(3) and Sch.1 Part III; June 1, 2001 in relation to England for provisions specified in SI 2000/3229 art.2(4) and Sch.1 Part IV; August 1, 2001 in relation to Wales for provisions specified in SI 2001/2788 art.2 and Sch.1; October 26, 2001 in relation to England for provisions specified in SI 2001/3342 art.2 and Sch.1; April 1, 2002 in relation to Wales otherwise; not yet in force otherwise (SI 2000/3229 art. 2, Sch. 1(III) para. 1, Sch. 1(IV) para. 1; SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/242 art. 2; SI 2001/2788 art. 2, art. 3, Sch. 1, Sch. 2 para. 2; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Pt II s. 161: England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Law In Force With Amendments Pending

Wales

162.— Interpretation of Part II.

(1) In this Part—

[“advanced quality partnership scheme” is to be construed in accordance with section 113C(2),] ¹

[“advanced ticketing scheme” is to be construed in accordance with section 134C(3),] ²

“appropriate national authority”, in relation to a quality partnership scheme, a quality contracts scheme or a ticketing scheme, means—

(a) [...] ³

(b) the National Assembly for Wales, as respects a scheme relating to an area in Wales, or

(c) the Secretary of State and the National Assembly for Wales acting jointly, as respects a scheme relating to an area in England and Wales,

[“bus services” means services using public service vehicles,] ⁴

“community bus permit” means a permit under section 22 of the Transport Act 1985,

[“connecting rail or tram service” —

(a) in relation to an advanced ticketing scheme, has the meaning given by section 134C(3), and

(b) in relation to a ticketing scheme,

has the meaning given in section 135(5),] ⁵

“disabled person” has the meaning given in section 146,
 [“effective time”, in relation to a local service contract, has the meaning given by section 123J(7),]⁶
 “elderly person” has the meaning given in section 146,
 “eligible service” has the meaning given in section 146,
 [“enhanced partnership plan” and “enhanced partnership scheme” have the meaning given by section 138A,]⁷
 [“franchising authority” has the meaning given by section 123A(4),
 “franchising scheme” is to be construed in accordance with section 123A(3),]⁸
 “half-price travel concession” has the meaning given in section 146,
 [“interim service” has the meaning given by section 123O,
 “local service contract” has the meaning given by section 123A(5),]⁸
 “local transport authority” has the meaning given in section 108(4),
 [“local transport policies” has the meaning given in section 108(5),]⁹
 [“London authority” has the meaning given in section 146,]¹⁰
 “London transport authority” means the Greater London Authority, a London borough council or the Common Council of the City of London,
 [“mayoral CCA” has the meaning given by section 27(8) of the Levelling-up and Regeneration Act 2023;]¹¹
 [“mayoral combined authority” has the meaning given by section 107A of the Local Democracy, Economic Development and Construction Act 2009,]⁶
 “quality contract” has the meaning given in section 124(4),
 “quality contracts scheme” is to be construed in accordance with section 124(3),
 “quality partnership scheme” is to be construed in accordance with section 114(2),
 “railway” and “tramway” have the meanings given in section 67(1) of the Transport and Works Act 1992,
 [“scheme sub-area” has the meaning given by section 123H,
 “service permit” has the meaning given by section 123P,]⁸
 “relevant time” has the meaning given in section 146,
 “ticketing scheme” is to be construed in accordance with section 135(3),
 “traffic regulation order” means an order under the Road Traffic Regulation Act 1984 or any other enactment (other than this Act) regulating the use of roads or other places by public service vehicles, and
 “travel concession authority” has the meaning given in section 146.

(2) In this Part the expressions listed below have the same meaning as in the Public Passenger Vehicles Act 1981—“fares”, “modification”, “public service vehicle”, “PSV operator's licence”, “road”, and “traffic commissioner”.

(3) In this Part the expressions listed below have the same meaning as in the Transport Act 1985—“local service”, “public passenger transport services”, “stopping place”, and “traffic area”.

(4) Where a reference to an authority in any of the following provisions is to [an Integrated Transport Authority]¹², it is to be construed as a reference to the Passenger Transport Executive for the [integrated transport area]¹³ concerned; and where a reference to authorities in any of those provisions is to one or more [Integrated Transport Authorities]¹⁴, it is to be construed as a reference to the Passenger Transport Executive or Executives for the [integrated transport area]¹³ or areas concerned—

section 114(2)(a),

[section 116(2)(a), (4)(a), (4A)(a) and, in the second place, (4C),]¹⁵,
 section 118(1) and (2),
 [...] ¹⁶
 section 129(4),
 [...] ¹⁶
 section 139(5), and
 section 140.

[(4A) Where a reference to an authority in any of the following provisions is to an Integrated Transport Authority, it is to be construed as including a reference to the Passenger Transport Executive for the integrated transport area concerned—

section 153(2)(a),
 in Schedule 10, paragraph 17(5)(b) and (8).

] ¹⁷

(5) References in this Part to [Integrated Transport Authorities and Passenger Transport Executives] ¹⁸ and to [integrated transport areas] ¹⁹ are references respectively to the [Integrated Transport Authorities and Passenger Transport Executives] ¹⁸, and to [integrated transport areas] ¹⁹, for the purposes of Part II of the Transport Act 1968.

[(5A) In this Part “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.] ²⁰

[(5B) In this Part "combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.] ²¹

(6) [...] ²²

(7) References in this Part to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the Transport Act 1985.

Notes

¹ Definition inserted by Bus Services Act 2017 c. 21 Sch.1 para.10 (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

² Definition inserted by Bus Services Act 2017 c. 21 Sch.3 para.7(3) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

³ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.23(3) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁴ Definition substituted by Local Transport Act 2008 c. 26 Pt 2 s.10(7) (April 1, 2009 as SI 2009/579)

⁵ Word substituted by Bus Services Act 2017 c. 21 Sch.3 para.7(2) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁶ Definition inserted by Bus Services Act 2017 c. 21 Sch.2 para.23(2) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁷ Definition inserted by Bus Services Act 2017 c. 21 Sch.4 para.8 (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

- ⁸ Definitions inserted by Bus Services Act 2017 c. 21 Sch.2 para.23(2) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁹ Definition inserted by Local Transport Act 2008 c. 26 Pt 2 s.7(3) (April 1, 2009 as SI 2009/579)
- ¹⁰ Definition inserted subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.2 para.15(b) (October 17, 2007: insertion has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)
- ¹¹ Definition inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.134(2) (December 26, 2023)
- ¹² Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(2)(a) (February 9, 2009)
- ¹³ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(2)(b) (February 9, 2009)
- ¹⁴ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(2)(c) (February 9, 2009)
- ¹⁵ Words substituted by Local Transport Act 2008 c. 26 Pt 3 s.15(6) (January 31, 2010 as SI 2009/3294)
- ¹⁶ Entries repealed by Bus Services Act 2017 c. 21 Sch.2 para.23(5) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁷ Added by Local Transport Act 2008 c. 26 Pt 3 s.46(2) (April 1, 2009 as SI 2009/579)
- ¹⁸ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(3)(a) (February 9, 2009)
- ¹⁹ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(3)(b) (February 9, 2009)
- ²⁰ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.101 (December 17, 2009)
- ²¹ Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.134(3) (December 26, 2023)
- ²² Repealed by Local Transport Act 2008 c. 26 Sch.7(1) para.1 (January 31, 2010 as SI 2009/3294)

England

[162.— Interpretation of Part II.

(1) In this Part—

[“advanced quality partnership scheme” is to be construed in accordance with section 113C(2),]²

[“advanced ticketing scheme” is to be construed in accordance with section 134C(3),]³
 “appropriate national authority”, in relation to a quality partnership scheme, a quality contracts scheme or a ticketing scheme, means—

(a) [...] ⁴

(b) the National Assembly for Wales, as respects a scheme relating to an area in Wales, or

(c) the Secretary of State and the National Assembly for Wales acting jointly, as respects a scheme relating to an area in England and Wales,

“bus services” means services using public service vehicles,

“community bus permit” means a permit under section 22 of the Transport Act 1985,

[“connecting rail or tram service” —

(a) in relation to an advanced ticketing scheme, has the meaning given by section 134C(3), and

(b) in relation to a ticketing scheme,

has the meaning given in section 135(5),]⁵

“disabled person” has the meaning given in section 146,
 [“effective time”, in relation to a local service contract, has the meaning given by section 123J(7),]⁶
 “elderly person” has the meaning given in section 146,
 “eligible service” has the meaning given in section 146,
 [“enhanced partnership plan” and “enhanced partnership scheme” have the meaning given by section 138A,]⁷
 [“franchising authority” has the meaning given by section 123A(4),
 “franchising scheme” is to be construed in accordance with section 123A(3),]⁸
 [“exempt continuation proposal” is to be read in accordance with section 131B,]⁹
 “half-price travel concession” has the meaning given in section 146,
 [“interim service” has the meaning given by section 123O,
 “local service contract” has the meaning given by section 123A(5),]⁸
 “local transport authority” has the meaning given in section 108(4),
 [“local transport policies” has the meaning given in section 108(5),]¹⁰
 “London authority” has the meaning given in section 146,
 “London transport authority” means the Greater London Authority, a London borough council or the Common Council of the City of London,
 [“mayoral CCA” has the meaning given by section 27(8) of the Levelling-up and Regeneration Act 2023;]¹¹
 [“mayoral combined authority” has the meaning given by section 107A of the Local Democracy, Economic Development and Construction Act 2009,]⁶
 [...] ¹²
 “quality contract” has the meaning given in section 124(4),
 “quality contracts scheme” is to be construed in accordance with section 124(3),
 “quality partnership scheme” is to be construed in accordance with section 114(2),
 “railway” and “tramway” have the meanings given in section 67(1) of the Transport and Works Act 1992,
 [“scheme sub-area” has the meaning given by section 123H,
 “service permit” has the meaning given by section 123P,]⁸
 “relevant time” has the meaning given in section 146,
 “ticketing scheme” is to be construed in accordance with section 135(3),
 “traffic regulation order” means an order under the Road Traffic Regulation Act 1984 or any other enactment (other than this Act) regulating the use of roads or other places by public service vehicles, and
 “travel concession authority” has the meaning given in section 146.

(2) In this Part the expressions listed below have the same meaning as in the Public Passenger Vehicles Act 1981—“fares”, “modification”, “public service vehicle”, “PSV operator's licence”, “road”, and “traffic commissioner”.

(3) In this Part the expressions listed below have the same meaning as in the Transport Act 1985—“local service”, “public passenger transport services”, “stopping place”, and “traffic area”.

(4) Where a reference to an authority in any of the following provisions is to [an Integrated Transport Authority] ¹³, it is to be construed as a reference to the Passenger Transport Executive for the [integrated transport area] ¹⁴ concerned; and where a reference to authorities in any of those provisions is to one or more [Integrated Transport Authorities] ¹⁵, it is to be construed as a reference

to the Passenger Transport Executive or Executives for the [integrated transport area]¹⁴ or areas concerned—

section 114(2)(a),
 [section 116(2)(a), (4)(a), (4A)(a) and, in the second place, (4C),]¹⁶
 section 118(1) and (2),
 [...] ¹⁷
 section 139(5), and
 section 140.

[(4A) Where a reference to an authority in any of the following provisions is to an Integrated Transport Authority, it is to be construed as including a reference to the Passenger Transport Executive for the integrated transport area concerned—

section 153(2)(a),
 in Schedule 10, paragraph 17(5)(b) and (8).

] ¹⁸

(5) References in this Part to [Integrated Transport Authorities and Passenger Transport Executives]¹⁹ and to [integrated transport areas]²⁰ are references respectively to the [Integrated Transport Authorities and Passenger Transport Executives]¹⁹, and to [integrated transport areas]²⁰, for the purposes of Part II of the Transport Act 1968.

[(5A) In this Part “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.]²¹

[(5B) In this Part "combined county authority" means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.]²²

(6) [...] ²³

(7) References in this Part to the operator of a passenger transport service of any description are to be construed in accordance with section 137(7) of the Transport Act 1985.

] ¹

Notes

¹ Definition substituted by Local Transport Act 2008 c. 26 Pt 2 s.10(7) (February 9, 2009 as SI 2009/107)

² Definition inserted by Bus Services Act 2017 c. 21 Sch.1 para.10 (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.10 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

³ Definition inserted by Bus Services Act 2017 c. 21 Sch.3 para.7(3) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁴ Repealed by Bus Services Act 2017 c. 21 Sch.2 para.23(3) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁵ Word substituted by Bus Services Act 2017 c. 21 Sch.3 para.7(2) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.7 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁶ Definition inserted by Bus Services Act 2017 c. 21 Sch.2 para.23(2) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

- ⁷ Definition inserted by Bus Services Act 2017 c. 21 Sch.4 para.8 (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁸ Definitions inserted by Bus Services Act 2017 c. 21 Sch.2 para.23(2) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁹ Definition inserted by Local Transport Act 2008 c. 26 Pt 3 s.32(2) (January 11, 2010 as SI 2009/3242)
- ¹⁰ Definition inserted by Local Transport Act 2008 c. 26 Pt 2 s.7(3) (February 9, 2009 as SI 2009/107)
- ¹¹ Definition inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.134(2) (December 26, 2023)
- ¹² Definition repealed by Bus Services Act 2017 c. 21 Sch.2 para.23(4) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹³ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(2)(a) (February 9, 2009)
- ¹⁴ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(2)(b) (February 9, 2009)
- ¹⁵ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(2)(c) (February 9, 2009)
- ¹⁶ Words substituted by Local Transport Act 2008 c. 26 Pt 3 s.15(6) (April 6, 2009 as SI 2009/107)
- ¹⁷ Entries repealed by Bus Services Act 2017 c. 21 Sch.2 para.23(5) (June 27, 2017: 2017 c.21 s.6 and Sch.2 para.23 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ¹⁸ Added by Local Transport Act 2008 c. 26 Pt 3 s.46(2) (February 9, 2009 as SI 2009/107)
- ¹⁹ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(3)(a) (February 9, 2009)
- ²⁰ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.46(3)(b) (February 9, 2009)
- ²¹ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.101 (December 17, 2009)
- ²² Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.134(3) (December 26, 2023)
- ²³ Repealed by Local Transport Act 2008 c. 26 Sch.7(1) para.1 (February 9, 2009 as SI 2009/107)

Amendments Pending

Pt II s. 162(1) definition of "exempt continuation proposal": definition inserted in relation to Wales by Local Transport Act 2008 c. 26 Pt 3 s. 32(2) (Not yet in force: commencement order SI)

Pt II s. 162(4): words inserted in relation to Wales by Local Transport Act 2008 c. 26 Pt 3 s. 40(2) (Not yet in force: commencement order SI)

Pt II s. 162(4): entry repealed in relation to Wales by Local Transport Act 2008 c. 26 Sch. 7(2) para. 1 (Not yet in force: commencement order SI)

Proposed Draft Amendments

Pt II s. 162(1)(council_in_Scotland): definition inserted by Bus Services (No. 2) Bill 2024-26 (HC Bill 273) s. 12(4) (Consideration of Amendments, October 13, 2025) (date to be appointed: insertion has effect so far as it confers power to make regulations on the day on which this Act is passed as specified in Bus Services (No. 2) Bill 2024-25 s.40(4)(a); not yet in force otherwise)

Pt II s. 162(1) definition of "local highway authority": definition inserted by English Devolution and Community Empowerment Bill 2024-26 (HC Bill 283) Sch. 9 para. 15 (Commons' Committee Stage, October 16, 2025) (date to be appointed)

Commencement

Pt II s. 162(1): January 1, 2001

Pt II s. 162(1) definition of "appropriate national authority", (1) definition of "bus services"-(1) definition of "disabled person", (1) definition of "local transport authority"-(1) definition of "quality contract", (1) definition of "quality partnership scheme"-(1) definition of "railway", (1) definition of "ticketing scheme"-(1) definition of "traffic regulation

order", (4), (6)-(7): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt II s. 162(1) definition of "appropriate national authority" (a)-(1) definition of "appropriate national authority" (c), (1) definition of "quality contracts scheme": January 1, 2001 february 1, 2001 in relation to England; August 1, 2001 in relation to Wales

Pt II s. 162(1) definition of "elderly person"-(1) definition of "half", (1) definition of "relevant time": June 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 12)

Pt II s. 162(1) definition of "travel concession authority", (5): January 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 12)

Pt II s. 162(2): February 1, 2001 in relation to England for the purposes specified in SI 2001/57 Sch.3 Part 1; June 1, 2001 in relation to England otherwise; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 12)

Pt II s. 162(3): January 1, 2001 in relation to England for the purpose specified in SI 2000/3229 Sch.1 Part 1; February 1, 2001 in relation to England for the purposes specified in SI 2001/57 Sch.3 Part 1; June 1, 2001 in relation to England otherwise; August 1, 2001 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(I) para. 1, Sch. 1(IV) para. 1; SI 2001/57 art. 2, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 12)

Extent

Pt II s. 162(1)-(7): England, Wales

PART III

ROAD USER CHARGING AND WORKPLACE PARKING LEVY

CHAPTER I

ROAD USER CHARGING

Charging schemes

 Partially In Force

163.— Preliminary.

(1) In this Part “charging scheme” means a scheme for imposing charges in respect of the use or keeping of motor vehicles on roads.

(2) Charges imposed in respect of any motor vehicle by a charging scheme under this Part shall be paid—

- (a) by the registered keeper of the motor vehicle, or
- (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.

(3) A charging scheme may be made—

- (a) by a non-metropolitan local traffic authority (“a local charging scheme”),
- (b) jointly by more than one non-metropolitan local traffic authority (“a joint local charging scheme”),
- [(bb) jointly by an Integrated Transport Authority [, combined authority or combined county authority]² and one or more eligible local traffic authorities (“a joint local-ITA charging scheme”),]¹
- (c) jointly by one or more non-metropolitan local traffic authorities and one or more London traffic authorities (“a joint local-London charging scheme”), [...]¹
- [(cc) jointly by an Integrated Transport Authority [, combined authority or combined county authority]², one or more eligible local traffic authorities and one or more London traffic authorities (“a joint ITA-London charging scheme”), or]¹
- (d) by the Secretary of State or the National Assembly for Wales (“a trunk road charging scheme”).

(4) In this Part references to a non-metropolitan local traffic authority are to a local traffic authority for an area outside Greater London.

[(4A) In this Part “eligible local traffic authority” means, in relation to any Integrated Transport Authority [, combined authority or combined county authority]² for an integrated transport area, a local traffic authority which is a council falling within subsection (4B) for—

- (a) an area which lies within the Authority's area,
- (b) an area which adjoins the Authority's area,
- (c) an area which adjoins an area falling within paragraph (b).

(4B) The councils are—

- (a) a county council in England,
- (b) a council for a non-metropolitan district comprised in an area for which there is no county council,
- (c) a metropolitan district council.

] ¹

(5) In this Part—

- (a) “the charging authority”, in relation to a charging scheme under this Part made or proposed to be made by one authority, means the authority by which the charging scheme is or is proposed to be made, and
- (b) “the charging authorities”, in relation to a charging scheme under this Part made or proposed to be made jointly by more than one authority, means the authorities by which the charging scheme is or is proposed to be made.

[(5A) In this Part “combined authority” means a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.]³

[(5B) In this Part “combined county authority” means a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.]⁴

(6) The power to make joint local-London charging schemes [and joint ITA-London charging schemes]⁵ conferred by this Part does not limit any of the powers in Schedule 23 to the Greater London Authority Act 1999 (road user charging in Greater London).

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.103 (April 1, 2009 as SI 2009/579)
- ² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.135(2) (December 26, 2023)
- ³ Added by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.102(4) (December 17, 2009)
- ⁴ Added by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.135(3) (December 26, 2023)
- ⁵ Words inserted by Local Transport Act 2008 c. 26 Sch.5 para.2 (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. I s. 163(1)-(2)(a), (3)-(6): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise

Pt III c. I s. 163(2)(b): February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 163(1)-(6): England, Wales

 Partially In Force

164.— Local charging schemes.

(1) A local charging scheme may only be made in respect of roads for which the charging authority are the traffic authority.

(2) A local charging scheme [which has effect wholly outside an integrated transport area]¹ [, the area of a combined authority or the area of a combined county authority]² may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of [local transport policies of the charging authority]¹ .

[(3) A local charging scheme which has effect wholly within an integrated transport area [, the area of a combined authority or the area of a combined county authority]³ may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of—

- (a) the charging authority, and
- (b) the Integrated Transport Authority for the integrated transport area [or (as the case may be) the combined authority]⁴ [or combined county authority]⁵ .

(4) For the purposes of this section and sections 165 and 166—

- (a) a charging scheme has effect wholly outside an integrated transport area if none of the roads in respect of which it is made is in such an area;
- (b) any reference to a charging scheme which has effect wholly, or partly, within an integrated transport area is to be read accordingly.

] ¹

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.104 (April 1, 2009 as SI 2009/579)

- ² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.136(2) (December 26, 2023)
- ³ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.136(3)(a) (December 26, 2023)
- ⁴ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.103(3)(b) (December 17, 2009)
- ⁵ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.136(3)(b) (December 26, 2023)

Commencement

Pt III c. I s. 164(1)-(2): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 164(1)-(4)(b): England, Wales

 Partially In Force

165.— Joint local charging schemes.

(1) A joint local charging scheme may only be made in respect of roads for which any of the charging authorities are the traffic authority.

(2) A joint local charging scheme [which has effect wholly outside an integrated transport area]¹ [, the area of a combined authority or the area of a combined county authority]² may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of [local transport policies of the charging authorities]¹ .

[(3) A joint local charging scheme which has effect wholly or partly within an integrated transport area [, the area of a combined authority or the area of a combined county authority]³ may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of—

(a) the charging authorities, and

(b) the Integrated Transport Authority for the integrated transport area [or (as the case may be) the combined authority]⁴ [or combined county authority]⁵ .

(4) Section 164(4) has effect for the purposes of this section.]¹

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.105 (April 1, 2009 as SI 2009/579)
- ² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.137(2) (December 26, 2023)
- ³ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.137(3)(a) (December 26, 2023)
- ⁴ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.104(3)(b) (December 17, 2009)
- ⁵ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.137(3)(b) (December 26, 2023)

Commencement

Pt III c. I s. 165(1)-(2): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 165(1)-(4): England, Wales

 Law In Force

[165A Joint local-ITA charging schemes

- (1) A joint local-ITA charging scheme may only be made—
- (a) in respect of roads for which any of the charging authorities are the traffic authority, and
 - (b) if at least one of the roads in respect of which it is made is within the integrated transport area of the Integrated Transport Authority [or (as the case may be) the area of the combined authority]² [or combined county authority]³ .
- (2) A joint local-ITA charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of the charging authorities.[...]⁴
-] ¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Pt 6 s.106 (February 9, 2009 as SI 2009/107)
- ² Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.105 (December 17, 2009)
- ³ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.138 (December 26, 2023)
- ⁴ Added by Local Transport Act 2008 c. 26 Pt 6 s.106 (April 1, 2009 as SI 2009/579)

Extent

Pt III c. I s. 165A(1)-(2): England, Wales

 Partially In Force

166.— Joint local-London charging schemes.

- (1) A joint local-London charging scheme may only be made in respect of—
- (a) roads for which the non-metropolitan local traffic authority, or any of the non-metropolitan local traffic authorities, by which it is made are the traffic authority, and
 - (b) roads in respect of which the London traffic authority, or any of the London traffic authorities, by which it is made may impose charges by a scheme under Schedule 23 to the Greater London Authority Act 1999 without the consent of the Secretary of State.
- (2) A joint local-London charging scheme [which has effect wholly outside an integrated transport area]¹ [, the area of a combined authority or the area of a combined county authority]² may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—
- (a) [local transport policies]¹ of the non-metropolitan local traffic authority, or [...] ¹ the non-metropolitan local traffic authorities, by which it is made, and

(b) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

[(3) A joint local-London charging scheme which has effect partly within an integrated transport area [, the area of a combined authority or the area of a combined county authority] ³ may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—

- (a) local transport policies of the non-metropolitan local traffic authority, or the non-metropolitan local traffic authorities, by which the scheme is made,
- (b) local transport policies of the Integrated Transport Authority for the integrated transport area [or (as the case may be) the combined authority] ⁴ [or combined county authority] ⁵, and
- (c) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

(4) Section 164(4) has effect for the purposes of this section.] ¹

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.107 (April 1, 2009 as SI 2009/579)
- ² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.139(2) (December 26, 2023)
- ³ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.139(3)(a) (December 26, 2023)
- ⁴ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.106(3)(b) (December 17, 2009)
- ⁵ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.139(3)(b) (December 26, 2023)

Commencement

Pt III c. I s. 166(1)-(2)(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Pt III c. I s. 166(1)-(4): England, Wales



Law In Force

[166A Joint ITA-London charging schemes

(1) A joint ITA-London charging scheme may only be made—

- (a) in respect of roads falling within subsection (2), and
- (b) if at least one of the roads in respect of which it is made is within the integrated transport area of the Integrated Transport Authority [or (as the case may be) the area of the combined authority] ² [or combined county authority] ³.

(2) The roads are—

- (a) roads for which the eligible local traffic authority, or any of the eligible local traffic authorities, by which the scheme is made are the traffic authority, and
- (b) roads in respect of which the London traffic authority, or any of the London traffic authorities, by which the scheme is made may impose charges by a scheme under Schedule 23 to the Greater London Authority Act 1999 without the consent of the Secretary of State.

(3) A joint ITA-London charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—

- (a) local transport policies of the eligible local traffic authority, or the eligible local traffic authorities, by which the scheme is made,
- (b) local transport policies of the Integrated Transport Authority [, combined authority or combined county authority]⁴ by which the scheme is made, and
- (c) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.[...]⁵

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 6 s.108 (February 9, 2009 as SI 2009/107)

² Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.107(2) (December 17, 2009)

³ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.140(2) (December 26, 2023)

⁴ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.140(3) (December 26, 2023)

⁵ Added by Local Transport Act 2008 c. 26 Pt 6 s.108 (April 1, 2009 as SI 2009/579)

Extent

Pt III c. I s. 166A(1)-(3)(c): England, Wales

 Partially In Force

167.— Trunk road charging schemes.

(1) A trunk road charging scheme may only be made—

- (a) by the Secretary of State in respect of roads for which he [or a strategic highways company]¹ is the traffic authority, or
- (b) by the National Assembly for Wales in respect of roads for which it is the traffic authority.

(2) A trunk road charging scheme [under subsection (1)(a)]² may only be made in respect of a road if—

- (a) the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length, or
- (b) a local traffic authority [, an Integrated Transport Authority]³ [, a combined authority]⁴ [, a combined county authority]⁵ or Transport for London has requested the charging authority to make the trunk road charging scheme in connection with a charging scheme under this Part, or a scheme under Schedule 23 to the Greater London Authority Act 1999, made or proposed by them.

[(3) A trunk road charging scheme under subsection (1)(b) may only be made in respect of a road if—

- (a) the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length,

- (b) the scheme is made for the purpose of reducing or limiting air pollution in the vicinity of the road (which may comprise or include a length of road of the kind described in paragraph (a)), or
- (c) a local traffic authority have requested the charging authority to make the scheme in connection with a charging scheme under this Part made or proposed by them.

(4) Subsection (3)(b) does not prevent a scheme made by virtue of subsection (3)(c) from being made for the purpose of reducing or limiting air pollution.]⁶

Notes

- ¹ Words inserted by Infrastructure Act 2015 c. 7 Sch.1(2) para.126 (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)
- ² Words inserted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Pt 1 c.2 s.22(2)(a) (April 14, 2024)
- ³ Words inserted by Local Transport Act 2008 c. 26 Sch.5 para.3 (April 1, 2009 as SI 2009/579)
- ⁴ Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.108 (December 17, 2009)
- ⁵ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.141 (December 26, 2023)
- ⁶ Added by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Pt 1 c.2 s.22(2)(b) (April 14, 2024)

Commencement

Pt III c. I s. 167(1)-(2)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 167(1)-(4): England, Wales

Making of charging schemes

 Partially In Force

168.— Charging schemes to be made by order.

- (1) A charging scheme under this Part is made by order of the charging authority or of the charging authorities (acting jointly).
- (2) The charging authority or the charging authorities (acting jointly) may by order vary a charging scheme under this Part and the charging authority or any of the charging authorities may by order revoke such a scheme; but where a trunk road charging scheme is made at the request of a local traffic authority [, an Integrated Transport Authority]¹ [, a combined authority]² [, a combined county authority]³ or Transport for London, it shall not be varied or revoked unless the local traffic authority [, the Integrated Transport Authority [, the combined authority or the combined county authority]⁵]⁴ , or Transport for London, have been consulted about its variation or revocation.
- (3) The appropriate national authority may make regulations about orders making, varying or revoking charging schemes under this Part, including (in particular)—

- (a) provision specifying the form of orders,
- (b) provision about the publication of proposals for orders making or varying such charging schemes and the making and consideration of objections to such proposals, and
- (c) provision about the publication of notice of orders and of their effect.

(4) Before making regulations under subsection (3) which relate to joint local-London charging schemes the Secretary of State shall consult the Greater London Authority about the regulations so far as they so relate.

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Sch.5 para.4 (April 1, 2009 as SI 2009/579)
- ² Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.109(a) (December 17, 2009)
- ³ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.142(a) (December 26, 2023)
- ⁴ Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.109(b) (December 17, 2009)
- ⁵ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.142(b) (December 26, 2023)

Commencement

Pt III c. I s. 168(1)-(2), (4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. I s. 168(3)-(3)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 168(1)-(4): England, Wales

 Partially In Force

169.— Confirmation of charging schemes.

(1) A charging scheme under this Part [which relates wholly or partly to Wales]¹, other than a trunk road charging scheme, shall not come into force unless the order making it has been submitted to and confirmed by [the Welsh Ministers]¹; and a variation of such a charging scheme shall not take effect until the order making the variation has been so submitted and confirmed.

(2) Subsection (1) does not apply in such circumstances as may be specified in or determined in accordance with regulations made by [the Welsh Ministers]¹.

(3) A joint local-London charging scheme [or joint ITA-London charging scheme]² shall not come into force unless the order making it has been submitted to and confirmed by the Greater London Authority; and a variation or revocation of such a charging scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.

(4) Where confirmation of an order is required by this section, the order may be confirmed with or without modifications.

(5) [...] ¹

Notes

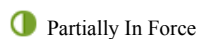
- ¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.110 (April 1, 2009 as SI 2009/579)
- ² Words inserted by Local Transport Act 2008 c. 26 Sch.5 para.5 (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. I s. 169(1)-(5)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 169(1)-(5)(c): England, Wales

**170.— Charging schemes: consultation and inquiries.**

[(1A) Where the charging authority or any of the charging authorities are—

- (a) a local traffic authority for an area in England, or
- (b) an Integrated Transport Authority [, a combined authority or a combined county authority]² ,

that authority or those authorities (acting alone or jointly) must consult such local persons, and such representatives of local persons, as they consider appropriate about the charging scheme.

(1B) In subsection (1A)—

“local persons” means any persons who are likely to be affected by, or interested in, the making of the scheme;

“representatives” means any persons who appear to the charging authority or charging authorities to be representative of local persons.

(1C) In any other case, the charging authority or the charging authorities (acting jointly) may, at any time before an order making, varying or revoking a charging scheme under this Part is made, consult such persons as they consider appropriate about the charging scheme, variation or revocation.]¹

(2) The charging authority or the charging authorities (acting jointly)—

- (a) may cause an inquiry to be held in relation to a charging scheme under this Part, or the variation or revocation of such a scheme, and
- (b) may appoint the person or persons by whom such an inquiry is to be held.

(3) [The Welsh Ministers]¹ may at any time—

- (a) before an order making or varying a charging scheme under this Part [which relates wholly or partly to Wales]¹ (other than a trunk road charging scheme) is made, or
- (b) (where such an order has to be confirmed) before it is confirmed,

consult other persons, or require the charging authority or authorities to consult other persons, about the charging scheme or variation.

(4) [The Welsh Ministers]¹ —

- (a) may cause an inquiry to be held in relation to a charging scheme under this Part [which relates wholly or partly to Wales]¹ (other than a trunk road charging scheme) or the variation of such a scheme, and
- (b) may appoint the person or persons by whom such an inquiry is to be held.
- (5) In the case of a joint local-London charging scheme [or joint ITA-London charging scheme]³
-
- (a) the Greater London Authority may, at any time before an order making, varying or revoking the charging scheme is confirmed by that Authority, consult other persons, or require the charging authorities to consult other persons, about the charging scheme, variation or revocation [.]¹
- (b) [...] ¹
- (6) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of this section.
- (7) Where an inquiry is held by virtue of this section in relation to a charging scheme, or the variation or revocation of such a scheme, the costs of the inquiry shall be paid—
- (a) in the case of a trunk road charging scheme made by virtue of section 167(2)(b) [or (3)(c)]⁴ , by the local traffic authority [, Integrated Transport Authority [, combined authority or combined county authority]⁶]⁵ which requested the making of the scheme (or Transport for London, if it did), and
- (b) in any other case, by the charging authority or authorities;
- and the parties at the inquiry shall bear their own costs.

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.111 (April 1, 2009 as SI 2009/579)
- ² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.143(2) (December 26, 2023)
- ³ Amended by Local Transport Act 2008 c. 26 Sch.5 para.6 (April 1, 2009 as SI 2009/579)
- ⁴ Words inserted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Pt 1 c.2 s.22(3) (April 14, 2024)
- ⁵ Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.110(3) (December 17, 2009)
- ⁶ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.143(3) (December 26, 2023)

Commencement

Pt III c. I s. 170(1)-(7)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 170(1A)-(7)(b): England, Wales

Contents of charging schemes

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [Wales](#)

 Partially In Force With Amendments Pending

England

171.— Matters to be dealt with in charging schemes.

- (1) A charging scheme under this Part must—
- (a) designate the roads in respect of which charges are imposed,
 - (b) specify or describe the events by reference to the happening of which a charge is imposed in respect of a motor vehicle being used or kept on a road,
 - (c) specify the classes of motor vehicles in respect of which charges are imposed,
 - (d) specify the charges imposed, and
 - (e) state whether or not the charging scheme is to remain in force indefinitely and, if it is not to remain in force indefinitely, the period for which it is to remain in force.
- (2) Subject to sections 164 to 167 and to any modifications made by virtue of section 169, the designation of the roads in respect of which charges are imposed by a charging scheme under this Part shall be such as the charging authority or authorities may determine.
- (3) Any charge imposed by a charging scheme under this Part in respect of the keeping of a motor vehicle on a road must also have effect in respect of the use of the motor vehicle on that road.
- (4) A charging scheme under this Part may make provision in relation to the manner in which charges are to be made, collected, recorded and paid.
- (5) The charges that may be imposed by a charging scheme under this Part include different charges (which may be no charge) for different cases, including (in particular)—
- (a) different days,
 - (b) different times of day,
 - (c) different roads,
 - (d) different distances travelled, and
 - (e) different classes of motor vehicles [, and]¹
 - [(f) different methods or means of recording, administering, collecting or paying the charge.]¹
- (6) In setting the charges imposed by a charging scheme under this Part, regard may be had to the purposes for which any of the net proceeds of the charging scheme may be applied (in accordance with Schedule 12).
- (7) A charging scheme under this Part may contain provision requiring—
- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed, or
 - (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 6 s.112(1) (April 1, 2009 as SI 2009/579)

Wales

[171.— Matters to be dealt with in charging schemes.

- (1) A charging scheme under this Part must—
- (a) designate the roads in respect of which charges are imposed,
 - (b) specify or describe the events by reference to the happening of which a charge is imposed in respect of a motor vehicle being used or kept on a road,
 - (c) specify the classes of motor vehicles in respect of which charges are imposed,
 - (d) specify the charges imposed, and
 - (e) state whether or not the charging scheme is to remain in force indefinitely and, if it is not to remain in force indefinitely, the period for which it is to remain in force.
- (2) Subject to sections 164 to 167 and to any modifications made by virtue of section 169, the designation of the roads in respect of which charges are imposed by a charging scheme under this Part shall be such as the charging authority or authorities may determine.
- (3) Any charge imposed by a charging scheme under this Part in respect of the keeping of a motor vehicle on a road must also have effect in respect of the use of the motor vehicle on that road.
- (4) A charging scheme under this Part may make provision in relation to the manner in which charges are to be made, collected, recorded and paid.
- (5) The charges that may be imposed by a charging scheme under this Part include different charges (which may be no charge) for different cases, including (in particular)—
- (a) different days,
 - (b) different times of day,
 - (c) different roads,
 - (d) different distances travelled,
 - (e) different classes of motor vehicles, and
 - (f) different methods or means of recording, administering, collecting or paying the charge.
- (6) In setting the charges imposed by a charging scheme under this Part, regard may be had to the purposes for which any of the net proceeds of the charging scheme may be applied (in accordance with Schedule 12).
- (7) A charging scheme under this Part may contain provision requiring—
- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed, or
 - (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.

¹

Notes

¹ Word repealed by Local Transport Act 2008 c. 26 Sch.7(5) para.1 (January 31, 2010 as SI 2009/3294)

Amendments Pending

Pt III c. I s. 171(5)(d): word repealed by Local Transport Act 2008 c. 26, Sch. 7(5) para. 1 (date to be appointed)

Commencement

Pt III c. I s. 171(1)-(7)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 171(1)-(7)(b): England, Wales

 Partially In Force

172.— [Charging schemes: supplementary provision as to contents]¹

(1) The appropriate national authority may make regulations requiring charging schemes under this Part to contain provision for or in connection with—

- (a) exemptions from charges,
- (b) the application of reduced rates of charges, or
- (c) the imposition of limits on the charges payable.

(2) Subject to regulations under subsection (1) and to section 169(1) and (3), a charging scheme under this Part may contain provision of any of the descriptions specified in that subsection.

[(2A) The appropriate national authority may by regulations—

- (a) make provision requiring charging schemes under this Part to provide that in specified circumstances—
 - (i) persons of a specified description may pay, and
 - (ii) where those persons so choose, the charging authorities must collect, the charges imposed by such schemes in a specified manner;
- (b) make provision for or in connection with the arrangements to be made by charging authorities with any person for the purpose of enabling charges to be paid, and collected, as mentioned in paragraph (a).

(2B) In subsection (2A) “specified” means specified in the regulations.]²

[(3) A road shall not be subject to—

- (a) charges imposed by more than one charging scheme under this Part at the same time;
- (b) charges imposed by such a charging scheme and a scheme under Schedule 23 to the Greater London Authority Act 1999 at the same time, except with the consent of the Authority.

] ³

(4) A road shall not be subject to charges under a charging scheme under this Part if tolls are charged in respect of the use of the road.

Notes

¹ Words substituted by Local Transport Act 2008 c. 26 Pt 6 s.113(4) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England otherwise; April 1, 2009 otherwise)

- ² Added by Local Transport Act 2008 c. 26 Pt 6 s.113(2) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England otherwise; April 1, 2009 otherwise)
- ³ Substituted by Local Transport Act 2008 c. 26 Pt 6 s.113(3) (November 26, 2008 in relation to any power to make regulations or an order; February 9, 2009 in relation to England otherwise; April 1, 2009 otherwise)

Commencement

Pt III c. I s. 172(1)-(1)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. I s. 172(2)-(4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise

Extent

Pt III c. I s. 172(1)-(4): England, Wales

[Suspension of charging schemes]¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Pt 6 s.114 (February 9, 2009 as SI 2009/107)
-

 Law In Force

[172A Suspension of charging schemes

- (1) The charging authority or the charging authorities (acting jointly) may suspend the operation of a charging scheme under this Part if they consider that it is necessary to do so—
- (a) in the event of an emergency, to enable or facilitate any action taken in response to the emergency;
 - (b) to enable or facilitate a temporary event to take place.
- (2) A suspension under this section is for such period as the charging authority or authorities consider necessary—
- (a) in the case of an emergency, to enable or facilitate the response to the emergency (but in any event no longer than 30 days);
 - (b) in the case of a temporary event, to enable or facilitate the event to take place, together with any associated works undertaken before or after it.
- (3) A charging scheme may be suspended under this section in whole or in part; and if a scheme is suspended in part that suspension may be in respect of—
- (a) any road in respect of which charges are imposed;
 - (b) any event by reference to the happening of which a charge is imposed;
 - (c) any class of motor vehicle in respect of which charges are imposed.
- (4) The charging authority or authorities must publish a notice of any suspension under this section.
- (5) A notice under subsection (4)—

- (a) must be published in such manner as the charging authority or authorities consider appropriate to bring the suspension to the attention of all persons who are likely to be affected by it;
 - (b) must state the period for which the scheme is to be suspended.
- (6) In the case of a suspension under subsection (1)(a), the charging authority or authorities—
- (a) must keep under review the need for the suspension to continue, and
 - (b) may increase or reduce the period of the suspension (but they may not increase it so as to suspend the scheme for a period of more than 30 days).[...]²

]¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Pt 6 s.114 (February 9, 2009 as SI 2009/107)

² Added by Local Transport Act 2008 c. 26 Pt 6 s.114 (April 1, 2009 as SI 2009/579)

Extent

Pt III c. I s. 172A(1)-(6)(b): England, Wales

Enforcement of charging schemes

 Partially In Force

173.— Penalty charges.

- (1) The appropriate national authority may by regulations make provision for or in connection with the imposition and payment of charges (“charging scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with charging schemes under this Part.
- (2) The regulations may include provision for or in connection with setting the rates of charging scheme penalty charges (which may include provision for discounts or surcharges).
- (3) Charging scheme penalty charges in respect of any motor vehicle shall be paid—
 - (a) by the registered keeper of the motor vehicle, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (4) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of charging scheme penalty charges.
- (5) A person commits an offence if with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme under this Part—
 - (a) he interferes with any equipment [, or with the functioning of any equipment,]¹ used for or in connection with charging under the charging scheme, or
 - (b) he causes or permits the registration plate of a motor vehicle to be obscured.
- (6) A person commits an offence if he makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, charges imposed by a charging scheme under this Part or charging scheme penalty charges.

(7) A person commits an offence if he removes a notice of a charging scheme penalty charge which has been fixed to a motor vehicle in accordance with regulations under this section unless—

- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority, or
- (b) he does so under the authority of the registered keeper or such a person or of the charging authority or any of the charging authorities.

(8) A person guilty of an offence under subsection (5) or (6) is liable on summary conviction to—

- (a) a fine not exceeding level 5 on the standard scale, or
- (b) imprisonment for a term not exceeding six months,

or to both.

(9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Notes

- ¹ Words inserted by Local Transport Act 2008 c. 26 Pt 6 s.115(1) (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. I s. 173(1)-(4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. I s. 173(5)-(9): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise

Extent

Pt III c. I s. 173(1)-(9): England, Wales

 Partially In Force

174.— Examination, entry, search and seizure.

(1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer powers on persons specified in, or determined in accordance with, the regulations for or in connection with examining a motor vehicle for ascertaining—

- (a) whether any document required to be displayed while the motor vehicle is on a road in respect of which charges are imposed is so displayed,
- (b) whether any equipment required to be carried in or fitted to the motor vehicle while the motor vehicle is on such a road is carried or fitted, is in proper working order [—]¹
[(bb) whether any such equipment, or the functioning of any such equipment, has been interfered with with intent to avoid payment of a charge, or to avoid any person being identified as having failed to pay a charge, or]¹
- (c) whether any conditions relating to the use of any such equipment are satisfied.

(2) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to enter a motor vehicle where he has reasonable grounds for suspecting that—

- (a) any equipment required to be carried in or fitted to it while it is on a road in respect of which charges are imposed has been interfered with [, or the functioning of any such equipment has been interfered with,]¹ with intent to avoid payment of, or [to avoid any person]¹ being identified as having failed to pay, a charge imposed by the charging scheme, or
- (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or [to avoid any person]¹ being identified as having failed to pay, such a charge.
- (3) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by a charging scheme under this Part by virtue of subsection (2).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to—
- a fine not exceeding level 5 on the standard scale, or
 - imprisonment for a term not exceeding six months,
- or to both.
- (5) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 173(5) or (6).
- (6) A charging scheme under this Part may not authorise an examination of, or entry into, a motor vehicle unless it is on a road.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.115(2) (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. I s. 174(1)-(2)(b), (5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. I s. 174(3)-(4)(b), (6): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise

Extent

Pt III c. I s. 174(1)-(6): England, Wales

 Partially In Force

175.— Immobilisation etc.

- (1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to make provision for or in connection with—
- the fitting of immobilisation devices to motor vehicles,
 - the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted,
 - the removal and storage of motor vehicles,
 - the release of motor vehicles from immobilisation devices or from storage,

- (e) the satisfaction of conditions before the release of a motor vehicle, and
- (f) the sale or destruction of motor vehicles not released.

(2) A person commits an offence if he removes or interferes with an immobilisation notice fixed to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.

(3) A person commits an offence if he removes or attempts to remove an immobilisation device fitted to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.

(4) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by provision included in a charging scheme under this Part by virtue of subsection (1).

(5) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) A person guilty of an offence under subsection (3) or (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) In this section “immobilisation device” has the same meaning as in section 104 of the Road Traffic Regulation Act 1984.

(8) A charging scheme under this Part may not authorise or require the fitting of an immobilisation device to, or the removal of, a motor vehicle unless it is on a road.

Commencement

Pt III c. I s. 175(1)-(1)(f): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. I s. 175(2)-(8): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise

Extent

Pt III c. I s. 175(1)-(8): England, Wales

Supplementary

 Partially In Force

176.— Equipment etc.

(1) The charging authority, or any of the charging authorities, in relation to a charging scheme under this Part may—

- (a) install and maintain, or authorise the installation and maintenance of, any equipment, or
- (b) construct and maintain, or authorise the construction and maintenance of, any buildings or other structures,

used or to be used for or in connection with the operation of a charging scheme under this Part.

[(1A) In relation to a charging scheme under section 167 (trunk road charging schemes), a strategic highways company may—

- (a) install and maintain, or authorise the installation and maintenance of, any equipment, or
- (b) construct and maintain, or authorise the construction and maintenance of, any buildings or other structures,

used or to be used for or in connection with the operation of a charging scheme under that section.

] ¹

(2) [The appropriate national authority may by regulations—

- (a) approve standards for equipment installed, or authorised to be installed, by charging authorities for or in connection with the operation of charging schemes under this Part, or
- (b) regulate the manner in which such equipment is used.] ²

(3) [No equipment may be—

- (a) installed for or in connection with the operation of a charging scheme under this Part if it is incompatible with a standard approved under subsection (2)(a), or
- (b) used for or in connection with the operation of such a scheme otherwise than in accordance with regulations under subsection (2)(b).] ²

Notes

¹ Added by Infrastructure Act 2015 c. 7 Sch.1(2) para.127 (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)

² Substituted by Local Transport Act 2008 c. 26 Pt 6 s.116 (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. I s. 176(1)-(1)(b), (3): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. I s. 176(2): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 176(1)-(3)(b): England, Wales

 Partially In Force

177.— Traffic signs.

(1) The appropriate national authority may direct the charging authority, or any of the charging authorities, in relation to a charging scheme under this Part (other than a trunk road charging scheme) to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with the scheme.

(2) In the case of a joint local-London charging scheme [or joint ITA-London charging scheme] ¹ the Greater London Authority may also exercise the power conferred by subsection (1); but any direction under this subsection shall not have effect if and to the extent that it is inconsistent with a direction under subsection (1).

(3) The appropriate national authority may direct any local traffic authority to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with a trunk road charging scheme.

[(3A) The Secretary of State may direct a strategic highways company to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with a trunk road charging scheme.]²

(4) An authority [or a strategic highways company]³ which is or could be given a direction under this section may enter any land, and exercise any other powers which may be necessary, for placing and maintaining traffic signs, or causing traffic signs to be placed and maintained, in connection with any charging scheme in respect of which a direction is or could be given.

(5) A direction under this section shall be given in writing and may be varied or revoked by the authority by which it was given.

(6) In this section “traffic signs” has the meaning given by section 64 of the Road Traffic Regulation Act 1984 but also includes signposts and other signs and notices included in that term by section 71(2) of that Act.

Notes

¹ Words inserted by Local Transport Act 2008 c. 26 Sch.5 para.7 (April 1, 2009 as SI 2009/579)

² Added by Infrastructure Act 2015 c. 7 Sch.1(2) para.128(2) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)

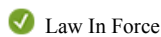
³ Words inserted by Infrastructure Act 2015 c. 7 Sch.1(2) para.128(3) (February 12, 2015 in so far as it confers power to make regulations; March 5, 2015 otherwise)

Commencement

Pt III c. I s. 177(1)-(6): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.13; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. I s. 177(1)-(6): England, Wales



Law In Force

[177A Power to require information

(1) The appropriate national authority may direct a local traffic authority [, Integrated Transport Authority [, combined authority or combined county authority]³]² to provide it, within a specified period, with specified information connected with any aspect of the performance or proposed performance of their functions under this Chapter.

(2) The information that may be specified in such a direction must be information which the authority have in their possession or can reasonably be expected to acquire.

(3) A direction under this section may be given to two or more authorities or to authorities of a description specified in the direction.[...]⁴

] ¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Pt 6 s.117(1) (February 9, 2009 as SI 2009/107)
- ² Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.111 (December 17, 2009)
- ³ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.144 (December 26, 2023)
- ⁴ Added by Local Transport Act 2008 c. 26 Pt 6 s.117(1) (April 1, 2009 as SI 2009/579)

Extent

Pt III c. I s. 177A(1)-(3): England, Wales

CHAPTER II**WORKPLACE PARKING LEVY***Licensing schemes*

 Partially In Force

178.— Preliminary.

(1) In this Part “licensing scheme” means a scheme for imposing charges in respect of the provision of workplace parking places at premises in the area covered by the scheme to be paid on licences covering the provision of a maximum number of such parking places at the premises.

(2) Charges imposed in respect of any premises by a licensing scheme under this Part shall be paid—

- (a) by the occupier of the premises, or
- (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.

(3) In this Part “licence” means a licence under a licensing scheme under this Part.

(4) A licence relating to premises must cover the provision at the premises of the number of workplace parking places requested by the applicant for the licence; and in this Part “licensed unit”, in relation to a licence relating to premises, means each unit comprised in the maximum number of workplace parking places which may be provided at the premises under the cover of the licence.

(5) A licensing scheme may be made—

- (a) by a non-metropolitan local traffic authority (“a local licensing scheme”),
- (b) jointly by more than one non-metropolitan local traffic authority (“a joint local licensing scheme”), or
- (c) jointly by one or more non-metropolitan local traffic authorities and one or more London traffic authorities (“a joint local-London licensing scheme”).

(6) In this Part—

- (a) “the licensing authority”, in relation to a licensing scheme under this Part made or proposed to be made by one authority, means the authority by which the licensing scheme is or is proposed to be made, and
- (b) “the licensing authorities”, in relation to a licensing scheme under this Part made or proposed to be made jointly by more than one authority, means the authorities by which the licensing scheme is or is proposed to be made.

(7) The power to make joint local-London licensing schemes conferred by this Part does not limit any of the powers in Schedule 24 to the Greater London Authority Act 1999 (workplace parking levy in Greater London).

Commencement

Pt III c. II s. 178(1)-(2)(a), (3)-(7): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. II s. 178(2)(b): February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 178(1)-(7): England, Wales

 Partially In Force

179.— Local licensing schemes.

(1) A local licensing scheme may cover the whole or any part of the area of the licensing authority.

(2) A local licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of [local transport policies of the licensing authority]¹

.

Notes

¹ Words substituted by Local Transport Act 2008 c. 26 Sch.1 para.5(2) (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. II s. 179(1)-(2): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 179(1)-(2): England, Wales

**180.— Joint local licensing schemes.**

(1) A joint local licensing scheme may cover the whole or any part of the combined area of the licensing authorities.

(2) A joint local licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of [local transport policies of the licensing authorities]¹.

Notes

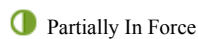
¹ Words substituted by Local Transport Act 2008 c. 26 Sch.1 para.6(2) (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. II s. 180(1)-(2): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 180(1)-(2): England, Wales

**181.— Joint local-London licensing schemes.**

(1) A joint local-London licensing scheme may cover—

- (a) the whole or any part of the area of the non-metropolitan local traffic authority, or combined area of the non-metropolitan local traffic authorities, by which it is made, and
- (b) the whole or any part of any area to which a scheme under Schedule 24 to the Greater London Authority Act 1999 made by the London traffic authority, or any of the London traffic authorities, by which it is made could apply.

(2) A joint local-London licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—

- (a) [local transport policies]¹ of the non-metropolitan local traffic authority, or [...] the non-metropolitan local traffic authorities, by which it is made, and
- (b) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Sch.1 para.7(2) (April 1, 2009 as SI 2009/579)

Commencement

Pt III c. II s. 181(1)-(2)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 181(1)-(2)(b): England, Wales

 Partially In Force

182.— Workplace parking places.

(1) For the purposes of this Part a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time occupied by a motor vehicle (other than an exempt vehicle) used—

- (a) by a relevant person,
- (b) by an employee, agent, supplier, business customer or business visitor of a relevant person,
- (c) by a pupil or student attending a course of education or training provided by a relevant person, or
- (d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,

for attending a place at which the relevant person carries on business at or in the vicinity of the premises.

(2) In this section “relevant person” means—

- (a) the person who provides the parking place in question (“the provider”),
- (b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person's own use), or
- (c) any person who is associated with the provider or a person within paragraph (b).

(3) For the purposes of subsection (2)(c) any two persons are associated if and only if—

- (a) one is a company of which the other (directly or indirectly) has control, or
- (b) both are companies of which a third person (directly or indirectly) has control.

(4) For the purposes of this section—

“business” includes—

- (a) any trade, profession, vocation or undertaking,
- (b) the functions of any office holder,
- (c) the provision of any course of education or training, and
- (d) the functions of, or any activities carried on by, a government department or a local authority or other statutory body,

“business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at any premises occupied by the relevant person for the purposes of a business carried on by that client or customer,

“business visitor”, in relation to a relevant person, means an individual who—

- (a) in the course of his employment, or
- (b) in the course of carrying on a business or for the purposes of a business carried on by him,

is visiting the relevant person or any premises occupied by the relevant person,

“employee” means a person employed under a contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing, and

“supplier”, in relation to a relevant person, means—

- (a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person, or
- (b) any agent or sub-contractor of such a person.

(5) The appropriate national authority may make regulations amending the preceding provisions of this section for the purpose of adding, removing or varying cases where, for the purposes of this Part, a workplace parking place is provided.

Commencement

Pt III c. II s. 182(1)-(4) definition of "supplier" (b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. II s. 182(5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 182(1)-(5): England, Wales

Making of licensing schemes

 Partially In Force

183.— Licensing schemes to be made by order.

- (1) A licensing scheme under this Part is made by order of the licensing authority or of the licensing authorities (acting jointly).
- (2) The licensing authority or the licensing authorities (acting jointly) may by order vary a licensing scheme under this Part and the licensing authority or any of the licensing authorities may by order revoke such a scheme.
- (3) The appropriate national authority may make regulations about orders making, varying or revoking licensing schemes under this Part, including (in particular)—
 - (a) provision specifying the form of orders,
 - (b) provision about the publication of proposals for orders making or varying such licensing schemes and the making and consideration of objections to such proposals, and
 - (c) provision about the publication of notice of orders and of their effect.
- (4) Before making regulations under subsection (3) which relate to joint local-London licensing schemes the Secretary of State shall consult the Greater London Authority about the regulations so far as they so relate.

Commencement

Pt III c. II s. 183(1)-(2), (4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. II s. 183(3)-(3)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 183(1)-(4): England, Wales

 Partially In Force

184.— Confirmation of licensing schemes.

(1) A licensing scheme under this Part shall not come into force unless the order making it has been submitted to and confirmed by the appropriate national authority; and a variation of such a licensing scheme shall not take effect until the order making the variation has been so submitted and confirmed.

(2) Subsection (1) does not apply in such circumstances as may be specified in or determined in accordance with regulations made by the appropriate national authority.

(3) A joint local-London licensing scheme shall not come into force unless the order making it has been submitted to and confirmed by the Greater London Authority; and a variation or revocation of such a licensing scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.

(4) Where confirmation of an order is required by this section, the order may be confirmed with or without modifications.

(5) Where confirmation by both the Secretary of State and the Greater London Authority of an order making a joint local-London licensing scheme, or a variation of such a licensing scheme, is required by this section—

(a) the order shall not be submitted to the Secretary of State until it has been confirmed by the Greater London Authority,

(b) if the order has been confirmed by the Greater London Authority with modifications it is the modified order that must be submitted to the Secretary of State, and

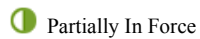
(c) the order may not be confirmed with modifications by the Secretary of State until the modifications have been confirmed by the Greater London Authority.

Commencement

Pt III c. II s. 184(1)-(5)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 184(1)-(5)(c): England, Wales

**185.— Licensing schemes: consultation and inquiries.**

- (1) The licensing authority or the licensing authorities (acting jointly) may at any time before an order making, varying or revoking a licensing scheme under this Part is made, consult other persons about the licensing scheme, variation or revocation.
- (2) The licensing authority or the licensing authorities (acting jointly)—
- (a) may cause an inquiry to be held in relation to a licensing scheme under this Part, or the variation or revocation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (3) The appropriate national authority may at any time—
- (a) before an order making or varying a licensing scheme under this Part is made, or
 - (b) (where such an order has to be confirmed) before it is confirmed,
- consult other persons, or require the licensing authority or authorities to consult other persons, about the licensing scheme or variation.
- (4) The appropriate national authority—
- (a) may cause an inquiry to be held in relation to a licensing scheme under this Part or the variation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (5) In the case of a joint local-London licensing scheme—
- (a) the Greater London Authority may, at any time before an order making, varying or revoking the licensing scheme is confirmed by that Authority, consult other persons, or require the licensing authorities to consult other persons, about the licensing scheme, variation or revocation, and
 - (b) the Secretary of State shall not cause an inquiry to be held in relation to the licensing scheme, or the variation of the licensing scheme, or appoint the person or persons by whom such an inquiry is to be held, without the consent of the Greater London Authority.
- (6) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of this section.
- (7) Where an inquiry is held by virtue of this section in relation to a licensing scheme or the variation or revocation of such a scheme—
- (a) the costs of the inquiry shall be paid by the licensing authority or authorities, and
 - (b) the parties at the inquiry shall bear their own costs.

Commencement

Pt III c. II s. 185(1)-(7)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 185(1)-(7)(b): England, Wales

Contents of licensing schemes and licences

 Partially In Force

186.— Matters to be dealt with in licensing schemes.

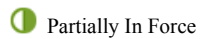
- (1) A licensing scheme under this Part must—
- (a) designate the area covered by the licensing scheme (“the licensing area”),
 - (b) state the days on which, and hours during which, a licence is required,
 - (c) specify the charges payable on licences (expressed as a specified sum of money for each licensed unit), and
 - (d) state whether or not the licensing scheme is to remain in force indefinitely and, if it is not to remain in force indefinitely, the period for which it is to remain in force.
- (2) Subject to section 179 to 181 and to any modifications made by virtue of section 184, the designation by a licensing scheme under this Part of the boundaries of the licensing area shall be such as the licensing authority or authorities may determine.
- (3) The charges that may be imposed by a licensing scheme under this Part include different charges (which may be no charge) for different cases, including (in particular)—
- (a) different days,
 - (b) different times of day,
 - (c) different parts of the licensing area,
 - (d) different classes of motor vehicles, and
 - (e) different numbers of licensed units.
- (4) In setting the charges imposed by a licensing scheme under this Part, regard may be had to the purposes for which any of the net proceeds of the licensing scheme may be applied (in accordance with Schedule 12).
- (5) A licensing scheme may include provision for or in connection with—
- (a) the making of an application for a licence,
 - (b) the grant of a licence,
 - (c) the issue of a licence, and
 - (d) the variation or revocation of a licence.

Commencement

Pt III c. II s. 186(1)-(5)(d): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 186(1)-(5)(d): England, Wales

**187.— Licensing schemes: exemptions etc.**

(1) The appropriate national authority may make regulations requiring licensing schemes under this Part to contain provision for or in connection with—

- (a) exemptions from licensing,
- (b) the application of reduced rates of charges payable on licences, or
- (c) the imposition of limits on the charges payable on a licence.

(2) Subject to regulations under subsection (1) and to section 184(1) and (3), a licensing scheme under this Part may contain provision of any of the descriptions specified in that subsection.

(3) The same premises shall not be subject to more than one licensing scheme under this Part, or to such a licensing scheme and a scheme under Schedule 24 to the Greater London Authority Act 1999, at the same time.

(4) In subsection (1) the reference to exemptions from licensing includes (as well as exemptions in respect of any description of premises, persons or motor vehicles) exemption of a specified number of parking places provided at any premises from being workplace parking places, either generally or in the case of any description of premises, persons or motor vehicles.

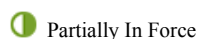
Commencement

Pt III c. II s. 187(1)-(1)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. II s. 187(2)-(4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise

Extent

Pt III c. II s. 187(1)-(4): England, Wales

**188.— Licences.**

(1) A licence must—

- (a) state the name of the person to whom it is granted,
- (b) identify the premises to which it relates,
- (c) specify the maximum number of motor vehicles (not counting exempt vehicles) which may be parked at those premises at any one time, and
- (d) state the amount of the charge paid on the licence and set out the calculation of that amount.

(2) A licence may be granted subject to conditions.

(3) A licence may not be granted for a period of more than one year.

(4) A person commits an offence if he intentionally provides false or misleading information in or in connection with an application for a licence.

(5) A person guilty of an offence under subsection (4) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or

(b) on conviction on indictment, to a fine.

Commencement

Pt III c. II s. 188(1)-(5)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 188(1)-(5)(b): England, Wales

Enforcement of licensing schemes

 Partially In Force

189.— Penalty charges.

- (1) The appropriate national authority may by regulations make provision for or in connection with the imposition and payment of charges (“licensing scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with licensing schemes under this Part.
- (2) The regulations may include provision for or in connection with setting the rates of licensing scheme penalty charges (which may include provision for discounts or surcharges).
- (3) Licensing scheme penalty charges in respect of any premises shall be paid—
- (a) by the occupier of the premises, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (4) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of licensing scheme penalty charges.

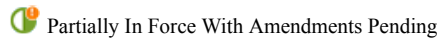
Commencement

Pt III c. II s. 189(1)-(2), (3)(b)-(4): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Pt III c. II s. 189(3)-(3)(a): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise

Extent

Pt III c. II s. 189(1)-(4): England, Wales



190.— Rights of entry.

(1) Where a person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme under this Part has reason to believe that workplace parking places are being provided at any premises in the licensing area, he may at any reasonable time enter the premises for ascertaining—

- (a) whether any workplace parking places are being provided at the premises without a licence or a licence covering all the workplace parking places being provided, or
- (b) whether there is or has been any contravention of the conditions of a licence in respect of the premises.

(2) A person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme under this Part may at any reasonable time enter any premises for the purpose of issuing notice of a licensing scheme penalty charge.

(3) A person authorised under subsection (1) or (2) to enter any premises shall, if so required, produce evidence of his authority before so entering.

(4) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by subsection (1) or (2).

(5) A person guilty of an offence under subsection (4) is liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

(6) Where any land is damaged in the exercise of a right of entry conferred under subsection (1) or (2), compensation in respect of that damage may be recovered by any person interested in the land from the authority on whose behalf the entry was effected.

(7) The provisions of section 118 of the Town and Country Planning Act 1990 shall apply in relation to compensation under subsection (6) as they apply in relation to compensation under Part IV of that Act.

Proposed Draft Amendments

Pt III c. II s. 190(7): words inserted by Planning (Consequential Provisions) (Wales) Bill [as introduced] (GB/27/2025) Sch. 2 para. 325(a) (Initial Consideration, October 13, 2025) (date to be appointed: insertion has effect subject to transitional provisions specified in Planning (Consequential Provisions) (Wales) Bill 2025 Sch.5 Pt 1)

Pt III c. II s. 190(8): added by Planning (Consequential Provisions) (Wales) Bill [as introduced] (GB/27/2025) Sch. 2 para. 325(b) (Initial Consideration, October 13, 2025) (date to be appointed: insertion has effect subject to transitional provisions specified in Planning (Consequential Provisions) (Wales) Bill 2025 Sch.5 Pt 1)

Commencement

Pt III c. II s. 190(1)-(7): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales for the purposes of making regulations under the provisions specified in SI 2001/2788 Sch.1 para.15; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. II s. 190(1)-(7): England, Wales

CHAPTER III

GENERAL AND SUPPLEMENTARY

 Partially In Force

191. Financial provisions about schemes.

Schedule 12 contains financial provisions about charging schemes and licensing schemes.

Commencement

Pt III c. III s. 191: February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Pt III c. III s. 191: England, Wales

 Law In Force

192. Powers of authorities.

The charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme under this Part may—

- (a) incur expenditure in or in connection with the establishment or operation of the charging scheme or licensing scheme, or
- (b) enter into arrangements (including arrangements for forming or participating in companies) with any person in respect of the operation of the charging scheme or licensing scheme or relating to the installation or operation of any equipment used for or in connection with the operation of the charging scheme or licensing scheme.

Commencement

Pt III c. III s. 192(a)-(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 192(a)-(b): England, Wales

 Law In Force

193.— Guidance.

(1) The appropriate national authority may issue guidance to non-metropolitan local traffic authorities [, Integrated Transport Authorities]¹ [, combined authorities]² [, combined county authorities]³ and London traffic authorities in relation to the discharge of their functions with respect to charging schemes and licensing schemes under this Part; and such authorities shall, in exercising those functions, have regard to any such guidance.

(2) Before issuing guidance under this section which relates to joint local-London charging schemes or joint local-London licensing schemes [, joint ITA-London charging schemes]¹ the Secretary of State shall consult the Greater London Authority about the guidance so far as it so relates.

(3) Guidance issued under this section shall be published in such manner as the appropriate national authority by which it is issued considers appropriate; and the appropriate national authority may at any time vary or revoke guidance issued by it under this section.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Sch.5 para.8 (April 1, 2009 as SI 2009/579)

² Words inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.112 (December 17, 2009)

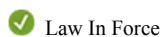
³ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.145 (December 26, 2023)

Commencement

Pt III c. III s. 193(1)-(3): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 193(1)-(3): England, Wales



Law In Force

194.— Information.

(1) Information obtained by—

- (a) any Minister of the Crown or government department,
- (b) the National Assembly for Wales, or
- (c) any local authority or other statutory body,

may be disclosed to [a traffic authority [, Integrated Transport Authority [, combined authority or combined county authority]³]² for or in connection with the performance or proposed performance of any of their functions under this Part or with respect to a relevant scheme or proposed relevant scheme]¹ .

[(2) Information obtained by a traffic authority [, Integrated Transport Authority [, combined authority or combined county authority]³]² for or in connection with any of their functions other than functions under this Part may be used by them for or in connection with the performance or proposed performance of any of their functions under this Part or with respect to a relevant scheme or proposed relevant scheme.]¹

(3) Any information—

- (a) which has been or could be disclosed to an authority under subsection (1) for or in connection with the exercise of any of their functions with respect to [a]¹ charging scheme or licensing scheme, or
- (b) which has been or could be used by an authority by virtue of subsection (2) for or in connection with the exercise of any of those functions,

may be disclosed to any person with whom the authority has entered into arrangements under section 192(b).

(4) Information disclosed to a person under subsection (3)—

- (a) may be disclosed to any other person for or in connection with the charging scheme or licensing scheme, but
- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a)) otherwise than for or in connection with the charging scheme or licensing scheme.

[(5) The Secretary of State or the Welsh Ministers may charge a reasonable fee in respect of the cost of supplying information under subsection (1) or (3).]

(6) Where a traffic authority [, Integrated Transport Authority [, combined authority or combined county authority]³]² asks the Secretary of State to obtain overseas registration information from an overseas registration authority with a view to the Secretary of State disclosing that information under subsection (1) or (3), the Secretary of State may charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information.

(7) In this section—

“overseas registration authority” means any authority of a country or territory outside the United Kingdom with responsibility under the law of that country or territory for maintaining a register of vehicles;

“overseas registration information” means information derived from particulars contained in a register of vehicles that is maintained by an overseas registration authority;

“relevant scheme” means a charging scheme or licensing scheme under this Part.

]¹

Notes

¹ Amended by Local Transport Act 2008 c. 26 Pt 6 s.118 (April 1, 2009 as SI 2009/579)

² Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.113 (December 17, 2009)

³ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.146 (December 26, 2023)

Commencement

Pt III c. III s. 194(1)-(4)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 194(1)-(7) definition of "relevant scheme": England, Wales

 Law In Force

195.— Determination of disputes, appeals and evidence.

(1) The Lord Chancellor may by regulations make provision for or in connection with—

- (a) appeals against decisions relating to licences under licensing schemes under this Part or any failure to make such a decision,
- (b) the determination of disputes relating to charging schemes or licensing schemes under this Part,
- (c) appeals against such determinations or any failure to make such a determination, and
- (d) the appointment of persons to hear any such appeals.

(2) The Lord Chancellor may by regulations make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Part, or proceedings in respect of a failure to comply with the provisions of a charging scheme or licensing scheme under this Part, to be given by the production of—

- (a) a record produced by a device specified in, or determined in accordance with, the regulations, and
- (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a person so specified or determined.

Commencement

Pt III c. III s. 195(1)-(2)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 195(1)-(2)(b): England, Wales



Law In Force

196.— Crown application.

(1) Chapter I applies in relation to Crown roads (within the meaning of section 131 of the Road Traffic Regulation Act 1984) as in relation to other roads.

(2) The provisions of this Part and of regulations and schemes under it bind the Crown.

(3) No contravention by the Crown of any of those provisions makes the Crown criminally liable; but—

- (a) the High Court may, on the application of a charging authority, declare unlawful any act or omission of the Crown which constitutes such a contravention, and
- (b) (subject to subsection (4)) those provisions apply to motor vehicles or persons in the public service of the Crown as they apply to other motor vehicles or persons.

(4) No power of entry conferred by—

- (a) regulations made under section 174(2), or
- (b) section 190(1) or (2),

is exercisable in relation to any motor vehicle in the public service of the Crown or any premises held or used by or on behalf of the Crown.

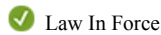
(5) Nothing in this section affects Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

Commencement

Pt III c. III s. 196(1)-(5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 196(1)-(5): England, Wales



197.— Part III: regulations and orders.

- (1) Any power to make regulations under this Part—
- (a) is exercisable by statutory instrument,
 - (b) includes power to make different provision for different cases, and
 - (c) may be exercised so as to make incidental, consequential, supplementary or transitional provision or savings.
- (2) The power to make an order making, varying or revoking a trunk road charging scheme is exercisable by statutory instrument.
- (3) Regulations under [paragraph 13(5) of Schedule 12]¹ shall not be made without the consent of the Treasury.
- (4) Regulations shall not be made by the Secretary of State under—
- (a) section 182(5), or
 - (b) [paragraph 13(5) of Schedule 12]¹,
- unless a draft of the regulations has been laid before, and approved by a resolution of, the House of Commons.
- (5) A statutory instrument containing regulations made by the Secretary of State or the Lord Chancellor under any other provision of this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The references in subsections (4) and (5) to regulations made by the Secretary of State include regulations made by him jointly with the [Welsh Ministers]².
- [(7) Regulations shall not be made by the Welsh Ministers under—
- (a) section 182(5), or
 - (b) paragraph 15(4) of Schedule 12, unless a draft of the regulations has been laid before, and approved by a resolution of, Senedd Cymru.
- (8) A statutory instrument containing regulations made by the Welsh Ministers under any other provision of this Part shall be subject to annulment in pursuance of a resolution of Senedd Cymru.
- (9) The references in subsections (7) and (8) to regulations made by the Welsh Ministers include regulations made by them jointly with the Secretary of State.]³

Notes

¹ Amended by Local Transport Act 2008 c. 26 Sch.6(1) para.8(2) (April 1, 2009 as SI 2009/579)

² Words substituted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.7(a) (April 14, 2024)

³ Added by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.7(b) (April 14, 2024)

Commencement

Pt III c. III s. 197(1)-(6): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 197(1)-(9): England, Wales

✓ Law In Force

198.— Interpretation of Part III.

(1) In this Part—

“the appropriate national authority” means—

- (a) the Secretary of State in relation to charging schemes and licensing schemes relating only to England,
- (b) the National Assembly for Wales in relation to charging schemes and licensing relating only to Wales, and
- (c) the Secretary of State and the National Assembly for Wales, acting jointly, in relation to charging schemes and licensing schemes relating to both England and Wales,

“bridge” means a bridge or viaduct and includes the abutments of a bridge,

“charging authority” and “charging authorities” have the meanings given by section 163(5),

“charging scheme” has the meaning given by section 163(1),

“charging scheme penalty charges” shall be construed in accordance with section 173(1),

[“combined authority” has the meaning given by section 163(5A),]¹

[“combined county authority” has the meaning given by section 163(5B),]²

[“eligible local traffic authority” has the meaning given by section 163(4A),]³

“exempt vehicle”, in relation to a licensing scheme, means a motor vehicle exempt from licensing under the scheme by virtue of regulations under subsection (1) of section 187 or provision included in the scheme by virtue of subsection (2) of that section,

“financial year” means a period of twelve months ending with 31st March,

[“joint ITA-London charging scheme” shall be construed in accordance with section 163(3)(cc),]³

“joint local charging scheme” shall be construed in accordance with section 163(3)(b),

[“joint local-ITA charging scheme” shall be construed in accordance with section 163(3)(bb),]³

“joint local licensing scheme” shall be construed in accordance with section 178(5)(b),

“joint local-London charging scheme” shall be construed in accordance with section 163(3)(c),

“joint local-London licensing scheme” shall be construed in accordance with section 178(5)(c),

“licence” shall be construed in accordance with section 178(3),

“licensed unit” has the meaning given by section 178(4),

“licensing area” shall be construed in accordance with section 186(1)(a),

“licensing authority” and “licensing authorities” have the meanings given by section 178(6),

“licensing scheme” has the meaning given by section 178(1),

“licensing scheme penalty charges” shall be construed in accordance with section 189(1),

“local charging scheme” shall be construed in accordance with section 163(3)(a),

“local licensing scheme” shall be construed in accordance with section 178(5)(a),

“local traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984,

[“local transport policies” has the meaning given in section 108(5),]⁴

“London traffic authority” means Transport for London, a London borough council or the Common Council of the City of London,

“motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) shall apply as it applies for the purposes of the Road Traffic Acts,

“non-metropolitan local traffic authority” shall be construed in accordance with section 163(4),

“operation” includes enforcement (related expressions being construed accordingly),

“registered keeper”, in relation to a charge imposed in respect of motor vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 at the time of the act, omission, event or circumstances in respect of which the charge is imposed,

“road” has the same meaning as in the Road Traffic Regulation Act 1984,

“trunk road charging scheme” shall be construed in accordance with section 163(3)(d), and

“workplace parking place” shall be construed in accordance with section 182.

(2) Any reference in this Part to an authority's [local transport policies]⁵ shall, where the authority is the council of a metropolitan district, be construed as a reference to [the local transport policies of]⁵ [the Integrated Transport Authority for the integrated transport area]⁶ in which the district is included [...]⁵ .

(3) Any reference in this Part to a class of motor vehicles is a reference to a class defined or described, by reference to any characteristics of the motor vehicles or to any other circumstances whatsoever, in regulations made by the appropriate national authority.

Notes

¹ Definition inserted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.114 (December 17, 2009)

² Definition inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.147 (December 26, 2023)

³ Amended by Local Transport Act 2008 c. 26 Sch.5 para.9 (April 1, 2009 as SI 2009/579)

⁴ Definition inserted by Local Transport Act 2008 c. 26 Pt 2 s.7(4) (April 1, 2009 as SI 2009/579)

⁵ Amended by Local Transport Act 2008 c. 26 Pt 2 s.12(6) (April 1, 2009 as SI 2009/579)

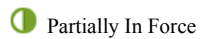
⁶ Words substituted by Local Transport Act 2008 c. 26 Sch.4(3) para.47 (February 9, 2009)

Commencement

Pt III c. III s. 198(1)-(3): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 198(1)-(3): England, Wales



199. Amendments of Greater London Authority Act.

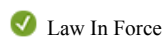
Schedule 13 contains amendments of Schedules 23 and 24 to the Greater London Authority Act 1999 in consequence of the provisions of this Part and minor amendments of those Schedules.

Commencement

Pt III c. III s. 199: February 1, 2001 in so far as relates to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Pt III c. III s. 199: England, Wales



200. Exemption from local non-domestic rating.

In Schedule 5 to the Local Government Finance Act 1988 (local non-domestic rating: exemptions), after paragraph 18A insert—

Property used for road user charging schemes

“18B.—

(1) A hereditament which is occupied (as mentioned in section 65 of this Act) is exempt to the extent that—

- (a) it consists of a road in respect of which charges are imposed by a charging scheme under Schedule 23 to the Greater London Authority Act 1999 or Part III of the Transport Act 2000, or
- (b) it is used solely for or in connection with the operation of such a scheme.

(2) But office buildings are not exempt under sub-paragraph (1)(b) above.”

Commencement

Pt III c. III s. 200: February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Pt III c. III s. 200: England, Wales

PART IV

RAILWAYS

CHAPTER I

THE STRATEGIC RAIL AUTHORITY

The Authority

 Repealed

201.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

202.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

203.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

204. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Purposes, strategies and exercise of functions

 Repealed

205. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

206.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (June 26, 2005 as SI 2005/1444)

 Repealed

207.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

208.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

209.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

210.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Securing provision of railway services and assets etc.

 Repealed

211.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

212.— Securing of services by franchising.

(1) In section 23 of the Railways Act 1993, in subsection (1) (duty of Authority to designate passenger services as eligible for provision under franchise agreements), for the words after “designate” substitute “such services for the carriage of passengers by railway (other than services which are, by virtue of section 24 below, exempt from designation under this subsection) as it considers ought to be provided under franchise agreements.”

(2) In that section, after subsection (2) insert—

“(2A) A designation may be varied or revoked; but a variation or revocation of the designation of particular services, or services of a class or description, shall not affect any franchise agreement previously entered into with respect to those services or services of that class or description.

(2B) The Authority shall publish designations, and any variations or revocations of designations, in such manner as it considers appropriate.”

(3) In section 26 of that Act (invitations to tender for franchise), after subsection (3) insert—

“(4) The directions which may be given under subsection (1) above (at any time when the Secretary of State considers it inappropriate that the person who is to be the franchisee under a franchise agreement should be selected after an invitation to tender) include—

- (a) a direction that that person is to be the person specified in the direction, and
- (b) a direction requiring the Authority to select that person in such manner as is so specified,

(as well as a direction authorising the Authority to select that person in such other manner as it may consider appropriate).

(5) The Secretary of State shall prepare and publish a statement of policy with respect to directions under subsection (1) above.

(6) The statement shall (in particular) contain the Secretary of State's policy about—

- (a) when he will consider giving a direction (including, in particular, when he will consider doing so in relation to a franchise agreement which is to replace an earlier franchise agreement before the end of its franchise term); and
- (b) the sorts of direction which he will consider giving in particular circumstances.

(7) In deciding whether to give a direction, and (if so) what direction to give, the Secretary of State shall have regard to the statement of policy.

(8) The Secretary of State—

- (a) may at any time alter or replace a statement of policy; and

(b) shall publish the altered or replacement statement.

(9) The Secretary of State shall undertake appropriate consultation when preparing, altering or replacing a statement of policy.

(10) When a statement of policy is prepared, altered or replaced, a copy of the statement shall be laid before each House of Parliament.”

(4) [...]¹

(5) For section 30 of that Act substitute—

“30.— Duty of Authority in absence of franchise.

(1) The Authority shall provide, or secure the provision of, services for the carriage of passengers by railway where—

(a) a direction not to seek to secure the provision of the services under a franchise agreement has been given to the Authority under section 26A or 26B above (and not revoked); or

(b) a franchise agreement in respect of the services is terminated or otherwise comes to an end but no further franchise agreement has been entered into in respect of the services (otherwise than because of such a direction).

(2) The duty in subsection (1) above in relation to any services ceases if the services begin (or again begin) to be provided under a franchise agreement.

(3) Subsection (1) above does not—

(a) require the Authority to provide or secure the provision of services if and to the extent that, in its opinion, adequate alternative railway passenger services are available;

(b) preclude it from giving notice under subsection (5) of section 38 below in relation to any of the services, in which case its duty under this section to secure the provision of the services to which the notice relates will (subject to subsections (5) and (6) of that section) terminate on the day specified in the notice in pursuance of paragraph (b) of that subsection; or

(c) preclude it from ceasing to provide or secure the provision of any of the services in any case falling within any of paragraphs (a) to (d) of subsection (2) of that section.”

(6) In section 18 of that Act (access agreements: contracts requiring approval of Regulator), after subsection (6) insert—

“(6A) The grounds on which the Regulator may reject, or approve subject to modifications, a proposed access contract submitted to him pursuant to subsection (5) above include that he considers that the use of the facility for which it provides might impede the provision of services—

(a) under a franchise agreement; or

(b) under an agreement entered into by the Authority pursuant to its duty under section 30 below.”

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Pt IV c. I s. 212(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. I s. 212(1)-(6): England, Wales, Scotland

 Repealed

213.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

214.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Functions of Franchising Director, [Office of Rail and Road]¹ and Board

Notes

¹ Words substituted by Office of Rail Regulation (Change of Name) Regulations 2015/1682 Sch.1(1) para.4(p)(i) (October 16, 2015)

 Law In Force

215.— Assumption of functions of Franchising Director.

- (1) Schedule 16 transfers to the Authority the functions of the Franchising Director.
- (2) All the property, rights and liabilities of the Franchising Director (including any rights and liabilities relating to staff appointed by him) are by virtue of this section transferred to the Authority.
- (3) Nothing in this Part affects the validity of anything done by or in relation to the Franchising Director.

(4) There may be continued by or in relation to the Authority anything (including legal proceedings) which is in the process of being done by or in relation to the Franchising Director when his functions, property, rights and liabilities are transferred to the Authority.

(5) Anything done by the Franchising Director which is in effect immediately before his functions, property, rights or liabilities are transferred to the Authority shall be treated as if done by the Authority.

(6) The Authority shall be substituted for the Franchising Director in private Acts, instruments made under Acts, other documents and legal proceedings.

(7) For the purposes of the Employment Rights Act 1996, where a person employed in the civil service of the state becomes an employee of the Authority by virtue of this section—

- (a) his period of employment in the civil service of the state counts as a period of employment with the Authority, and
- (b) the change of employment does not break the continuity of the period of employment.

(8) In consequence of the preceding provisions of this section the office of Franchising Director is abolished.

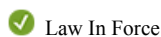
(9) If the Secretary of State determines that there are special circumstances which make it right that the person who is the Franchising Director immediately before the office is abolished should receive compensation, the Secretary of State shall pay to that person such compensation as may be determined by the Secretary of State.

Commencement

Pt IV c. I s. 215(1)-(9): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. I s. 215(1)-(9): England, Wales, Scotland



Law In Force

216. Assumption of certain functions of Regulator.

Schedule 17 makes provision for the transfer to the Authority of certain functions of [the [Office of Rail and Road]²]¹ and of associated property, rights and liabilities.

Notes

¹ Words substituted by Railways and Transport Safety Act 2003 c. 20 Sch.2(2) para.19(t)(ii) (July 5, 2004)

² Words substituted by Office of Rail Regulation (Change of Name) Regulations 2015/1682 Sch.1(1) para.4(p)(ii) (October 16, 2015)

Commencement

Pt IV c. I s. 216: January 30, 2001 in relation to 2000 c.38 Sch.17 Part III; February 1, 2001 otherwise (SI 2001/57 art. 2, art. 3, Sch. 1 para. 1, Sch. 2(I) para. 1)

Extent

Pt IV c. I s. 216: England, Wales, Scotland

 Law In Force

217.— Assumption of Board's functions relating to transport police.

(1) Schedule 18 transfers to the Authority the functions of the Board relating to the British Transport Police and associated property, rights and liabilities.

(2) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Pt IV c. I s. 217(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. I s. 217(1)-(2): England, Wales, Scotland

 Repealed

218.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Other powers

 Repealed

219.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect as SI 2005/2812 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.2)

 Repealed

220. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

221. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

222.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

CHAPTER II

OTHER PROVISIONS ABOUT RAILWAYS

Directions to provide etc. railway facilities

 Law In Force

223. Regulator's power to require provision etc. of railway facilities.

In the Railways Act 1993, after section 16 insert—

“Directions to provide, improve or develop railway facilities

16A.— Provision, improvement and development of railway facilities.

(1) The Regulator may, on an application—

- (a) made by the Authority, or
- (b) made by any other person with the consent of the Authority,

give to the operator of a network, station or light maintenance depot a direction to provide a new railway facility if the Regulator considers him to be an appropriate person to provide the new railway facility.

(2) The Regulator may, on an application—

- (a) made by the Authority, or
- (b) made by any other person with the consent of the Authority,

give to a person who has an estate or interest in, or right over, an existing railway facility a direction to improve or develop the railway facility if the Regulator considers him to be an appropriate person to improve or develop the railway facility.

(3) The Authority's consent to the making by any other person of an application under subsection (1) or (2) above may be given subject to compliance with conditions (and may be withdrawn if any condition is not complied with before the Regulator decides whether to give the direction).

16B.— Exemption of railway facilities from section 16A.

(1) The Secretary of State may, after consultation with the Regulator, by order grant exemption from subsection (1) or (2) of section 16A above (or from both of those subsections) in respect of such railway facilities as may be specified in the order, but subject to compliance with such conditions (if any) as may be so specified.

(2) An exemption under subsection (1) above may be granted in respect of—

- (a) railway facilities of a particular class or description, or
- (b) a particular railway facility,

or in respect of part only of railway facilities of a particular class or description or a particular railway facility.

(3) An exemption under subsection (1) above may be granted generally, to persons of a particular class or description or to a particular person.

(4) If a person fails to comply with any condition subject to compliance with which an exemption was granted, the Secretary of State may give a direction declaring that the exemption is revoked, so far as relating to that person, to such extent and as from such date as may be specified in the direction.

(5) Subject to subsection (4) above, an exemption, unless previously revoked in accordance with any term contained in the exemption, shall continue in force for such period as may be specified in, or determined by or under, the exemption.

(6) Exemptions may make different provision, or be granted subject to compliance with different conditions, for different cases.

16C.— Making of applications for directions.

(1) An application for a direction under section 16A above must be made to the Regulator in writing.

(2) The application must—

- (a) specify the person to whom the direction would be given;
- (b) state what it would require him to do; and
- (c) give the applicant's reasons for considering that person to be an appropriate person to do what the direction would require him to do.

(3) The applicant may at any time vary what the direction would require that person to do by giving to the Regulator notice in writing of the variation; but if the applicant is a person other than the Authority such a notice may only be given with the consent of the Authority.

(4) The application or notice of a variation may be accompanied by any written representations which the applicant wishes to make in relation to the direction.

16D.— Procedure for considering applications.

- (1) When the Regulator has received the application or notice of a variation, he must—
- (a) send a copy to the person specified in the application, the Authority (if it is not the applicant) and any other persons who the Regulator considers ought to be sent one; and
 - (b) invite them to make written representations within a period specified in the invitation.
- (2) If the person specified in the application makes representations that he is not an appropriate person to do what the direction would require him to do, the Regulator must decide that issue in advance of considering any other matters which may be relevant in deciding whether to give the direction.
- (3) If that person makes such representations but the Regulator decides that he is an appropriate person to do what the direction would require him to do, the Regulator must—
- (a) notify him of that decision; and
 - (b) invite him to make written representations within a period specified in the invitation about any other matters which may be relevant in deciding whether to give the direction.
- (4) The Regulator must—
- (a) send the applicant a copy of any representations received by him in response to any invitation under subsection (1) or (3) above; and
 - (b) invite him to make further written representations within a period specified in the invitation.
- (5) Subject to subsection (6) below, the Regulator may substitute as the applicant any other person if—
- (a) the applicant,
 - (b) the other person, and
 - (c) the Authority (if it is neither the applicant nor the other person),
- consent to the substitution.
- (6) The applicant may, by giving notice in writing to the Regulator, withdraw or suspend the application at any time before the Regulator decides whether to give the direction.
- (7) The Regulator may direct—
- (a) the person specified in the application,
 - (b) the applicant, or
 - (c) any other person (apart from the Authority),
- to provide him with any information required by him in order to decide whether to give the direction.
- (8) If a person fails to comply with a direction under subsection (7) above, the High Court or the Court of Session may, on the application of the Regulator, make such order as it thinks fit for requiring the failure to be made good.
- (9) Such an order may provide that all the costs or expenses of and incidental to the application shall be borne by—
- (a) the person who failed to comply; or

- (b) in the case of a company or other association, any officers who are responsible for the failure to comply.

16E.— Decisions on applications: adequate reward.

(1) The Regulator may only give a direction to a person under section 16A above to provide, improve or develop a railway facility if he is satisfied that the person will be adequately rewarded for providing, improving or developing the railway facility in accordance with the direction.

(2) In considering whether he is so satisfied the Regulator shall take into account (in particular)—

- (a) any receipts obtained or likely to be obtained by the person (from the Authority, passengers, operators of railway services or any other persons) in connection with, or as a result of, the provision, improvement or development of the railway facility; and
- (b) any other benefit obtained or likely to be obtained by him in consequence of its provision, improvement or development.

(3) Representations made by the applicant for a direction—

- (a) under section 16C(4) above, or
- (b) in response to an invitation under section 16D(4) above,

may, in particular, include representations as to matters which he considers the Regulator should take into account in deciding whether the person to whom the direction would be given would be adequately rewarded for doing what it would require him to do.

16F.— Other provisions about decisions.

(1) If the Regulator does not consider it right to give a direction under section 16A above in the terms applied for (or to reject the application), he may give a direction under that section in modified terms.

(2) The Regulator may include supplementary provisions in any direction under section 16A above, including (in particular)—

- (a) provision adding detail (for instance, as to the time by which, or standard to which, the person to whom it is given is to do anything which it requires him to do); and
- (b) provision imposing requirements on the applicant (for instance, to make arrangements for rewarding the person to whom the direction is given or to make payments to him).

(3) Before giving a direction under section 16A above which is in modified terms or includes supplementary provisions, the Regulator shall—

- (a) notify his intention to give a direction to the applicant, the Authority (if it is not the applicant) and any other persons who the Regulator considers ought to be notified; and
- (b) invite them to make written representations within a period specified in the invitation;

and if the applicant makes representations that the direction should not be given, the Regulator shall not give it.

- (4) Whatever the Regulator's decision on an application he shall notify the decision to—
- (a) the person specified in the application;
 - (b) the applicant; and
 - (c) any other persons who he considers ought to be notified.
- (5) The Regulator may direct the person specified in the application or the applicant to pay to—
- (a) the other of those persons, or
 - (b) any other person directed to provide information under section 16D(7) above,
- any such amount as he considers appropriate in respect of costs incurred in connection with the application.

16G.— Directions: compliance, variation and revocation.

- (1) A person shall not be regarded as failing to comply with a direction under section 16A above if he has done everything which it is reasonably practicable to do in order to comply with the direction.
- (2) If a person is unable to comply with such a direction because he does not have the necessary powers or rights (including rights over land), he shall not be taken to have done everything which it is reasonably practicable to do in order to comply with the direction unless he has done everything which it is reasonably practicable to do in order to obtain those powers or rights.
- (3) A direction under section 16A above may only be revoked or varied by the Regulator—
- (a) on the application of the person to whom the direction was given, the applicant for the direction or the Authority (if it was not the applicant); and
 - (b) after consultation with the other persons with power to apply for a revocation or variation.
- (4) Such a direction may only be varied on an application by the applicant for the direction or the Authority if the Regulator is satisfied that the person to whom the direction was given will be adequately rewarded for providing, improving or developing the railway facility in accordance with the varied direction, taking into account (in particular) the matters specified in section 16E(2) above.
- (5) The Regulator may grant an application for the variation or revocation of a direction under section 16A above by the applicant for the direction or the Authority on condition that he or it secures that any such compensation as the Regulator may specify is paid to the person to whom the direction was given in respect of any liabilities incurred, or other things done, by him in complying with the direction.

16H.— Code of practice.

- (1) The Regulator shall prepare, and from time to time revise, a code of practice supplementing sections 16A to 16G above and shall publish it in such manner as he considers appropriate.

- (2) The Regulator shall have regard to the code of practice in the exercise of his functions under those sections.
- (3) The code of practice may (in particular)—
- (a) set out minimum periods to be specified in invitations to make representations;
 - (b) include provision about requesting the provision of information prior to giving a direction under section 16D(7) above;
 - (c) specify principles according to which directions to pay costs are to be given under section 16F(5) above; and
 - (d) make provision about the consultation required by section 16G(3)(b) above.

16I.— Supplementary.

- (1) References in sections 16A to 16H above and this section to a railway facility include part of a railway facility.
- (2) Nothing in any of those sections or a direction under section 16A above—
- (a) limits any power of the Regulator under any other provision of this Act; or
 - (b) affects any obligation to provide a new railway facility, or to improve or develop an existing railway facility, arising otherwise than from such a direction.”

Commencement

Pt IV c. II s. 223: October 15, 2005 (SI 2005/2862 art. 3)

Extent

Pt IV c. II s. 223: England, Wales, Scotland

Objectives of Regulator and Secretary of State



Law In Force

224.— Amendment of objectives.

(1) Section 4 of the Railways Act 1993 (general duties of Regulator and Secretary of State) is amended as follows.

(2) In subsection (1) (objectives)—

- (a) for “Secretary of State and the Regulator shall each” substitute “Regulator shall”,
- (b) [...]¹
- (c) after paragraph (b) insert—

“(ba) to contribute to the development of an integrated system of transport of passengers and goods;
 (bb) to contribute to the achievement of sustainable development;”

, and

(d) in paragraph (d) (promotion of competition in provision of railway services), insert at the end “for the benefit of users of railway services”.

(3) In subsection (2) (objectives)—

- (a) for “Secretary of State and the Regulator shall each” substitute “Regulator shall”, and
- (b) omit “the Secretary of State or, as the case may be,”.

(4) In subsection (3) (safety and the environment), for “Secretary of State and the Regulator shall each” substitute “Regulator shall”.

(5) After that subsection insert—

“(3A) Subsections (1) to (3) above shall have effect in relation to the Secretary of State as in relation to the Regulator, except that in their application to the Secretary of State—

- (a) paragraph (za) of subsection (1) above shall be disregarded; and
- (b) the references in each of the subsections to the functions transferred or assigned to the Secretary of State under or by virtue of this Part include only the functions transferred or assigned to him under or by virtue of sections 6 to 22 and 37 to 50 below.”

(6) In subsection (5) (additional duties of Regulator), for paragraph (a) (duty until 31st December 1996 to take account of guidance of Secretary of State) substitute—

“(a) to have regard to any general guidance given to him by the Secretary of State about railway services or other matters relating to railways;”.

(7) After subsection (7) insert—

“(7ZA) Any general guidance given by the Secretary of State to the Regulator about railway services or other matters relating to railways—

- (a) shall be published by the Secretary of State in such manner as he considers appropriate; and
- (b) may be varied or revoked.”

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

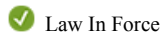
Commencement

Pt IV c. II s. 224(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 224(1)-(7): England, Wales, Scotland

Enforcement regime



Law In Force

225.— Penalties.

(1) In the Railways Act 1993, after section 57 insert—

“57A.— Penalties.

(1) If the appropriate authority is satisfied that a relevant operator has contravened or is contravening—

- (a) a relevant condition or requirement, or
- (b) a final or provisional order made by the appropriate authority,

the appropriate authority may impose on the relevant operator a penalty of such amount as is reasonable.

(2) A penalty is payable to the Authority.

(3) The amount of a penalty imposed on a relevant operator may not exceed 10 per cent. of his turnover determined in accordance with an order made by the Secretary of State; and an order under this subsection shall not be made unless a draft of the statutory instrument containing it has been laid before and approved by a resolution of each House of Parliament.

(4) No penalty may be imposed in respect of any contravention of a final or provisional order if provision was made in the order by virtue of section 55(7A) above in relation to the contravention.

(5) The Authority shall not impose a penalty on a licence holder or person under closure restrictions unless—

- (a) it has given notice to the Regulator specifying a period within which he may give notice to it if he considers that the most appropriate way of proceeding is under the Competition Act 1998;
- (b) that period has expired; and
- (c) the Regulator has not given notice to the Authority within that period that he so considers (or, if he has, he has withdrawn it).

(6) The Regulator shall not impose a penalty if he is satisfied that the most appropriate way of proceeding is under the Competition Act 1998.

57B.— Statement of policy.

(1) The Authority and the Regulator shall each prepare and publish a statement of policy with respect to the imposition of penalties and the determination of their amount.

(2) A statement of policy may include provision for a decision whether to impose a penalty, or the determination of the amount of any penalty, in respect of the contravention of any relevant condition or requirement or order to be influenced by—

- (a) the desirability of securing compliance with that relevant condition or requirement or order;
- (b) the consequences or likely consequences of anything which has been or is being done or omitted to be done in contravention of that relevant condition or requirement or order; and

- (c) the desirability of deterring contraventions of relevant conditions and requirements and final and provisional orders.
- (3) In deciding whether to impose a penalty, and in determining the amount of any penalty, in respect of a contravention the Authority and Regulator shall have regard to any statement of its or his policy published at the time when the contravention occurred.
- (4) The Authority and Regulator—
 - (a) may at any time alter or replace a statement of his or its policy; and
 - (b) shall publish the altered or replacement statement.
- (5) The Authority and Regulator shall undertake appropriate consultation when preparing, altering or replacing a statement of policy.
- (6) The Authority and Regulator shall publish a statement of policy in the manner that appears most suitable for bringing it to the attention of those likely to be affected by it.
- (7) This section applies in relation to sums required to be paid by virtue of section 55(7A) above as to penalties, but as if—
 - (a) references to the imposition of penalties were to the inclusion in an order of a requirement to pay a sum;
 - (b) references to relevant conditions or requirements were omitted; and
 - (c) the reference in subsection (2)(b) above to anything which has been or is being done or omitted to be done included a reference to anything which is likely to be done or omitted to be done.

57C.— Procedural requirements for penalties.

- (1) Before it imposes a penalty on a relevant operator, the appropriate authority shall give notice—
 - (a) stating that it proposes to impose a penalty on the relevant operator and the amount of the penalty proposed,
 - (b) setting out the relevant condition or requirement or order in question,
 - (c) specifying the acts or omissions which, in its opinion, constitute contraventions of that condition or requirement or order and the other facts which, in its opinion, justify the imposition of a penalty and the amount of the penalty proposed,
 - (d) specifying the manner in which, and place at which, it is proposed to require the penalty to be paid, and
 - (e) specifying the period (not being less than 21 days from the date of publication of the notice) within which representations or objections with respect to the proposed penalty may be made,and shall consider any representations or objections which are duly made and not withdrawn.
- (2) A notice under subsection (1) above shall be given—
 - (a) by publishing the notice in such manner as the appropriate authority considers appropriate; and
 - (b) by serving a copy of the notice on the relevant operator.
- (3) Where the Regulator serves a copy of a notice under subsection (1) above on a licence holder, he shall also serve a copy on the Authority; and where the Authority so serves a copy of such a notice, it shall also serve a copy on the Regulator.

- (4) The appropriate authority shall not modify a proposal to impose a penalty except—
- (a) with the consent of the relevant operator;
 - (b) where the modifications consist of a reduction of the amount of the penalty or a deferral of the date by which it is to be paid; or
 - (c) after complying with the requirements of subsection (5) below.
- (5) The requirements mentioned in subsection (4)(c) above are that the appropriate authority shall—
- (a) give to the relevant operator such notice as appears to it requisite of its modified proposal;
 - (b) unless the proposed modifications are trivial, in that notice specify a period (not being less than seven days from the date of service of the notice) within which representations or objections with respect to the proposed modifications may be made; and
 - (c) consider any representations or objections which are duly made and not withdrawn.
- (6) As soon as practicable after imposing a penalty, the appropriate authority shall give notice—
- (a) stating that it has imposed a penalty on the relevant operator and its amount;
 - (b) setting out the relevant condition or requirement or order in question;
 - (c) specifying the acts or omissions which, in its opinion, constitute contraventions of that condition or requirement or order and the other facts which, in its opinion, justify the imposition of the penalty and its amount;
 - (d) specifying the manner in which, and place at which, the penalty is to be paid; and
 - (e) specifying the date (not being less than fourteen days from the date of publication of the notice) by which the penalty is to be paid.
- (7) A notice under subsection (6) above shall be given—
- (a) by publishing the notice in such manner as the appropriate authority considers appropriate; and
 - (b) by serving a copy of the notice on the relevant operator.
- (8) The relevant operator may, within 21 days of the date of service on him of the notice under subsection (6) above, make an application to the appropriate authority for it to specify different dates by which different portions of the penalty are to be paid.

57D.— Time limits.

- (1) No penalty may be imposed in respect of a contravention by a relevant operator—
- (a) by virtue of paragraph (a) of subsection (1) of section 57A above in a case where no final or provisional order has been made in relation to the contravention, or
 - (b) by virtue of paragraph (b) of that subsection,
- unless a copy of the notice relating to the penalty under section 57C(1) above is served on the relevant operator within two years of the time of the contravention.
- (2) No penalty may be imposed in respect of a contravention by a relevant operator by virtue of section 57A(1)(a) above in a case where a final or provisional order has been made in

relation to the contravention unless a copy of the notice relating to the penalty under section 57C(1) above is served on the relevant operator—

- (a) within three months of the confirmation of the provisional order or the making of the final order; or
- (b) where the provisional order is not confirmed, within six months of the making of the provisional order.

57E.— Interest and payment of instalments.

(1) If the whole or any part of a penalty is not paid by the date by which it is to be paid, the unpaid balance from time to time shall carry interest at the rate for the time being specified in section 17 of the Judgments Act 1838.

(2) If an application is made under subsection (8) of section 57C above in relation to a penalty, the penalty need not be paid until the application has been determined.

(3) If the appropriate authority grants an application under that subsection in relation to a penalty but any portion of the penalty is not paid by the date specified in relation to it by the appropriate authority under that subsection, so much of the penalty as has not already been paid is to be paid immediately.

57F.— Validity and effect of penalties.

(1) If the relevant operator to whom a penalty order relates is aggrieved by a penalty and desires to question its validity on the ground—

- (a) that it was not within the powers of section 57A above,
- (b) that any of the requirements of section 57C above have not been complied with in relation to it and his interests have been substantially prejudiced by the non-compliance, or
- (c) that it was unreasonable of the appropriate authority not to grant an application under section 57C(8) above,

he may make an application to the court under this section.

(2) An application under this section by a person shall be made—

- (a) where it is on the ground mentioned in subsection (1)(c) above, within 42 days from the date on which he is notified of the decision not to grant the application under section 57C(8) above; and
- (b) in any other case, within 42 days from the date of service on him of the notice under section 57C(6) above.

(3) If an application is made under this section in relation to a penalty, the penalty need not be paid until the application has been determined.

(4) On an application under this section on the ground mentioned in subsection (1)(a) or (b) above the court, if satisfied that the ground is established, may quash the penalty or (instead of quashing it) make provision under either or both of paragraphs (a) and (b) of subsection (5) below.

(5) The provision referred to in subsection (4) above is—

- (a) provision substituting a penalty of such lesser amount as the court considers appropriate in all the circumstances of the case; and
- (b) provision substituting as the date by which the penalty, or any portion of the penalty, is to be paid a date later than that specified in the notice under section 57C(6) above.

(6) On an application under this section on the ground mentioned in subsection (1)(c) above the court, if satisfied that the ground is established, may specify different dates by which different portions of the penalty are to be paid.

(7) Where the court substitutes a penalty of a lesser amount it may require the payment of interest on the substituted penalty at such rate, and from such date, as it determines; and where it specifies as the date by which the penalty, or a portion of the penalty, is to be paid a date before the determination of the application it may require the payment of interest on the penalty, or portion, from that date at such rate as it determines.

(8) Except as provided by this section, the validity of a penalty shall not be questioned by any legal proceedings whatever.”

(2) In section 55 of that Act (orders for securing compliance), for subsection (8) substitute—

“(7A) The provision that may be made in a final or provisional order includes, in particular, provision requiring the relevant operator to pay to the Authority in the event of any specified contravention of the order such reasonable sum in respect of the contravention as is specified in, or determined in accordance with, the order in such manner, at such place and by such date as is so specified or determined.

(7B) The amount of the sum may not exceed 10 per cent. of the turnover of the relevant operator determined in accordance with an order made by the Secretary of State; and an order under this subsection shall not be made unless a draft of the statutory instrument containing it has been laid before and approved by a resolution of each House of Parliament.

(7C) If the whole or any part of the sum is not paid by the date by which it is to be paid, the unpaid balance from time to time shall carry interest at the rate for the time being specified in section 17 of the Judgments Act 1838.”

Commencement

Pt IV c. II s. 225(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 225(1)-(2): England, Wales, Scotland

 Law In Force

226.— Orders for securing compliance.

(1) In section 55 of the Railways Act 1993 (orders for securing compliance)—

- (a) in subsection (5) (cases where order shall not be made or confirmed) omit paragraphs (b) and (c),
- (b) after subsection (5A) insert—

“(5B) If the appropriate authority is satisfied—

(a) that the relevant operator has agreed to take, and is taking, all such steps as it appears to the appropriate authority for the time being to be appropriate for the relevant operator to take for the purpose of securing or facilitating compliance with the condition or requirement in question, or

(b) that the contravention or apprehended contravention will not adversely affect the interests of users of railway services or lead to any increase in public expenditure,

it shall only make a final order, or make or confirm a provisional order, if it considers it appropriate to do so.”

[...]¹

(c) [...]¹

(2) In section 56 of that Act (procedural requirements about orders)—

(a) in subsection (1)(c) (requirement of at least 28 days' notice for making representations or objections to proposed final order or proposed confirmation of provisional order), for “28” substitute “21”,

(b) in subsection (4)(b) (requirement of at least 28 days' notice for making representations or objections to proposed modifications), for “in that notice specify the period (not being less than 28” substitute “unless the proposed modifications are trivial, in that notice specify a period (not being less than seven”, and

(c) in subsection (6)(b) (requirement of at least 28 days' notice for making representations or objections to proposal to revoke order), for “28” substitute “21”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Pt IV c. II s. 226(1)-(2)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 226(1)-(2)(c): England, Wales, Scotland

Consultative committees

 Law In Force

227.— Renaming of committees.

(1) [...]¹

(2) Schedule 22 makes amendments in consequence of subsection (1).

(3) [...]²

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

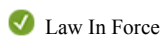
² Repealed by Passengers' Council (Non-Railway Functions) Order 2010/439 Sch.1(1) para.8(2) (February 25, 2010)

Commencement

Pt IV c. II s. 227(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 227(1)-(3): England, Wales, Scotland



Law In Force

228.— Extension of functions.

(1) [Section 76 of the Railways Act 1993]¹ (duties of Central Committee and consultative committees) [is amended]¹ as follows.

(2) In subsection (1)[...]² , for paragraph (a) (duty to investigate any matter which relates to the provision of railway passenger services by the Board or a subsidiary, under a franchise agreement or on behalf of the Franchising Director) substitute—

“(a) to the provision of railway passenger services, or”.

(3) In—

(a) subsection (5)(b) of section 76 , [...]³

(b) [...]³

(matters to be referred), after “that” insert “a franchisee is contravening, or is likely to contravene, any term of the franchise agreement or that”.

(4) After subsection (7) of section 76 insert—

“(7A) It shall also be the duty of the Rail Passengers' Council, so far as it appears expedient from time to time to do so—

(a) to keep under review matters affecting the interests of the public in relation to railway passenger services and station services;

(b) to make representations to, and consult, such persons as they think appropriate about those matters; and

(c) to co-operate with other bodies representing the interests of users of public passenger transport services.

(7B) The Secretary of State may, after consultation with the Rail Passengers' Council, make an order excluding services from the duties imposed by this section; and an order under this subsection—

(a) may exclude services of a particular class or description, particular services or services provided by a particular person;

(b) may provide that services are excluded subject to compliance with specified conditions; and

(c) may not revoke an exclusion except for breach of condition or in accordance with the order which made it.

(7C) The Secretary of State may, after consultation with the Rail Passengers' Council, make an order providing that the duties imposed by this section apply to services of a particular class or description, particular services or services provided by a particular person—

- (a) only to such extent as is specified by the order; or
- (b) with such modifications as are so specified.”

(5) [...]³

Notes

¹ Words substituted by Railways Act 2005 c. 14 Sch.12 para.17(3) (July 24, 2005)

² Words repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

³ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Pt IV c. II s. 228(1)-(5): July 29, 2003 (SI 2003/1694 art. 2)

Extent

Pt IV c. II s. 228(1)-(5): England, Wales, Scotland

✓ Law In Force

229. Financial and procedural changes.

Schedule 23 makes amendments of the provisions about the finances and procedures of consultative committees.

Commencement

Pt IV c. II s. 229: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 229: England, Wales, Scotland

Access agreements

✓ Law In Force

230.— Regulator's general approvals of access agreements etc.

(1) In subsection (1) of section 18 of the Railways Act 1993 (access contracts requiring approval of Regulator), after paragraph (b) insert

“or

(c) the access contract is of a class or description specified in a general approval given by the Regulator;”;

and for the words from “which is” to the end substitute “shall be void unless one of the conditions in paragraphs (a) to (c) above is satisfied.”

(2) After subsection (7) of that section insert—

“(7A) Where the Regulator gives or revokes a general approval under subsection (1)(c) above, he shall publish the approval or revocation in such manner as he considers appropriate.

(7B) The revocation of a general approval given under subsection (1)(c) above shall not affect the continuing validity of any access contract to which it applied.”

(3) In subsection (3) of section 19 of that Act (installation access contracts requiring approval of Regulator), after paragraph (b) insert

“or

(c) the installation access contract is of a class or description specified in a general approval given by the Regulator;”;

and for the words from “which is” to the end substitute “shall be void unless one of the conditions in paragraphs (a) to (c) above is satisfied.”

(4) After subsection (5) of that section insert—

“(5A) Where the Regulator gives or revokes a general approval under subsection (3)(c) above, he shall publish the approval or revocation in such manner as he considers appropriate.

(5B) The revocation of a general approval given under subsection (3)(c) above shall not affect the continuing validity of any installation access contract to which it applied.”

(5) In section 72(2)(b)(v) of that Act (provisions of general approvals under section 22(3) to be entered in register kept by Regulator), after “section” insert “18(1)(c), 19(3)(c) or”.

(6) In section 83(1) of that Act (interpretation), in the definition of “access agreement”—

(a) in paragraph (a), for “entered into pursuant to directions under section 17 or 18” substitute “which satisfies one of the conditions in paragraphs (a) to (c) of section 18(1)”, and

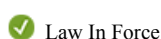
(b) in paragraph (b), for “entered into pursuant to directions under section 19” substitute “which satisfies one of the conditions in paragraphs (a) to (c) of section 19(3)”.

Commencement

Pt IV c. II s. 230(1)-(6)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 230(1)-(6)(b): England, Wales, Scotland



Law In Force

231.— Review of access charges by Regulator.

(1) In the Railways Act 1993, after section 19 insert—

“19A. Review of access charges by Regulator.

Schedule 4A to this Act (which contains provision about the review of access charges by the Regulator) shall have effect.”

(2) After Schedule 4 to that Act insert, as Schedule 4A, the Schedule set out in Schedule 24 to this Act.

Commencement

Pt IV c. II s. 231(1)-(2): November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Pt IV c. II s. 231(1)-(2): England, Wales, Scotland

✓ Law In Force

232.— Amendment of access agreements.

(1) In subsection (1) of section 22 of the Railways Act 1993 (amendment of access agreement void unless approved by Regulator), insert at the end “or is made pursuant to directions under section 22A or 22C below or Schedule 4A to this Act.”

(2) After that section insert—

“22A.— Directions to require amendment permitting more extensive use.

(1) The Regulator may, on the application of the person permitted by an access agreement to use the whole or part of a railway facility or network installation, give directions requiring the parties to the access agreement to make to the agreement—

- (a) amendments permitting more extensive use of the railway facility or network installation by the applicant; and
- (b) any amendments which the Regulator considers necessary or desirable in consequence of those amendments.

(2) In subsection (1)(a) above “more extensive use” means—

- (a) increased use for the purpose for which the applicant is permitted by the access agreement to use the railway facility or network installation, or
 - (b) (in the case of a railway facility) use for any other permitted purpose,
- and if the applicant is permitted to use only part of the railway facility or network installation, includes use for the purpose for which he is permitted to use it, or (in the case of a railway facility) for any other permitted purpose, of any other part of the railway facility or network installation.

(3) In subsection (2) above “permitted purpose”, in relation to a railway facility, means a purpose for which directions may be given in relation to the railway facility under section 17 above.

(4) No directions shall be given under this section in relation to a railway facility if and to the extent that—

- (a) the railway facility is, by virtue of section 20 above, an exempt facility; or

(b) performance of the access agreement as amended would necessarily involve the facility owner in being in breach of another access agreement or an international railway access contract.

(5) No directions shall be given under this section in relation to a railway facility or network installation if and to the extent that, as a result of an obligation or duty owed by the facility owner or installation owner which arose before the coming into force of section 17 or 19 above, the consent of some other person is required by him before he may make the amendments.

(6) Nothing in this section authorises the Regulator to give directions to any person requiring him to grant a lease of the whole or any part of a railway facility or network installation.

(7) In this section and section 22B below—

(a) “international railway access contract” and “lease” have the same meaning as in section 17 above; and

(b) “network installation” has the same meaning as in section 19 above.

22B.— Applications for directions under section 22A: procedure.

(1) Schedule 4 to this Act shall have effect with respect to applications for directions under section 22A above as it has effect with respect to applications for directions under section 17 above (but subject as follows).

(2) In its application by virtue of this section Schedule 4 to this Act has effect with the following modifications—

(a) in paragraph 1, in the definition of “the facility owner”, for “17(1)” there shall be substituted “22A” and, in the definition of “interested person”, for “enter into the required access contract” there shall be substituted “make the amendments”;

(b) in paragraph 2(1), for “which the applicant proposes should be contained in the required access contract” and “to be contained in the required access contract” there shall be substituted “of the proposed amendments”;

(c) in paragraph 5(2), for “to the facility owner requiring him to enter into an access contract” there shall be substituted “under section 22A of this Act”;

(d) for paragraph 5(2)(a)(i) and (ii) there shall be substituted “the amendments to be made and the date by which they are to be made; and”;

(e) in paragraph 6(2), for the words from “facility owner's” to the end of paragraph (c) there shall be substituted “making of the amendments, the performance of the access agreement as amended or failing to take any step to protect the interests of the interested person in connection with the application for directions or the making of the amendments,”; and

(f) in paragraph 6(3), for “any access contract which is entered into” there shall be substituted “the amendments made”;

and the definition of “the required access contract”, and the words following that definition, in paragraph 1 and paragraph 5(4) shall be omitted.

(3) In its application by virtue of this section in relation to an application relating to an installation access contract Schedule 4 to this Act has effect with the following further modifications—

- (a) references to the railway facility shall have effect as references to the network installation;
- (b) references to the facility owner shall have effect as references to the installation owner; and
- (c) in the definition of “interested person” in paragraph 1, for “17” there shall be substituted “19”.

(4) The Regulator may determine that, in their application by virtue of this section in relation to any particular application, paragraphs 3 and 4 of Schedule 4 to this Act shall have effect as if for any of the numbers of days specified in them there were substituted the lower number specified by the Regulator.

22C.— Amendment: supplementary.

(1) The Regulator may give directions requiring the parties to an access agreement to make to the access agreement amendments which are, in his opinion, necessary to give effect to the conditions of a licence or otherwise required in consequence of the conditions of a licence.

(2) The Regulator shall not have power to direct or otherwise require amendments to be made to an access agreement except in accordance with section 22A above, subsection (1) above or Schedule 4A to this Act.

(3) If an access agreement includes provision for any of its terms to be varied—

- (a) by agreement of the parties, or
- (b) by direction or other requirement of the Regulator,

a variation made pursuant to that provision shall not be regarded for the purposes of section 22 above or subsection (2) above as an amendment of the agreement.”

Commencement

Pt IV c. II s. 232(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 232(1)-(2): England, Wales, Scotland



Law In Force

233.— Prospective facility owners, proposed facilities etc.

(1) In section 17(6) of the Railways Act 1993 (directions requiring facility owners to enter into contracts for use of their railway facilities), in the definition of “facility owner”, after paragraph (b) insert “but also includes a person before he becomes a facility owner;”.

(2) In section 19 of that Act (contracts for use of installations comprised in a network)—

- (a) in subsection (9), in the definition of “installation owner”, after paragraph (b) insert “but also includes a person before he becomes an installation owner;”, and
- (b) in subsection (11), insert at the end “and to one which is proposed to be constructed or is in the course of construction.”

(3) In section 83 of that Act (interpretation of Part I), after subsection (1) insert—

“(1A) In sections 17 to 22C above (and Schedule 4 to this Act) references to a railway facility (including references to any track, station or light maintenance depot) or a network include references to a railway facility (or any track, station or light maintenance depot) or a network which is proposed to be constructed or is in the course of construction.”

Commencement

Pt IV c. II s. 233(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 233(1)-(3): England, Wales, Scotland

Closures

 Repealed

234.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

235.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

236.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

237. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

238. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

239.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

The Board

 Law In Force

240. Transfer of Board's property etc. to Secretary of State.

Schedule 25 makes provision for the transfer to the Secretary of State of property, rights and liabilities of the Board.

Commencement

Pt IV c. II s. 240: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 240: England, Wales, Scotland

 Law In Force

241.— Winding down and abolition of Board.

(1) Section 84 of the Railways Act 1993 (power of Board to form companies) shall apply as if facilitating the carrying into effect of, or of any provision made under, sections 217, 218 and 240 and Schedules 18, 19 and 25 were a purpose specified by the Secretary of State under subsection (1)(d) of that section; and section 85 of that Act (power of Board to make transfer schemes) shall apply as if that were a purpose specified in subsection (3)(b) of that section.

(2) The Board shall give to the Authority any information, prepare any document and do any other thing which appears to the Authority appropriate for facilitating the carrying into effect of, or of any provision made under, sections 217, 218 and 240 and Schedules 18, 19 and 25.

(3) The Secretary of State may—

- (a) by order made by statutory instrument reduce the membership of the Board to a chairman and one or more other persons appointed by the Secretary of State, and
- (b) by notice in writing remove from office any member of the Board or vary the terms of his appointment.

(4) When, after consulting the Board, the Secretary of State considers that it is no longer necessary for the Board to continue to exist, he shall by order made by statutory instrument provide for its dissolution.

(5) If a person ceases to hold office as chairman or a member of the Board by virtue of subsection (3)(b) or (4) before his term of office would otherwise have expired and the Secretary of State determines that there are special circumstances which make it right that the person should receive compensation—

- (a) if the person ceases to hold office by virtue of subsection (3)(b), the Board, and
 - (b) if the person ceases to hold office by virtue of subsection (4), the Secretary of State,
- shall pay to the person such compensation as may be determined by the Secretary of State.

(6) Where an order under subsection (4) provides for the Board to be dissolved with effect from a time which would not, apart from this subsection, be the end of its financial year, the financial year of the Board which is current at that time shall be deemed to end with its dissolution.

(7) An order under subsection (4) which so provides may contain such provision as the Secretary of State considers appropriate (including provision modifying the effect of any enactment) for the Board or the Authority—

- (a) to prepare accounts for the final financial year of the Board, and
- (b) to make and lay before Parliament a report relating to the carrying out of the Board's functions during that financial year.

Commencement

Pt IV c. II s. 241(1)-(7)(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Pt IV c. II s. 241(1)-(7)(b): England, Wales, Scotland

Competition

 Law In Force

242.— Licence modifications following Competition Commission report.

(1) In section 15 of the Railways Act 1993 (modification of licence conditions following report of Competition Commission), after subsection (4) insert—

“(4A) Where (after considering any representations or objections which are duly made and not withdrawn) the Regulator or Authority proposes to make or require the making of modifications under this section, he or it shall give notice to the Competition Commission—

- (a) setting out the modifications he proposes to make or it proposes to require to be made; and
- (b) stating the reasons why he proposes to make the modifications or it proposes to require the making of them.

(4B) The Regulator or Authority shall include with the notice under subsection (4A) above a copy of any representations and objections which have been considered.

(4C) If the period within which a direction may be given by the Competition Commission under section 15A below expires without such a direction being given, the Regulator or Authority shall make, or require the making of, the modifications set out in the notice given under subsection (4A) above.

(4D) If a direction is given by the Competition Commission under section 15A(1)(b) below, the Regulator or Authority shall make, or require the making of, such of those modifications as are not specified in the direction.”

(2) After that section insert—

“15A.— Competition Commission's power to veto modifications following report.

(1) The Competition Commission may, within the period of four weeks beginning with the day on which they are given notice under section 15(4A) above, give a direction to the Regulator or Authority—

- (a) not to make, or require the making of, the modifications set out in the notice; or
- (b) not to make such of those modifications as are specified in the direction.

(2) The Secretary of State may, if an application is made to him by the Competition Commission within that period of four weeks, extend the period within which a direction may be given under this section to one of six weeks beginning with the day on which the Competition Commission are given notice under section 15(4A) above.

(3) The Competition Commission may give a direction under this section only if the modifications to which it relates do not appear to them requisite for the purpose of remedying or preventing the adverse effects specified in their report on the reference under section 13 above.

(4) If the Competition Commission give a direction under this section, they shall give notice—

- (a) setting out the modifications contained in the notice given under section 15(4A) above;
- (b) setting out the direction; and
- (c) stating the reasons why they are giving the direction.

(5) A notice under subsection (4) above shall be given—

- (a) by publishing the notice in such manner as the Competition Commission consider appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the direction; and
- (b) by serving a copy of the notice on the holder of the licence.

15B.— Making of modifications by Competition Commission.

(1) If the Competition Commission give a direction under section 15A above, they shall themselves make such modifications of the conditions of the licence as appear to them requisite for the purpose of remedying or preventing—

- (a) the adverse effects specified in their report on the reference under section 13 above; or
- (b) such of those adverse effects as would not be remedied or prevented by the modifications made by the Regulator, or required to be made by the Authority, under section 15(4D) above.

(2) In exercising the function conferred by subsection (1) above, the Competition Commission shall have regard to the matters as respects which duties are imposed on the Regulator by section 4 above.

(3) Before making modifications under this section, the Competition Commission shall give notice—

- (a) stating that they propose to make the modifications and setting out their effect,
- (b) stating the reasons why they propose to make the modifications, and
- (c) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(4) A notice under subsection (3) above shall be given—

- (a) by publishing the notice in such manner as the Competition Commission consider appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the making of the modifications; and
- (b) by serving a copy of the notice on the holder of the licence.

(5) As soon as practicable after making any modifications under this section, the Competition Commission shall send a copy of those modifications to the Regulator, the Authority and the Health and Safety Executive.

15C.— Sections 15A and 15B: supplementary.

(1) The provisions mentioned in subsection (2) below are to apply in relation to the exercise by the Competition Commission of their functions under sections 15A and 15B above as if—

- (a) in section 82(1) and (2) of the 1973 Act references to a report of the Competition Commission under that Act were references to a notice under section 15A(4) or 15B(3) above;
- (b) in section 85 of that Act references to an investigation on a reference made to the Competition Commission were references to an investigation by the Competition Commission for the purposes of the exercise of their functions under those sections; and
- (c) in section 93B of that Act references to the functions of the Competition Commission under that Act were references to their functions under those sections.

(2) The provisions are—

- (a) sections 82(1) and (2) (general provisions as to reports), 85 (attendance of witnesses and production of documents) and 93B (false or misleading information) of the 1973 Act;
- (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission's general functions); and
- (c) section 24 of the 1980 Act (modification of provisions about performance of such functions).

(3) For the purpose of assisting the Competition Commission in exercising their functions under sections 15A and 15B above, the Regulator and the Authority shall give to the Competition Commission any information in his or its possession which relates to matters relevant to the exercise of those functions and—

- (a) is requested by the Competition Commission for that purpose; or
- (b) is information which, in his or its opinion, it would be appropriate for that purpose to give to the Competition Commission without any such request;

and any other assistance which the Competition Commission may require, and which it is within his or its power to give, in relation to any such matters.

(4) For the purpose of exercising those functions, the Competition Commission shall take account of any information given to them for that purpose under subsection (3) above.”

Commencement

Pt IV c. II s. 242(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 242(1)-(2): England, Wales, Scotland



Law In Force

243.— Competition functions of Regulator.

(1) Section 67 of the Railways Act 1993 (functions of Regulator and Director General of Fair Trading) is amended as follows.

(2) In subsection (3) (concurrent exercise by Regulator and Director of functions under Part I of Competition Act 1998 so far as relating to agreements etc. which relate to supply of railway services), for “railway services” substitute “services relating to railways”.

(3) After that subsection insert—

“(3ZA) In subsection (3) above “services relating to railways” means—

- (a) railway services;
- (b) the provision or maintenance of rolling stock;
- (c) the development, maintenance or renewal of a network, station or light maintenance depot; and
- (d) the development, provision or maintenance of information systems designed wholly or mainly for facilitating the provision of railway services.

(3ZB) The Secretary of State may by order amend subsection (3ZA) above; and an order under this subsection shall not be made unless a draft of the statutory instrument containing it has been laid before and approved by a resolution of each House of Parliament.”

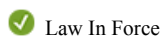
Commencement

Pt IV c. II s. 243(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 243(1)-(3): England, Wales, Scotland

Pensions



Law In Force

244.— Authority's duty to continue Board's practice of indexation.

(1) The Authority shall make provision for increases in pensions and capital sums to which this section applies broadly corresponding to each increase in official pensions under the Pensions (Increase) Act 1971 and section 59 of the Social Security Pensions Act 1975 (“an official pensions increase”).

(2) This section applies to a pension or capital sum at any time if—

- (a) at that time it is a pension in payment, a deferred pension or capital sum or a pension or capital sum to which a person's future entitlement is contingent on the death of another person, and
- (b) the Board either made provision for an increase in it broadly corresponding to an official pensions increase or would have done so if it had been within paragraph (a) at a time when the Board made provision for increases broadly corresponding to an official pensions increase.

(3) But where it was the practice of the Board, when making increases broadly corresponding to an official pensions increase, in any circumstances—

- (a) not to make provision for an increase, or
- (b) to make provision for an increase of a reduced amount,

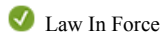
subsection (1) does not require the Authority to make in similar circumstances provision for an increase in excess of any for which the Board would have made provision.

Commencement

Pt IV c. II s. 244(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 244(1)-(3)(b): England, Wales, Scotland



245.— Amendments of pension protection provisions.

- (1) In paragraph 6(2)(a)(ii) of Schedule 11 to the Railways Act 1993 (power to make order providing for pension rights of protected persons to be no less favourable as a result of a transfer of pension rights), after “rights” insert “(whether made between occupational pension schemes or sections of an occupational pension scheme or otherwise)”.
- (2) The Railway Pensions (Protection and Designation of Schemes) Order 1994 is amended as follows.
- (3) In article 6 (transfers etc.), insert at the end—

“(9) In paragraphs (2), (3), (5), (7)(a) and (b)(i) and (8) references to an occupational pension scheme include a section of such a scheme.”
- (4) In article 7(4) (payments on transfers), insert at the end (but not as part of sub-paragraph (b))—

“and in this paragraph references to an occupational pension scheme include a section of such a scheme.”
- (5) In article 9 (circumstances in which breaks in continuity of employment are disregarded)—
 - (a) in paragraph (2), omit “, except to the extent specified in paragraph (3),” and “relevant” (in both places), and
 - (b) in paragraph (3), for “this article” substitute “paragraph (1)”.
- (6) In article 11(4) (activities to be regarded as the railway industry)—
 - (a) after “of Schedule 11 are” insert “the activities of the Authority or any subsidiary of the Authority and activities consisting of”, and
 - (b) for “in each case” substitute “in each of the cases in sub-paragraphs (a) to (d)”.
- (7) Omit paragraphs 13 and 14 (arbitration).
- (8) The amendments made by subsections (3) to (7) shall be treated as if made by an order made under Schedule 11 to the Railways Act 1993 (and, accordingly, may be varied or revoked by an order so made).

Commencement

Pt IV c. II s. 245(1), (3)-(5)(b): May 10, 2000 (2000 c. 38 Pt V s. 275(5))

Pt IV c. II s. 245(2), (8): May 10, 2000 for purposes specified in 2000 c.38 s.275(5); February 1, 2001 otherwise (2000 c. 38 Pt V s. 275(5); SI 2001/57 art. 3, Sch. 2(I) para. 1)

Pt IV c. II s. 245(6)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 245(1)-(8): England, Wales, Scotland

Miscellaneous

**246.— Passenger Transport Executives.**

(1) Section 34 of the Railways Act 1993 (Passenger Transport Authorities and Executives: franchising) is amended as follows.

(2) After subsection (8) insert—

“(8A) The Authority shall not do anything under subsection (8) above if or to the extent that to do it would prevent or seriously hinder the Authority—

(a) from complying with any directions given to it by the Secretary of State under section 207(5) of the Transport Act 2000 or from having regard to any guidance so given;

(b) from complying with any directions given to it by the Scottish Ministers under section 208 of that Act with which it must comply or from having regard to any guidance so given to which it must have regard; or

(c) from exercising any of its functions in a manner which is consistent with its financial framework.

(8B) The Authority need not do anything under subsection (8) above if or to the extent that to do it would have an adverse effect on the provision of services for the carriage of passengers or goods by railway (whether inside or outside the Passenger Transport Executive's passenger transport area).

(8C) The Authority need not do anything under subsection (8) above if or to the extent that to do it would increase the amount of any expenditure of the Authority under agreements or other arrangements entered into (in accordance with a franchise agreement) with—

(a) the franchise operator;

(b) the franchisee; or

(c) any servant, agent or independent contractor of the franchise operator or franchisee.”

(3) In subsection (17) (disputes between Authority and Passenger Transport Executives: directions by Secretary of State), for “with respect to the dispute” substitute “with respect to the proposal or franchise agreement”.

Amendments Pending

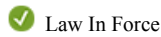
Pt IV c. II s. 246: repealed by Railways Act 2005 c. 14, Sch. 13(1) para. 1 (date to be appointed)

Commencement

Pt IV c. II s. 246(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 246(1)-(3): England, Wales, Scotland



Law In Force

247.— Standards.

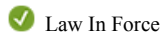
- (1) The Secretary of State may by regulations make provision for the setting of standards to be complied with in relation to railway assets, railway vehicles or railway services.
- (2) The regulations may provide—
 - (a) for standards to be set (and from time to time varied), or
 - (b) for compliance with standards to be monitored,by persons specified in, or designated in accordance with, the regulations.
- (3) The regulations may authorise the setting of standards which involve obtaining the approval of any person.
- (4) The regulations may authorise the charging of fees in respect of—
 - (a) the monitoring of compliance with standards, or
 - (b) the seeking of approvals in connection with standards.
- (5) The regulations may impose requirements to provide information on persons who—
 - (a) are required to comply with standards, or
 - (b) set, or monitor compliance with, standards,and prohibit the giving of false information.
- (6) The regulations may create criminal offences in respect of failures to comply with requirements imposed by the regulations.
- (7) The regulations may provide for such offences to be triable—
 - (a) only summarily, or
 - (b) either summarily or on indictment.
- (8) The regulations may provide for an offence triable only summarily to be punishable on conviction with a fine not exceeding—
 - (a) level 5 on the standard scale, or
 - (b) such lower amount as may be prescribed.
- (9) The regulations may provide for an offence triable either summarily or on indictment to be punishable—
 - (a) on summary conviction, with a fine not exceeding the statutory maximum or such lower amount as may be prescribed, or
 - (b) on conviction on indictment, with a fine.
- (10) The regulations may make different provision for different cases and may (in particular) include provision—
 - (a) authorising conditional or unconditional dispensation from requirements imposed by the regulations which would otherwise apply, or
 - (b) requiring compliance with requirements so imposed which would not otherwise apply,in particular cases or descriptions of case.
- (11) The regulations may include such incidental, consequential, supplementary or transitional provisions or savings as the Secretary of State may consider appropriate, including (in particular) provision modifying any provision made by or under any other enactment.
- (12) The regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement

Pt IV c. II s. 247(1)-(12): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. II s. 247(1)-(12): United Kingdom



Law In Force

248.— Substitute services to be suitable for disabled passengers.

(1) This section applies where—

- (a) a person who provides services for the carriage of passengers by railway provides or secures the provision of substitute road services, or
- [(b) the provision of such services is secured by the Secretary of State, the Scottish Ministers or the National Assembly for Wales.]¹

(2) [In providing or securing the provision of the services, the person providing them, the Secretary of State, the Scottish Ministers or the National Assembly for Wales]² shall ensure, so far as is reasonably practicable, that the substitute road services allow disabled passengers to undertake their journeys safely and in reasonable comfort.

(3) In the event of any failure by [a person]³ to comply with subsection (2), he [...] ⁴ shall be liable to pay damages in respect of any expenditure reasonably incurred, or other loss sustained, by a disabled passenger in consequence of the failure.

(4) The Secretary of State may by order grant exemption from subsection (2) to—

- (a) any class or description of persons who provide services for the carriage of passengers by railway, or
- (b) any particular person who provides such services,

in respect of all substitute road services or any class or description of such services.

(5) Before making an order under subsection (4) the Secretary of State shall consult—

- (a) the Disabled Persons Transport Advisory Committee, and
- (b) such other representative organisations as he thinks fit.

(6) An order under subsection (4) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) In this section “substitute road services” means services for the carriage of passengers by road which are provided where railway services have been temporarily interrupted or discontinued.

(8) For the purposes of this section a passenger is disabled if he has a disability, or has suffered an injury, which seriously impairs his ability to walk.

Notes

¹ Substituted by Railways Act 2005 c. 14 Sch.12 para.17(4) (October 1, 2006: substitution came into force on August 1, 2006 but could not take effect until 2000 c.38 s.248 came into force on October 1, 2006)

² Words substituted by Railways Act 2005 c. 14 Sch.12 para.17(5) (October 1, 2006: substitution came into force on August 1, 2006 but could not take effect until 2000 c.38 s.248 came into force on October 1, 2006)

- ³ Words substituted by Railways Act 2005 c. 14 Sch.12 para.17(6)(a) (October 1, 2006: substitution came into force on August 1, 2006 but could not take effect until 2000 c.38 s.248 came into force on October 1, 2006)
- ⁴ Words repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 1, 2006: repeal came into force on August 1, 2006 as specified in SI 2006/1933 but could not take effect until 2000 c.38 s.248 came into force on October 1, 2006)

Commencement

Pt IV c. II s. 248(1)-(8): October 1, 2006 (SI 2006/1933 art. 2)

Extent

Pt IV c. II s. 248(1)-(8): England, Wales, Scotland



Repealed

249.— [...]¹**Notes**

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)
-



Law In Force

250. Taxation of transfers.

Schedule 26 contains provisions about tax.

Commencement

Pt IV c. II s. 250: January 15, 2001 (SI 2000/3376 art. 2)

Extent

Pt IV c. II s. 250: United Kingdom

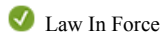


Repealed

251.— [...]¹**Notes**

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)
-

CHAPTER III**SUPPLEMENTARY**



Law In Force

252. Part IV: minor and consequential amendments.

Schedule 27 makes minor and consequential amendments relating to railways.

Commencement

Pt IV c. III s. 252: January 15, 2001 in relation to 2000 c.38 Sch.27 para.50; February 1, 2001 in relation to Sch.27 except Sch.27 paras.16 and 50 (SI 2000/3376 art. 2; SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt IV c. III s. 252: England, Wales, Scotland



Law In Force

253. Part IV: transitionals and savings.

Schedule 28 makes transitional provisions and savings relating to this Part.

Commencement

Pt IV c. III s. 253: November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Pt IV c. III s. 253: England, Wales, Scotland



Law In Force

254. Interpretation of Part IV.

Expressions which are used both in this Part and in the Railways Act 1993 and are given a meaning for the purposes of that Act, or Part I of that Act, have the same meaning in this Part.

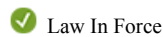
Commencement

Pt IV c. III s. 254: January 30, 2001 (SI 2001/57 art. 2, Sch. 1 para. 1)

Extent

Pt IV c. III s. 254: England, Wales, Scotland

PART V**MISCELLANEOUS AND SUPPLEMENTARY**

Charges for street works on highway

Law In Force

255.— Charge for whole duration of works.

(1) In the New Roads and Street Works Act 1991, after section 74 insert—

“74A.— Charge determined by reference to duration of works.

(1) The Secretary of State may make provision by regulations requiring an undertaker executing street works in a maintainable highway to pay to the highway authority a charge determined, in the prescribed manner, by reference to the duration of the works.

(2) The regulations shall not require charges to be paid to a local highway authority unless the Secretary of State has approved it for the purposes of the regulations by order made by statutory instrument.

(3) The regulations may prescribe exemptions from the requirement to pay charges.

(4) The regulations may prescribe different rates of charge according to—

- (a) the extent to which the surface of the highway is affected by the works,
- (b) the place and time at which the works are executed, and
- (c) such other factors as appear to the Secretary of State to be relevant.

(5) The regulations may—

- (a) prescribe more than one rate of charge in respect of the same description of works, and
- (b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.

(6) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

(7) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.

(8) The regulations may make provision as to the time and manner of making payment of charges.

(9) The regulations shall provide that a highway authority may reduce the amount, or waive payment, of a charge—

- (a) in any particular case,
- (b) in such classes of case as they may decide or as may be prescribed, or
- (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.

(10) The regulations may make provision as to—

- (a) the application by local highway authorities of sums paid by way of charges, and
- (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.

(11) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding level 3 on the standard scale.

(12) The regulations may require disputes of any prescribed description to be referred to an arbitrator appointed in accordance with the regulations.

(13) The first regulations under this section shall not be made unless a draft of them has been laid before and approved by a resolution of each House of Parliament; subsequent regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

74B. Regulations under sections 74 and 74A.

Nothing shall be taken to prevent the imposition of charges by both regulations under sections 74 and regulations under section 74A in respect of the execution of the same works at the same time.”

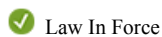
(2) The reference to the New Roads and Street Works Act 1991 in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 is to be treated as referring to that Act as amended by this section and section 256.

Commencement

Pt V s. 255(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 255(1)-(2): England, Wales



Law In Force

256.— Charges where works unreasonably prolonged.

(1) Section 74 of the New Roads and Street Works Act 1991 (charges where works unreasonably prolonged) is amended as follows.

(2) After subsection (2) insert—

“(2A) The regulations may prescribe exemptions from the requirement to pay charges.”

(3) In subsection (3)—

- (a) for “may submit to the authority” substitute “shall give to the authority, in such manner as may be prescribed, notice containing”, and
- (b) for “so submitted” substitute “contained in a notice given to an authority in such manner”.

(4) In subsection (4), for “may submit” substitute “shall give to the authority, in such manner as may be prescribed, notice containing”.

(5) After subsection (5) insert—

“(5A) The regulations may—

- (a) prescribe more than one rate of charge in respect of the same description of works, and
- (b) provide that charges are to be paid in respect of any works of that description at the rate which appears to the highway authority to be appropriate in relation to those works.

(5B) The regulations may make provision for the determination of the duration of works for the purposes of the regulations.

(5C) And they may, in particular, make provision for works to be treated as beginning or ending on the giving of, or as stated in, a notice given by the undertaker to the highway authority, in the prescribed manner, in accordance with a requirement imposed by the regulations.”

(6) In subsection (7), for the words from “charge” to the end substitute

“charge—

- (a) in any particular case,
- (b) in such classes of case as they may decide or as may be prescribed, or
- (c) in all cases or in all cases other than a particular case or such class of case as they may decide or as may be prescribed.”

(7) After that subsection insert—

“(7A) The regulations may make provision as to—

- (a) the application by local highway authorities of sums paid by way of charges, and
- (b) the keeping of accounts, and the preparation and publication of statements of account, relating to sums paid by way of charges.

(7B) The regulations may create in respect of any failure to give a notice required by the regulations a criminal offence triable summarily and punishable with a fine not exceeding level 3 on the standard scale.”

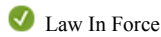
Commencement

Pt V s. 256(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 256(1)-(7): England, Wales

Driver training and driving instructors



Law In Force

257. Compulsory driver training courses.

In the Road Traffic Act 1988, after section 99 insert—

“Driver training

99ZA. Compulsory driver training courses.

Regulations may make provision about training in the driving of motor vehicles by means of courses provided in accordance with the regulations (“driver training courses”).

99ZB.— Requirements to complete training courses.

(1) Regulations under section 99ZA of this Act may provide that persons who have not successfully completed a driver training course—

- (a) may not take a test of competence to drive motor vehicles of a prescribed class (or a prescribed part of such a test),
- (b) are not authorised to drive motor vehicles of a prescribed class (before having passed a test of competence to drive them) by a provisional licence (or by section 98(2) or 99A(5) of this Act),
- (c) are not granted a licence authorising the driving of motor vehicles of a prescribed class by virtue of regulations under section 89(6)(b) or (c) of this Act, or
- (d) are not authorised to drive motor vehicles of a prescribed class in prescribed circumstances (despite having passed a test of competence to drive them).

(2) But a person is exempt from provision made by virtue of subsection (1)(b), (c) or (d) above if he is undergoing training on a driver training course and is driving a motor vehicle as part of the training.

(3) And regulations under section 99ZA of this Act may include provision exempting persons from any provision made by virtue of subsection (1) above in other circumstances; and regulations including such provision may (in particular)—

- (a) limit an exemption to persons in prescribed circumstances,
- (b) limit an exemption to a prescribed period or in respect of driving in a prescribed area,
- (c) attach conditions to an exemption, and
- (d) regulate applications for an exemption.

(4) Regulations under section 99ZA of this Act may include provision for the evidencing by a person of his being within—

- (a) the exemption specified in subsection (2) above, or
- (b) any exemption provided by virtue of subsection (3) above.

(5) Regulations under section 99ZA of this Act may provide that a driver training course is not to be taken into account for the purposes of the regulations if it was completed before such time as is prescribed.

99ZC.— Driver training courses: supplementary.

(1) Regulations under section 99ZA of this Act may include—

- (a) provision about the nature of driver training courses,
- (b) provision for the approval by the Secretary of State of persons providing such courses and the withdrawal of approvals (including provision for appeals against refusal and withdrawal of approvals) and provision for exemptions from any requirement of approval,
- (c) provision for the training or assessment, or the supervision of the training or assessment, of persons providing driver training courses,
- (d) provision setting the maximum amount of any charges payable by persons undergoing such courses, and
- (e) provision for the evidencing of the successful completion of such courses.

(2) Such regulations may include provision for the charging of reasonable fees in respect of the exercise of any function conferred or imposed on the Secretary of State by such regulations.

(3) Such regulations may make different provision—

- (a) for different classes of motor vehicles,
- (b) for different descriptions of persons, or
- (c) otherwise for different circumstances.”

Commencement

Pt V s. 257: May 1, 2002 (SI 2002/1014 art. 2(2), Sch. 1(1) para. 1)

Extent

Pt V s. 257: England, Wales, Scotland



Law In Force

258.— Register of approved instructors: destination of appeals.

(1) Section 131 of the Road Traffic Act 1988 (appeals to Secretary of State by persons aggrieved by decision of registrar of approved driving instructors) is amended as follows.

(2)-(3) [...]¹

(4) After subsection (4) insert—

“(4A) If the Tribunal consider that any evidence adduced on an appeal had not been adduced to the Registrar before he gave the decision to which the appeal relates, they may (instead of making an order under subsection (3) above) remit the matter to the Registrar for him to reconsider the decision.”

Notes

¹ Repealed by Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009/1885 Sch.3 para. 1 (September 1, 2009)

Commencement

Pt V s. 258(1)-(4): April 1, 2002 (SI 2002/658 art. 2(2), Sch. 1(2) para. 1)

Extent

Pt V s. 258(1)-(4): England, Wales, Scotland



Law In Force With Amendments Pending

259.— Taking effect of decisions about instructors.

(1) In section 127 of the Road Traffic Act 1988 (application to retain name in register of approved instructors), after subsection (7) insert—

“(7A) A decision to refuse an application shall take effect at the end of the period of fourteen days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).”,

and, in subsection (8), for “A decision to refuse an application shall” substitute “But the Registrar may, when giving notice of his decision to refuse the application, direct that the decision shall instead”.

(2) In section 128 of that Act (removal of name from register), after subsection (6) insert—

“(6A) A decision to remove a name from the register shall take effect at the end of the period of fourteen days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).”,

and, in subsection (7), for “A decision to remove a name from the register shall” substitute “But the Registrar may, when giving notice of his decision to remove the name from the register, direct that the decision shall instead”.

(3) In section 130 of that Act (revocation of licence for giving instruction in order to obtain practical experience), for subsection (6) substitute—

“(5A) A decision to revoke a licence shall take effect at the end of the period of fourteen days beginning with the day on which notice of the decision is given (or, if any appeal brought against the decision under the following provisions of this Part of this Act is previously withdrawn or dismissed, when the appeal is withdrawn or dismissed).

(6) But the Registrar may, when giving notice of his decision to revoke a licence, direct that (if an appeal under the following provisions of this Part of this Act is brought against the decision) it shall instead take effect—

- (a) if the appeal is withdrawn or struck out for want of prosecution, on the withdrawal or striking out of the appeal, or
- (b) if and when the appeal is dismissed, and not otherwise.”

(4) In section 131 of that Act (appeals against decisions of registrar), after subsection (4A) (inserted by section 258) insert—

“(4B) A person who is aggrieved by a decision of the Registrar not to give a direction under section 127(8), 128(7) or 130(6) of this Act may by notice in writing appeal to the Transport Tribunal within the period of ten days beginning with the day on which notice of the decision is given.

(4C) The Transport Tribunal shall determine the appeal by either—

- (a) giving the direction concerned, or
- (b) dismissing the appeal,

within the period of fourteen days beginning with the day on which notice of the decision is given.

(4D) Where the Registrar has decided to refuse an application for the retention of a name in the register, to remove a name from the register or to revoke a licence granted under section 129 of this Act but either—

- (a) he gave a direction under section 127(8), 128(7) or 130(6) of this Act, or
- (b) the Transport Tribunal have given such a direction on appeal,

he may by notice in writing apply to the Transport Tribunal for an order that the decision is to take effect immediately.

(4E) The Transport Tribunal shall determine the Registrar's application by either granting or refusing the application, within the period of fourteen days beginning with the day on which it is made.

(4F) The Transport Tribunal may only grant the application if they consider that a failure to do so might prejudicially affect—

- (a) the well-being of any person to whom the person concerned may give instruction in the driving of a motor car, or
- (b) the safety of road users.”

Amendments Pending

Pt V s. 259(2)-(3): repealed by Road Safety Act 2006 c. 49, Sch. 7 para. 1 (date to be appointed)

Commencement

Pt V s. 259(1)-(4): April 1, 2002 (SI 2002/658 art. 2(2), Sch. 1(2) para. 1)

Extent

Pt V s. 259(1)-(4): England, Wales, Scotland

 Partially In Force

260. Training and instructors: minor and consequential amendments.

Schedule 29 makes minor and consequential amendments about driver training and driving instructors.

Commencement

Pt V s. 260: April 1, 2002 in relation to provisions specified in SI 2002/658 art.2(2) and Sch.1 Part II; not yet in force otherwise (SI 2002/658 art. 2(2), art. 3(3), Sch. 1(2) para. 1)

Extent

Pt V s. 260: England, Wales, Scotland

Licensing of operators of goods vehicles

✓ Law In Force

261.— Increase of fine for breach of obligation to hold operator's licence.

(1) In section 2(5) of the Goods Vehicles (Licensing of Operators) Act 1995 (obligation to hold operator's licence: penalty for offence), for “level 4” substitute “level 5”.

(2) Subsection (1) does not apply to any offence committed before this section comes into force.

Commencement

Pt V s. 261(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 261(1)-(2): England, Wales, Scotland

✓ Law In Force

262.— Detention of vehicle used without operator's licence.

(1) In the Goods Vehicles (Licensing of Operators) Act 1995, after section 2 insert—

“2A. Detention of vehicle used without operator's licence.

Schedule 1A (which relates to the detention, removal and disposal of goods vehicles in respect of which it appears that section 2 is contravened) shall have effect.”

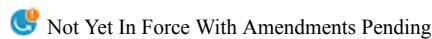
(2) After Schedule 1 to that Act insert, as Schedule 1A, the Schedule set out in Schedule 30 to this Act.

Commencement

Pt V s. 262(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 262(1)-(2): England, Wales, Scotland

**263. Addition of specified vehicles to operator's licence.**

In section 5 of the Goods Vehicles (Licensing of Operators) Act 1995 (vehicles authorised to be used under operator's licence), for subsection (6) substitute—

- “(6) A motor vehicle which is not specified in an operator's licence is not authorised to be used under that licence by virtue of subsection (1) unless the licence-holder—
- (a) has given to the traffic commissioner by whom the licence was issued a notice in such form and containing such information about the vehicle as the commissioner may require, and
 - (b) has paid to him a prescribed fee.”

Amendments Pending

Pt V s. 263: amended by Local Transport Act 2008 c. 26, Pt 7 s. 125 (date to be appointed: amendments came into force February 9, 2009 but cannot take effect until the commencement of 2000 c.38, s.263)

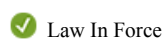
Commencement

Pt V s. 263: Date to be appointed (not yet in force)

Extent

Pt V s. 263: England, Wales, Scotland

Type approvals: exemptions

**264. Type approval: individual exemptions.**

In section 63 of the Road Traffic Act 1988 (obligatory type approval certificates, certificates of conformity and Minister's approval certificates), for subsection (5) (power to make exemptions by regulations) substitute—

- “(5) The Secretary of State may make provision for securing that, subject to such restrictions and conditions as may be specified by or under the instrument by which the provision is made—
- (a) the use of vehicles is exempted from all or any of the preceding provisions of this section for purposes specified in the instrument or in such an area as is so specified,
 - (b) goods vehicles are exempted from the provisions of subsection (2) above, and
 - (c) there are issued in respect of vehicles or vehicle parts, in such circumstances as may be specified in the instrument, certificates of temporary exemption exempting

the vehicles or vehicle parts from the provisions of subsection (1) above for such period as may be provided in the certificate.

(6) Subject to subsection (7) below, the power conferred by subsection (5) above is exercisable by regulations.

(7) That power is exercisable by order in relation to—

- (a) specified vehicles, or
- (b) vehicles of specified persons;

and an order under this subsection may be varied or revoked by a subsequent order of the Secretary of State.”

Commencement

Pt V s. 264: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 264: England, Wales, Scotland

Licensing of private hire vehicles

✓ Law In Force

265.— Vehicles subject to regulation as private hire vehicles.

(1) In section 79 of the Public Passenger Vehicles Act 1981 (which provides that a vehicle which is not a public service vehicle because of section 1(3) or (4) of that Act is to be treated as one for the purpose of excluding it from regulation as a private hire vehicle), for “1(3) or (4)” substitute “1(4)”.

(2) After that section insert—

“79A.— Small PSVs subject to regulation as private hire vehicles.

(1) If a small bus is being provided for hire with the services of a driver for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of—

- (a) Part II of the Local Government (Miscellaneous Provisions) Act 1976, or
- (b) any local Act applying in any area in England and Wales which regulates the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and excludes public service vehicles from the scope of that regulation.

(2) If a small bus is being made available with a driver to the public for hire for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of the Private Hire Vehicles (London) Act 1998.

(3) But subsection (1) or (2) does not apply where the vehicle is being so provided or made available in the course of a business of carrying passengers by motor vehicles all but a small part of which involves the operation of large buses.

(4) In this section—

“small bus” means a public service vehicle within paragraph (b) of subsection (1) of section 1 of this Act; and

“large buses” means public service vehicles within paragraph (a) of that subsection.”

(3) In section 167(4) of the Criminal Justice and Public Order Act 1994 (touting for hire car services: defence in case of public service vehicles), for “passengers for public service vehicles” substitute “passengers to be carried at separate fares by public service vehicles”.

Commencement

Pt V s. 265(1)-(3): July 1, 2001 (SI 2001/1498 art. 3)

Extent

Pt V s. 265(1)-(3): England, Wales

Enforcement of requirements relating to drivers' hours

✓ Law In Force

266. Power to prohibit driving of vehicle.

After section 99 of the Transport Act 1968 insert—

“99A.— Power to prohibit driving of vehicle.

(1) If—

(a) the driver of a UK vehicle obstructs an authorised person in the exercise of his powers under subsection (2) or (3) of section 99 of this Act or fails to comply with any requirement made by an authorised person under subsection (1) of that section,

(b) it appears to an authorised person that, in relation to a UK vehicle or its driver, there has been a contravention of any of the provisions of—

(i) sections 96 to 98 of this Act and any orders or regulations under those sections, or

(ii) the applicable Community rules,

or that there will be such a contravention if the vehicle is driven on a road, or

(c) it appears to an authorised person that an offence under section 99(5) of this Act has been committed in respect of a UK vehicle or its driver,

the authorised person may prohibit the driving of the vehicle on a road either for a specified period or without limitation of time.

(2) Where an authorised person prohibits the driving of a vehicle under this section, he may also direct the driver to remove the vehicle (and, if it is a motor vehicle drawing a trailer,

also to remove the trailer) to such place and subject to such conditions as are specified in the direction; and the prohibition shall not apply to the removal of the vehicle in accordance with that direction.

(3) On imposing a prohibition under subsection (1) of this section, the authorised person shall give notice in writing of the prohibition to the driver of the vehicle, specifying the circumstances (as mentioned in paragraph (a), (b) or (c) of that subsection) in consequence of which the prohibition is imposed and stating whether it is imposed only for a specified period (and if so specifying the period) or without limitation of time.

(4) Any direction under subsection (2) of this section may be given—

- (a) in the notice under subsection (3) of this section, or
- (b) in a separate notice in writing given to the driver of the vehicle.

(5) In this section—

“authorised person” means—

- (a) an examiner appointed by the Secretary of State under section 66A of the Road Traffic Act 1988, or
- (b) a constable authorised to act for the purposes of this section by or on behalf of a chief officer of police;

“UK vehicle” means a vehicle registered under the Vehicle Excise and Registration Act 1994.

99B.— Duration and removal of prohibition.

(1) Subject to any exemption granted under subsection (2) of this section, a prohibition under subsection (1) of section 99A of this Act shall come into force as soon as notice of it has been given in accordance with subsection (3) of that section and shall continue in force—

- (a) until it is removed under subsection (3) of this section, or
- (b) in the case of a prohibition imposed for a specified period, until it is removed under that subsection or that period expires, whichever first occurs.

(2) Where notice of a prohibition has been given under section 99A(3) of this Act in respect of a vehicle, an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purposes as may be specified in the exemption may be granted by any authorised person.

(3) A prohibition under section 99A(1) of this Act may be removed by any authorised person, if he is satisfied that appropriate action has been taken to remove or remedy the circumstances (as mentioned in paragraph (a), (b) or (c) of section 99A(1) of this Act) in consequence of which the prohibition was imposed; and on doing so the authorised person shall give notice in writing of the removal of the prohibition to the driver of the vehicle.

(4) In this section, “authorised person” has the same meaning as in section 99A of this Act.

99C. Failure to comply with prohibition.

Any person who—

- (a) drives a vehicle on a road in contravention of a prohibition imposed under section 99A(1) of this Act,

- (b) causes or permits a vehicle to be driven on a road in contravention of such a prohibition, or
 - (c) refuses or fails to comply within a reasonable time with a direction given under section 99A(2) of this Act,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

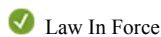
Commencement

Pt V s. 266: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 266: England, Wales, Scotland

Appeals relating to London service permits



Law In Force

267.— London service permits: appeals.

(1) Section 189 of the Greater London Authority Act 1999 (appeals against decisions of Transport for London about London service permits) is amended as follows.

(2) In subsections (2) and (4) (appeals to be made to Mayor), for “appeal to the Mayor” substitute “make an appeal”.

(3)-(6) [...]¹

(7) For subsections (11) to (13) (power of panel to report to Mayor who may issue appropriate guidance or directions to Transport for London) substitute—

“(11) An appeal panel which has heard an appeal against a decision may—

- (a) uphold the decision,
- (b) quash the decision, or
- (c) substitute for the decision such other decision which Transport for London had power to make as appears to the appeal panel to be appropriate.

(12) An appeal panel which has heard an appeal may make an order about payment of the costs of the appeal; and such an order may require that Transport for London pay to the person who made the appeal a sum equal to the whole or part of any fee paid in accordance with regulations under subsection (7) above.”

(8) In section 420(7) of that Act (regulations subject to negative Parliamentary procedure), after the entry relating to any provision contained in Chapters I to IV or VI of Part III, insert—

“section 189;”.

Notes

- ¹ Repealed by Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009/1885 Sch.3 para.1 (September 1, 2009)

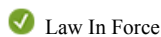
Commencement

Pt V s. 267(1), (3), (5), (8): February 1, 2001 for purposes of making regulations with regard to appeals under 1999 c.29 s.189 made after April 1, 2002 which is the date 2000 c.38 s.267 is fully in force; April 1, 2002 otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2002/658 art. 2(2), Sch. 1(2) para. 1)

Pt V s. 267(2), (4), (6)-(7): April 1, 2002 (SI 2002/658 art. 2(2), Sch. 1(2) para. 1)

Extent

Pt V s. 267(1)-(8): England, Wales

Quiet lanes and home zones and rural road speed limits

Law In Force

268.— Quiet lanes and home zones.

- (1) A local traffic authority may designate any road for which they are the traffic authority as a quiet lane or a home zone.
- (2) The appropriate national authority may make regulations authorising local traffic authorities who have designated roads as quiet lanes or home zones to make use orders and speed orders of such descriptions as are prescribed by the regulations in relation to any roads designated by them as quiet lanes or home zones.
- (3) A use order is an order permitting the use of a road for purposes other than passage.
- (4) But a use order may not permit any person—
- (a) wilfully to obstruct the lawful use of a road by others, or
 - (b) to use a road in a way which would deny reasonable access to premises situated on or adjacent to the road.
- (5) A speed order is an order authorising the local traffic authority by whom it is made to take measures with a view to reducing the speed of motor vehicles or cycles (or both) on a road to below that specified in the order.
- (6) The appropriate national authority may make regulations specifying procedures for the making, variation and revocation of—
- (a) designations, and
 - (b) use orders and speed orders,
- including procedures for confirmation (whether by the appropriate national authority or any other body).

(7) The appropriate national authority may give guidance to local traffic authorities about matters to which they must have regard in determining whether or not to designate a road as a quiet lane or home zone.

(8) In this section—

“the appropriate national authority” means—

- (a) the Secretary of State as respects England, and
- (b) the National Assembly for Wales as respects Wales,

“cycle” has the same meaning as in the Road Traffic Act 1988,

“local traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984,

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, and

“road” has the same meaning as in the Road Traffic Regulation Act 1984.

(9) Regulations under this section shall be made by statutory instrument and may make different provision for different cases or areas.

(10) A statutory instrument containing regulations made by the Secretary of State under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement

Pt V s. 268(1)-(10): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 268(1)-(10): England, Wales



Repealed

269.— [...]¹

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(14) para.1 (July 22, 2004)

School crossing patrols



Law In Force

270.— School crossing patrols.

(1) The Road Traffic Regulation Act 1984 is amended as follows.

(2) In section 26 (arrangements for patrolling places where children cross roads during certain periods)—

(a) in subsection (1), omit “during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way,”, and

(b) after that subsection insert—

“(1A) Arrangements under subsection (1) above may be made for patrolling places at such times as the authority thinks fit.”

(3) In section 28 (power to stop vehicles at school crossings)—

(a) in subsection (1)—

(i) omit “between the hours of eight in the morning and half-past five in the afternoon”, and

(ii) for “children on their way to or from school, or from one part of a school to another, are” substitute “a person is”,

(b) in subsection (2)—

(i) for “children are” substitute “person is”, and

(ii) for “their” substitute “his”, and

(c) in subsection (5)—

(i) insert “and” at the end of paragraph (a), and

(ii) omit paragraph (c) and the word “and” before it.

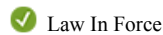
Commencement

Pt V s. 270(1)-(3)(c)(ii): January 30, 2001 (SI 2001/57 art. 2, Sch. 1 para. 1)

Extent

Pt V s. 270(1)-(3)(c)(ii): England, Wales

Stands etc. for bicycles or motor cycles



Law In Force

271.— Stands etc. for bicycles or motor cycles.

(1) The Road Traffic Regulation Act 1984 is amended as follows.

(2) In section 63 (power of authorities to provide stands and racks for bicycles), for “and racks for bicycles” substitute “or racks for, or devices for securing, bicycles or motor cycles”.

(3) In section 136(4) (meaning of “motor cycle”), for “section 57” substitute “sections 57 and 63”.

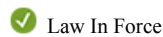
Commencement

Pt V s. 271(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 271(1)-(3): England, Wales

Financial assistance: inland waterway and sea freight



272.— Financial assistance for inland waterway and sea freight.

(1) The Secretary of State may make grants or other payments for the purpose of securing or encouraging the carriage of goods by inland waterway or by sea rather than by road where he is satisfied that that is in the public interest.

(2) Grants or payments under this section may in particular be made in respect of facilities for or in connection with the carriage of goods by inland waterway or by sea (including facilities for loading or unloading goods).

(3) Grants or payments under this section shall be of such amount and subject to such conditions (including conditions requiring their repayment in specified circumstances) as the Secretary of State may determine.

[(4) So far as it relates to inland waterways that are wholly in Wales, the power conferred by this section is a power of the Welsh Ministers.

(4A) So far as it relates to—

(a) the carriage of goods by an inland waterway that is partly in Wales, or

(b) the carriage of goods by sea where the carriage concerned is wholly or partly by sea adjacent to Wales,

the power conferred by this section may be exercised concurrently or jointly by the Secretary of State and the Welsh Ministers.

] ¹

(5) The power conferred by this section may only be exercised in or as regards Scotland if its exercise relates to reserved matters within the meaning of the Scotland Act 1998.

[(6) In this section—

"inland waterway" includes both a natural and an artificial inland waterway;

"sea adjacent to Wales" means the sea adjacent to Wales out as far as the seaward boundary of the territorial sea.

(7) An order under section 158(3) of the Government of Wales Act 2006 determining, or making provision for determining, any boundary between waters which are to be treated as parts of the sea adjacent to Wales and those which are not applies for the purposes of the definition of "sea adjacent to Wales" in this section as it applies for the purposes of the definition of "Wales" in that Act.] ²

Notes

¹ S.272(4)-(4A) substituted for s.272(4) by Wales Act 2017 c. 4 Pt 2 s.56(2) (April 1, 2018: substitution has effect as SI 2017/1179 reg.3(l) subject to transitional provisions specified in 2017 c.4 s.70 and Sch.7 paras.1 and 6)

² S.272(6)-(7) substituted for s.272(6) by Wales Act 2017 c. 4 Pt 2 s.56(3) (April 1, 2018: substitution has effect as SI 2017/1179 reg.3(l) subject to transitional provisions specified in 2017 c.4 s.70 and Sch.7 paras.1 and 6)

Commencement

Pt V s. 272(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 272(1)-(4), (5)-(6): United Kingdom

Pt V s. 272(4A)-(4A)(b), (6)-(7): (extent not available)

Supplementary

✓ Law In Force

273.— Offences: general.

(1) If an offence under this Act is committed by a body corporate and is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—

(a) a director, manager, secretary or other similar officer of the body, or

(b) a person who was purporting to act in such a capacity,

he (as well as the body) commits the offence.

(2) In subsection (1) “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body.

(3) If an offence under this Act is committed by a Scottish partnership and is proved to have been committed with the consent or connivance of a partner, he (as well as the partnership) commits the offence.

Commencement

Pt V s. 273(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Pt V s. 273(1)-(3): United Kingdom

ⓘ Partially In Force

274. Repeals and revocations.

Schedule 31 contains repeals and revocations.

Commencement

Pt V s. 274: January 15, 2001 for repeals specified in SI 2000/3376 art.2; February 1, 2001 in relation to England for repeals specified in SI 2001/57 art.3, Sch.2 Part I and Sch.3 Part I; April 1, 2001 in relation to England for repeals specified in SI 2000/3229 art.2(3) and Sch.1 Part III and SI 2001/869 art.2; June 1, 2001 in relation to England for repeals specified in SI 2000/3229 art.2(4) and Sch.1 Part IV; October 26, 2001 in relation to England for repeals specified in SI 2001/3342 art.2 and Sch.1; April 1, 2002 for repeals specified in SI 2002/658 art.2(2) and Sch.1 Part II as amended by SI 2002/846 art.2(2); May 1, 2002 in relation to England for repeals specified in SI 2002/1014 Sch.1 Part I; August 14, 2002 in relation to Wales for repeals specified in SI 2002/2024 art.2(b); October 15, 2005 for repeal specified in SI 2005/2862 art.3; not yet in force otherwise (SI 2000/3229 art. 2, Sch. 1(III) para. 1, Sch. 1(IV) para. 1; SI 2000/3376 art. 2; SI 2001/57 art. 3, Sch. 2(I) para. 1, Sch. 3(I) para. 1; SI 2001/869 art. 2; SI 2001/3342 art. 2,

Sch. 1 para. 1; SI 2002/658 art. 2(2), Sch. 1(2) para. 1; SI 2002/846 art. 2(2); SI 2002/1014 art. 2(1), Sch. 1(1) para. 1; SI 2002/2024 art. 2(b); SI 2005/2862 art. 3)

Extent

Pt V s. 274: United Kingdom

✓ Law In Force

275.— Commencement.

(1) Subject as follows, the preceding provisions of this Act come into force in accordance with provision made by the Secretary of State by order made by statutory instrument; and different provision may be made for different purposes.

(2) The power conferred by subsection (1) is exercisable as respects Wales by the National Assembly for Wales (and not the Secretary of State) in relation to Parts II and III (and the repeals relating to Part II).

(3) [...]¹

(4) Section 231 (and Schedule 24), section 253 (and Schedule 28) and section 269 come into force on the day on which this Act is passed.

(5) In section 245, subsections (1) and (3) to (5), and subsections (2) and (8) so far as relating to subsections (3) to (5), shall be treated as having come into force on 10th May 2000.

Notes

¹ Repealed by Statute Law (Repeals) Act 2004 c. 14 Sch.1(14) para.1 (July 22, 2004)

Commencement

Pt V s. 275(1)-(5): November 30, 2000

Extent

Pt V s. 275(1)-(5): United Kingdom

✓ Law In Force

276.— Transitionals and savings.

(1) The Secretary of State may by order made by statutory instrument make any transitional provisions or savings which he considers appropriate in connection with the coming into force of any provision of this Act.

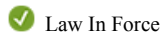
(2) The power conferred by subsection (1) is exercisable as respects Wales by the National Assembly for Wales (and not the Secretary of State) in relation to Parts II and III (and the repeals relating to Part II).

Commencement

Pt V s. 276(1)-(2): November 30, 2000

Extent

Pt V s. 276(1)-(2): United Kingdom



Law In Force

277.— Power to make amendments.

(1) The Secretary of State may, in consequence of any provision of this Act or of any instrument made under it, by order made by statutory instrument make such amendments (including repeals or revocations) as appear to him to be appropriate in—

- (a) any Act (whether public general or local) passed, or
- (b) any subordinate legislation (within the meaning of the Interpretation Act 1978) made, before that provision comes into force.

(2) The power conferred by subsection (1) is exercisable as respects Wales by the National Assembly for Wales (and not the Secretary of State) in relation to Parts II and III and any instruments made under them.

(3) No order shall be made under subsection (1) by the Secretary of State unless a draft of the order containing it has been laid before, and approved by resolution of, each House of Parliament.

Commencement

Pt V s. 277(1)-(3): November 30, 2000

Extent

Pt V s. 277(1)-(3): United Kingdom



Law In Force

278.— Financial provision.

(1) There shall be paid out of money provided by Parliament—

- (a) any expenditure incurred by any Minister of the Crown or government department under or by virtue of this Act (apart from any expenditure to be met from the National Loans Fund), and
- (b) any increase attributable to this Act in the sums payable out of money so provided under any other enactment.

(2) There shall be issued to the Secretary of State by the Treasury out of the National Loans Fund any sums required by him for—

- (a) making loans under section 52 to a transferee [.]¹
- (b) [...] ¹

(3) There shall be paid into the National Loans Fund any repayment of, or payment of interest on, loans—

(a) made under section 52 by the Secretary of State to a transferee [.]¹

(b) [...] ¹

(4) The assets of the National Loans Fund shall be reduced by an amount corresponding to such liability as the Secretary of State extinguishes by order under section 57.

(5) There shall be paid into the Consolidated Fund any sums received by any Minister of the Crown or government department under or by virtue of this Act (apart from any sums required to be paid into the National Loans Fund).

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Pt V s. 278(1)-(5): November 30, 2000

Extent

Pt V s. 278(1)-(5): United Kingdom



Law In Force

279.— Extent.

(1) Parts II and III, and the repeals relating to those Parts, and sections 255 and 256, 265, 267 and 268 and 270 and 271, and the repeals in Part V(2) of Schedule 31, extend only to England and Wales.

(2) Subject as follows, Part IV, sections 257 to 260 (and Schedule 29), sections 261 to 263 (and Schedule 30) and sections 264, 266 and 269, and Part V(1) of Schedule 31, extend only to England and Wales and Scotland.

(3) The amendments made by Parts I and IV, and the repeals and revocations relating to those Parts, have the same extent as the enactments to which they relate (except where it is otherwise provided).

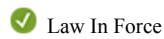
(4) Sections 247 and 250, paragraph 14 of Schedule 14 and Schedule 26 extend to England and Wales, Scotland and Northern Ireland.

Commencement

Pt V s. 279(1)-(4): November 30, 2000

Extent

Pt V s. 279(1)-(4): United Kingdom



Law In Force

280. Short title.

This Act may be cited as the Transport Act 2000.

Commencement

Pt V s. 280: November 30, 2000

Extent

Pt V s. 280: United Kingdom

[SCHEDULE A1**APPEALS UNDER SECTION 19A****Section 19F****] ¹**

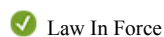
Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

[PART 1**PERMISSION TO APPEAL****] ¹**

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)



Law In Force

[1 Application for permission to appeal

(1) An application to the CMA for permission to appeal under section 19A may not be made after the end of the period of six weeks beginning with the day on which the CAA published the decision notice.

(2) In this Schedule "the decision notice" means the notice published under section 11A of the decision that is the subject of the application for permission to appeal under section 19A.

(3) The applicant must send a copy of the application to the CAA.

(4) The CAA must—

- (a) publish the application;
- (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).

(5) Those persons are—

- (a) the holder of the licence that is the subject of the application;
- (b) any other person with a qualifying interest in the decision that is the subject of the application;
- (c) any owners or operators of aircraft that the CAA considers appropriate;
- (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(1) para. 1(1)-(5)(d): United Kingdom

 Law In Force

[2 Determination of application for permission to appeal

- (1) The decision of the CMA on an application for permission to appeal is to be taken by an authorised member of the CMA.
- (2) The authorised member must take the decision before the end of the period of ten weeks beginning with the day on which the CAA published the decision notice.
- (3) The authorised member may grant permission to appeal subject to conditions.
- (4) The conditions may, in particular, include—
 - (a) conditions which limit the matters that are to be considered on the appeal;
 - (b) conditions for the purpose of expediting the determination of the appeal;
 - (c) conditions requiring the appeal to be considered together with other appeals, including appeals relating to different matters or decisions and appeals brought by different persons.
- (5) An authorised member of the CMA who grants permission to appeal against a decision that relates entirely or partly to a matter remitted to the CAA following an earlier appeal under section 19A must grant permission subject to conditions excluding the consideration of—
 - (a) matters that were considered as part of the earlier appeal, and
 - (b) matters that could have been raised by the applicant or a relevant connected person as part of the earlier appeal,unless the member considers that there are compelling reasons not to do so.
- (6) In sub-paragraph (5) "relevant connected person", in relation to an applicant, means a person who was connected to the applicant at any time during the consideration of the earlier appeal by the CMA.
- (7) An authorised member of the CMA must—

- (a) publish the decision on an application for permission to appeal and the reasons for the decision;
- (b) send a copy of the decision and the reasons to the persons listed in sub-paragraph (8).

(8) Those persons are—

- (a) the holder of the licence that is the subject of the application;
- (b) if the application was made by someone other than the licence holder, the applicant;
- (c) any other person with a qualifying interest in the decision that is the subject of the application;
- (d) any owners or operators of aircraft that the authorised member considers appropriate;
- (e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;
- (f) the CAA.

(9) An authorised member of the CMA may exclude from publication under sub-paragraph (7) any information that the member is satisfied is—

- (a) commercial information the disclosure of which would or might, in the opinion of the member, significantly harm the legitimate business interests of an undertaking to which it relates, or
- (b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the member, significantly harm the individual's interests.

1

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(1) para. 2(1)-(9)(b): United Kingdom

 Law In Force

[3 Time limit for CAA to make representations

(1) This paragraph applies where the CAA wishes to make representations to the CMA in relation to an application under paragraph 1 for permission to appeal against a decision.

(2) The CAA must make representations in writing before the end of the period of eight weeks beginning with the day on which the CAA published the decision notice.

(3) The CAA must send a copy of its representations to—

- (a) the holder of the licence that is the subject of the application;
- (b) if the application was made by someone other than the licence holder, the applicant;
- (c) any other person with a qualifying interest in the decision that is the subject of the application;
- (d) any owners or operators of aircraft that the CAA considers appropriate;
- (e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

1

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(1) para. 3(1)-(3)(e): United Kingdom

[PART 2**INTERVENTION IN APPEAL**

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

 Law In Force

[4 Application for permission to intervene in appeal

(1) Where an application is made under paragraph 1 for permission to appeal against a decision, an application for permission to intervene in the appeal may be made to the CMA by another person who would be entitled to appeal against the decision.

(2) An application for permission to intervene—

- (a) may be made before the end of the period of one week beginning with the day of publication of the CMA's decision to grant permission to appeal against the decision;
- (b) may be made after the end of that period only with the leave of an authorised member of the CMA.

(3) The applicant must send a copy of the application to the CAA.

(4) The CAA must—

- (a) publish the application;
- (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).

(5) The persons are—

- (a) the holder of the licence that is the subject of the appeal;
- (b) any other person with a qualifying interest in the decision that is the subject of the appeal;
- (c) any owners or operators of aircraft that the CAA considers appropriate;
- (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

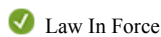
] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(2) para. 4(1)-(5)(d): United Kingdom



Law In Force

[5 Determination of application for permission to intervene

- (1) The decision of the CMA on an application for permission to intervene is to be taken by an authorised member of the CMA.
- (2) An authorised member of the CMA may grant permission to intervene in an appeal only if the member is satisfied that allowing the applicant to intervene is necessary or desirable for the proper resolution of the appeal.
- (3) The authorised member—
- (a) may grant permission to intervene for the purposes of supporting or opposing an appeal;
 - (b) must make any permission to intervene for the purpose of supporting an appeal subject to conditions preventing the intervener from putting forward new grounds of appeal;
 - (c) may make permission to intervene subject to other conditions, including conditions which limit the matters that may be raised by the intervener.
- (4) An authorised member of the CMA must—
- (a) publish the decision on an application for permission to intervene and the reasons for the decision;
 - (b) send a copy of the decision and reasons to the persons listed in sub-paragraph (5).
- (5) Those persons are—
- (a) the holder of the licence that is the subject of the appeal;
 - (b) if the application was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal;
 - (d) any owners or operators of aircraft that the authorised member considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;
 - (f) the CAA.
- (6) An authorised member of the CMA may exclude from publication under sub-paragraph (4) any information that the member is satisfied is—
- (a) commercial information the disclosure of which would or might, in the opinion of the member, significantly harm the legitimate business interests of an undertaking to which it relates, or
 - (b) information relating to the private affairs of an individual the disclosure of which would or might, in the opinion of the member, significantly harm the individual's interests.

¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(2) para. 5(1)-(6)(b): United Kingdom

[PART 3**APPLICATION FOR SUSPENSION OF MODIFICATION**

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

 Law In Force

[6 Application for direction suspending licence modification

(1) Where an application is made under paragraph 1 for permission to appeal against a decision, an application for a direction suspending the effect of the decision may be made to the CMA—

- (a) by the person who applied for permission to appeal, or
- (b) by another person who would be entitled to appeal against the decision.

(2) An application for a direction may be made at any time before the determination of the appeal.

(3) The applicant must send a copy of the application to the CAA.

(4) The CAA must—

- (a) publish the application;
- (b) send a copy of the application to the persons listed in sub-paragraph (5) (other than the applicant).

(5) Those persons are—

- (a) the holder of the licence that is the subject of the application;
- (b) any other person with a qualifying interest in the decision that is the subject of the application;
- (c) any owners or operators of aircraft that the CAA considers appropriate;
- (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(3) para. 6(1)-(5)(d): United Kingdom

✓ Law In Force

[7 Effect of early application for direction suspending licence modification

(1) This paragraph applies if—

- (a) an application is made under paragraph 6 for a direction suspending the effect of a decision under section 11(1) to modify a licence condition,
- (b) the application is made before the end of the period of six weeks beginning with the day on which the CAA published the decision notice, and
- (c) the modification would have effect, but for this paragraph, before the end of the period of ten weeks beginning with that day ("the ten-week period").

(2) The modification does not have effect during the ten-week period.

(3) The decision of the CMA on the application under paragraph 6 must be taken before the end of the ten-week period.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(3) para. 7(1)-(3): United Kingdom

✓ Law In Force

[8 Direction following application under paragraph 6

(1) The functions of the CMA in relation to an application under paragraph 6 for a direction are to be carried out by an authorised member of the CMA.

(2) An authorised member of the CMA may give a direction suspending the effect of a decision under section 11(1) to include a condition in a licence only if—

- (a) the applicant for the direction would incur significant costs if the licence condition were to have effect from the date specified in the decision, and
- (b) the balance of convenience does not otherwise require the licence condition to have effect from that date.

(3) If the authorised member gives a direction suspending the effect of the decision, the licence condition does not have effect or ceases to have effect—

- (a) to the extent specified in the direction, and
- (b) for the period specified or described in the direction.

(4) An authorised member of the CMA may by notice vary or withdraw a direction under this paragraph if the authorised member considers it appropriate to do so having regard to the costs and the balance of convenience referred to in sub-paragraph (2).

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(3) para. 8(1)-(4): United Kingdom

 Law In Force

[9 Publication of decisions about directions

- (1) An authorised member of the CMA must—
- (a) publish a decision on an application under paragraph 6 for a direction and the reasons for the decision;
 - (b) send a copy of the decision and reasons to the persons listed in sub-paragraph (4).
- (2) Where paragraph 7 applies, the requirements of sub-paragraph (1) must be complied with before the end of the ten-week period referred to in that paragraph.
- (3) An authorised member of the CMA must—
- (a) publish any notice varying or withdrawing a direction under paragraph 8 and the reasons for the variation or withdrawal;
 - (b) send a copy of the notice and reasons to the persons listed in sub-paragraph (4).
- (4) Those persons are—
- (a) the holder of the licence that is the subject of the application or direction;
 - (b) if the application for the direction was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the application or appeal;
 - (d) any owners or operators of aircraft that the authorised member considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the authorised member considers appropriate;
 - (f) the CAA.

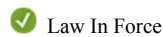
]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(3) para. 9(1)-(4)(f): United Kingdom



[10 Time limit for CAA to make representations

- (1) This paragraph applies where the CAA wishes to make representations to the CMA in relation to an application under paragraph 6 for a direction.
- (2) In a case to which paragraph 7 applies, the CAA must make the representations in writing before the end of the period of eight weeks beginning with the day on which the CAA published the decision notice.
- (3) In any other case—
- (a) an authorised member of the CMA must specify a reasonable period for making representations;
 - (b) the CAA must make the representations in writing before the end of that period.
- (4) In all cases, the CAA must send a copy of its representations to—
- (a) the holder of the licence that is the subject of the application;
 - (b) if the application was made by someone other than the licence holder, the applicant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the application;
 - (d) any owners or operators of aircraft that the CAA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

] ¹

Notes

- ¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(3) para. 10(1)-(4)(e): United Kingdom

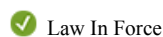
[PART 4

DETERMINATION OF APPEALS

] ¹

Notes

- ¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)
-



[11 Determination of appeal by group

- (1) A group constituted by the chair of the CMA, under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, for the purpose of carrying out functions of the CMA with respect to an appeal under section 19A must consist of three members of the CMA panel.

- (2) A decision of the group is effective only if—
- (a) all of the members are present when it is made, and
 - (b) at least two members of the group are in favour of the decision.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(4) para. 11(1)-(2)(b): United Kingdom

✓ Law In Force

[12 Representations made by the CAA

(1) This paragraph applies where an application for permission has been granted and the CAA makes representations to the CMA for the purposes of the appeal under section 19A.

- (2) The CAA must send a copy of its representations to—
- (a) the holder of the licence that is the subject of the appeal;
 - (b) if the appeal was brought by someone other than the licence holder, the appellant;
 - (c) any other person with a qualifying interest in the decision that is the subject of the appeal;
 - (d) any owners or operators of aircraft that the CAA considers appropriate;
 - (e) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(4) para. 12(1)-(2)(e): United Kingdom

✓ Law In Force

[13 Matters that may be disregarded

(1) The CMA may disregard matters raised by the CAA if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the period allowed under section 19D, unless they are matters contained in representations made to the CMA—

- (a) in accordance with paragraph 10, or
- (b) before the end of the period of 12 weeks beginning with the day on which the decision notice was published.

(2) The CMA may disregard matters raised by the appellant if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the period allowed under section 19D, unless the matters were raised by the appellant—

- (a) at the time of the application under paragraph 1 for permission to appeal, or
- (b) in an application under paragraph 6 for a direction.

(3) The CMA may disregard matters raised by an intervener if it thinks it necessary to do so for the purpose of securing that an appeal under section 19A is determined within the period allowed under section 19D, unless the matters were raised by the intervener—

- (a) at the time of the application for permission to intervene under paragraph 4, or
- (b) in an application under paragraph 6 for a direction.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(4) para. 13(1)-(3)(b): United Kingdom

✓ Law In Force

[14 Remitting decision to CAA

(1) This paragraph applies where the CMA decides to remit a matter that is the subject of an appeal under section 19A to the CAA for reconsideration and decision.

(2) Where, on reconsidering the matter, the CAA decides to modify a licence, the notice under section 11A(5) in respect of the modification may, with the agreement of the licence holder, specify a date falling—

- (a) before the end of the period of six weeks beginning with the date on which the notice is published, but
- (b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(4) para. 14(1)-(2)(b): United Kingdom

✓ Law In Force

[15 Substituting the CAA's decision

- (1) This paragraph applies where the CMA decides to substitute its own decision for a decision of the CAA that is the subject of an appeal under section 19A.
- (2) The decision of the CMA has effect as if made by the CAA except that—
 - (a) section 11A(5) does not apply;
 - (b) an appeal may not be brought against it under section 19A.
- (3) Any modification of a licence effected by the CMA takes effect from the date specified by the CMA.
- (4) The CMA may, with the agreement of the licence holder, specify a date falling—
 - (a) before the date on which the order containing its decision is published, but
 - (b) on or after the date on which the decision that was the subject of the appeal took effect or would have taken effect but for its suspension under this Schedule.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(4) para. 15(1)-(4)(b): United Kingdom

[PART 5

GENERAL

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

✓ Law In Force

[16 Consideration of new matters

- (1) This paragraph applies to—
 - (a) an authorised member of the CMA with the function of determining an application for permission to appeal under section 19A;
 - (b) a group with the function of determining an appeal under that section.
- (2) The member or group must not have regard to any matter, information or evidence raised or provided by the CAA if it was not considered by the CAA in making the decision that is the subject of the application or the appeal, unless the member or group considers that—

- (a) the CAA could not reasonably have been expected to consider the matter, information or evidence when making that decision, and
 - (b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (3) The member or group must not have regard to any matter, information or evidence raised or provided by a person other than the CAA if it was not considered by the CAA in making the decision that is the subject of the application or appeal, unless the member or group considers that—
- (a) the person or a relevant connected person could not reasonably have raised the matter with the CAA, or provided the information or evidence to the CAA, during the period in which the CAA was making that decision, and
 - (b) the matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (4) Where the member or group has regard to any matter, information or evidence in reliance on sub-paragraph (2) or (3), those sub-paragraphs do not prevent the member or group having regard to further matters, information or evidence raised or provided in response to it if the member or group considers that the further matter, information or evidence is likely to have an important effect on the outcome of the application or appeal, either by itself or taken together with other matters, information or evidence.
- (5) In sub-paragraph (3) "relevant connected person", in relation to a person who raises or provides a matter, information or evidence, means a person who was connected to that person at any time during the period in which the CAA was making the decision that is the subject of the application or appeal.
- (6) References in this paragraph to the period in which the CAA was making a decision are to the period—
- (a) beginning with the publication of a notice under section 11A(1) proposing to make the modification, and
 - (b) ending with the publication of a notice under section 11A(5) in relation to that modification.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 16(1)-(6)(b): United Kingdom

 Law In Force

[17 Production of documents

(1) The CMA may by notice require a person to produce to it documents specified or described in the notice that are in the person's custody or under the person's control.

- (2) In this paragraph "document" means anything in which information is recorded.
- (3) The notice may require the production of documents—
- (a) at a time and place specified in the notice;
 - (b) in a form and manner specified in the notice.
- (4) The notice may not require a person to produce documents that the person could not be compelled to provide in evidence in civil proceedings before the High Court or, in Scotland, the Court of Session.
- (5) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

1¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 17(1)-(5): United Kingdom

 Law In Force

[18 Oral hearings

- (1) For the purposes of this Schedule the following persons may hold an oral hearing and take evidence on oath—
- (a) an authorised member of the CMA considering an application under paragraph 1 for permission to appeal;
 - (b) an authorised member of the CMA considering an application under paragraph 4 for permission to intervene;
 - (c) an authorised member of the CMA considering an application under paragraph 6 for a direction;
 - (d) a group with the function of determining an appeal under section 19A.
- (2) In the course of holding such a hearing and taking such evidence, a person or group described in sub-paragraph (1) may administer oaths.
- (3) An authorised member of the CMA may by notice require a person—
- (a) to attend at a time and place specified in the notice, and
 - (b) at that time and place, to give evidence to a member or group described in sub-paragraph (1).
- (4) At an oral hearing, the member or group conducting the hearing may require the following persons to give evidence or to make representations—
- (a) the applicant, the appellant or any intervener (if present);
 - (b) a person attending a hearing as a representative of the applicant, the appellant, an intervener or the CAA.
- (5) Subject to sub-paragraph (6), a person who gives oral evidence at the hearing may be cross-examined by or on behalf of—

- (a) the appellant;
- (b) an intervener;
- (c) the CAA.

(6) Such a person may be cross-examined by or on behalf of an intervener only with the leave of the member or group conducting the hearing.

(7) If the applicant, the appellant, an intervener or a representative of any such person or the CAA is not present at a hearing—

- (a) there is no requirement to give notice to that person under sub-paragraph (3);
- (b) the member or group conducting the hearing may determine the application or appeal without hearing that person's evidence or representations.

(8) A person may not be required under this paragraph to give evidence that the person could not be compelled to give in civil proceedings before the High Court or, in Scotland, the Court of Session.

(9) Where a person is required under this paragraph to attend at a place more than 16 kilometres from the person's place of residence, an authorised member of the CMA must arrange for the person to be paid the necessary expenses of attendance.

(10) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 18(1)-(10): United Kingdom

 Law In Force

[19 Written evidence

(1) The CMA may by notice require a person to produce a written statement with respect to a matter specified in the notice—

- (a) to an authorised member of the CMA considering an application under paragraph 1 for permission to appeal;
- (b) to an authorised member of the CMA considering an application under paragraph 4 for permission to intervene;
- (c) to an authorised member of the CMA considering an application under paragraph 6 for a direction;
- (d) to a group with the function of determining an appeal under section 19A.

(2) The notice may require the written statement—

- (a) to be produced at the time and place specified in the notice;
- (b) to be verified by a statement of truth.

(3) Where a notice requires a written statement to be verified by a statement of truth, the written statement may be disregarded unless it is so verified.

(4) A person may not be required under this paragraph to produce a written statement about a matter if the person could not be compelled to give evidence about that matter in civil proceedings before the High Court or, in Scotland, the Court of Session.

(5) A notice under this paragraph may be given on behalf of the CMA by an authorised member of the CMA.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 19(1)-(5): United Kingdom

✓ Law In Force

[20 Expert advice

Where permission to appeal is granted under paragraph 2, the CMA may commission expert advice with respect to any matter raised by—

- (a) the appellant,
- (b) an intervener, or
- (c) the CAA.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 20(a)-(c): United Kingdom

✓ Law In Force

[21 Enforcement of requirements in relation to evidence etc

(1) This paragraph applies where a person—

- (a) fails to comply with a notice under paragraph 17, 18 or 19,
- (b) fails to comply with any other requirement imposed under paragraph 17, 18 or 19,
- (c) in complying with a notice under paragraph 19, makes a statement that is false or misleading in a material respect, or
- (d) in providing information verified by a statement of truth required by appeal rules under paragraph 23, provides information that is false or misleading in a material respect.

(2) An authorised member of the CMA may certify to the appropriate court—

- (a) the failure,
- (b) the fact that the person has made a false or misleading statement in circumstances described in sub-paragraph (1)(c), or

- (c) the fact that the person has provided false or misleading information in circumstances described in sub-paragraph (1)(d).
- (3) The appropriate court may inquire into a certified failure or act and, if it does so, must hear—
 - (a) any witness against the person;
 - (b) any witness on behalf of the person;
 - (c) any statement in the person's defence.
- (4) The appropriate court may punish the person as if the person had been guilty of contempt of court if it is satisfied that—
 - (a) the certified failure or act took place, and
 - (b) the person did not have a reasonable excuse for the failure or act.
- (5) Where the person is a body corporate, the appropriate court may punish any director or other officer of that body, either instead or as well as punishing the body.
- (6) In this paragraph—
 - "the appropriate court" —
 - (a) in relation to England and Wales and Northern Ireland, means the High Court;
 - (b) in relation to Scotland, means the Court of Session;
 - "director", in relation to a body corporate whose affairs are managed by its members, means a member of the body.

1

Notes

- ¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 21(1)-(6) definition of "director": United Kingdom



Law In Force

[22 Withdrawal of applications and appeals

- (1) An application under paragraph 1 for permission to appeal may be withdrawn only with the consent of the CMA.
- (2) After an application for permission to appeal is granted, the appeal may be withdrawn only with the consent of the CMA.
- (3) An application under paragraph 4 for permission to intervene may be withdrawn only with the consent of the CMA.
- (4) After an application for permission to intervene is granted, the intervener may withdraw from the appeal only with the consent of the CMA.
- (5) For the purposes of sub-paragraphs (1) to (4), the consent of the CMA may be given by an authorised member of the CMA.
- (6) Where the CMA has consented, the person wishing to withdraw the application or appeal, or withdraw as an intervener, may give notice of withdrawal to the CMA.

- (7) An application under paragraph 6 for a direction suspending the effect of a decision may be withdrawn at any time by giving notice of withdrawal to the CMA.
- (8) Withdrawal of an application under this Schedule or of an appeal, or as an intervener in an appeal, has effect when the notice of withdrawal is given to the CMA.
- (9) A person giving notice of withdrawal to the CMA must send a copy of the notice to the CAA.
- (10) The CAA must—
- (a) publish the notice;
 - (b) send a copy of it to the persons listed in sub-paragraph (11) (other than the person who gave the notice).
- (11) Those persons are—
- (a) the holder of the licence that is the subject of the application or appeal;
 - (b) any other person with a qualifying interest in the decision that is the subject of the application or appeal;
 - (c) any owners or operators of aircraft that the CAA considers appropriate;
 - (d) any owners or managers of prescribed aerodromes that the CAA considers appropriate.

¹

Notes

- ¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 22(1)-(11)(d): United Kingdom

 Law In Force

[23 Appeal Rules

- (1) The CMA Board may make rules regulating the conduct and disposal of appeals.
- (2) The rules may include provision supplementing the provisions of this Schedule in relation to any application, notice, hearing or requirement for which this Schedule provides.
- (3) The rules may, in particular, include—
- (a) provision requiring an application to be accompanied by information specified in the rules;
 - (b) provision requiring such information to be verified by a statement of truth;
 - (c) provision requiring an applicant to provide the CAA with information specified in the rules;
 - (d) provision imposing time limits or other restrictions on the taking of evidence at an oral hearing;
 - (e) provision imposing time limits or other restrictions on the making of representations or observations at such a hearing.
- (4) The rules may make different provision for different purposes.
- (5) Before making rules under this paragraph the CMA Board must consult any persons that it considers appropriate.

(6) The CMA Board must publish the rules made under this paragraph.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 23(1)-(6): United Kingdom

 Law In Force

[24 Costs

(1) Where an application under this Schedule or an appeal is withdrawn, an authorised member of the CMA may make any order that the member thinks fit requiring the parties to the application or appeal to make payments to each other and to the CMA in respect of costs incurred in connection with the application or appeal.

(2) A group that determines an appeal must make an order requiring the payment to the CMA of the costs incurred by the CMA in connection with the appeal.

(3) Subject to sub-paragraph (4), an order under sub-paragraph (2) must require those costs to be paid—

- (a) where the appeal is allowed in full, by the CAA;
- (b) where the appeal is dismissed in full, by the appellant;
- (c) where the appeal is allowed in part, by the appellant and the CAA in such proportions as the group considers appropriate.

(4) The order may require an intervener in the appeal to pay such proportion of those costs (if any) as the group considers appropriate.

(5) A group that determines an appeal may make any order that it thinks fit requiring one party to the appeal to make payments to another in respect of costs reasonably incurred by the other party in connection with the appeal.

(6) A person who is required to make a payment by an order under this paragraph must comply with the order before the end of the period of 28 days beginning with the day after the making of the order.

(7) If that person does not do so, the unpaid balance carries interest at a rate specified in the order or determined in accordance with it.

(8) In this paragraph, references to an intervener in an appeal, and to a party to an appeal, include a person who was granted permission to intervene in an appeal and subsequently withdrew from the appeal.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 24(1)-(8): United Kingdom

✓ Law In Force

[25 Secretary of State's power to modify time limits

The Secretary of State may by regulations modify any period of time specified in this Schedule.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 25: United Kingdom

✓ Law In Force

[26 Publication etc

Where the CAA, the CMA or an authorised member of the CMA is required by this Schedule to publish something or send a copy of something and this Schedule does not specify a time for doing so, it must be published or sent as soon as practicable.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 26: United Kingdom

✓ Law In Force

[27 Interpretation

(1) In this Schedule—

"appeal" means an appeal under section 19A;

"authorised member of the CMA" has the meaning given in sub-paragraph (2);

"CMA Board" and "CMA panel" have the same meaning as in Schedule 4 to the Enterprise and Regulatory Reform Act 2013;

"intervener", in relation to an appeal, means a person who has been granted permission to intervene in the appeal and who has not withdrawn from the appeal;

"prescribed aerodrome" has the meaning given in section 19A(3);

"statement of truth", in relation to the production of a statement or in relation to information provided by a person, means a statement that the person producing that statement or providing that information believes the facts contained in the statement or the information to be true.

(2) In this Schedule "authorised member of the CMA" —

(a) in relation to a power exercisable in connection with an appeal, application or direction in respect of which a group has been constituted by the chair of the CMA under Schedule 4 to the Enterprise and Regulatory Reform Act 2013, means a member of that group who has been authorised by the chair of the CMA to exercise that power; and

(b) in relation to a power exercisable in connection with an appeal, application or direction in respect of which a group has not been so constituted by the chair of the CMA, means—

(i) any member of the CMA Board who is also a member of the CMA panel, or

(ii) any member of the CMA panel authorised by the Secretary of State (whether generally or specifically) to exercise the power in question.

(3) For the purposes of this Schedule and sections 19D and 19E, a person has a qualifying interest in a decision that is the subject of an appeal or an application under this Schedule if—

(a) the person has been granted permission to appeal against the decision and has not withdrawn the appeal,

(b) the person has applied for permission to appeal against the decision and the application has not been withdrawn or refused,

(c) the person has been granted permission to intervene in an appeal against the decision and the appeal has not been withdrawn,

(d) the person has applied for permission to intervene in an appeal against the decision and the application has not been withdrawn or refused, or

(e) the person has applied for a direction under paragraph 6, the application has not been withdrawn or refused and any direction made in response to the application has not been withdrawn.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.4 para.1 (June 29, 2021)

Extent

Sch. A1(5) para. 27(1)-(3)(e): United Kingdom

[SCHEDULE B1

ENFORCEMENT OF DUTIES UNDER SECTION 8 AND LICENCE CONDITIONS

Section 20

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

[PART 1 ENFORCEMENT

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

✓ Law In Force

[1 Contravention notices

- (1) The CAA may give a notice under this paragraph (a "contravention notice") to a licence holder if it has reasonable grounds for believing that the licence holder is contravening, or has contravened, a Chapter 1 requirement.
- (2) In this Schedule "Chapter 1 requirement", in relation to a licence holder, means—
- (a) a duty imposed on the licence holder by section 8, or
 - (b) a licence condition of the licence holder's licence.
- (3) A contravention notice must—
- (a) specify the Chapter 1 requirement and contravention in respect of which it is given;
 - (b) explain the action that the CAA may take under this Schedule in connection with the contravention;
 - (c) explain that representations may be made about the matters in the notice before the end of the period specified in the notice.
- (4) The CAA must specify a period of not less than 30 days beginning with the day on which the contravention notice is given, subject to sub-paragraph (5).
- (5) The CAA may specify a shorter period in a contravention notice given in respect of a repeated contravention.
- (6) A contravention notice is given to a licence holder in respect of a repeated contravention if, in the period of two years ending with the day on which the notice is given, the CAA did one or more of the following in respect of a contravention by the licence holder of the same Chapter 1 requirement—
- (a) gave the licence holder a contravention notice;
 - (b) gave the licence holder an enforcement order;
 - (c) gave the licence holder an urgent enforcement order;
 - (d) imposed a penalty on the licence holder under paragraph 9 or 10.
- (7) The CAA may extend the period specified in a contravention notice given to a licence holder on one or more occasions by giving a notice to that licence holder.
- (8) The CAA may withdraw a contravention notice given to a licence holder at any time by giving a notice to the licence holder that includes its reasons for doing so.

- (9) As soon as practicable after giving a notice under sub-paragraph (1), (7) or (8), the CAA must—
- (a) publish the notice;
 - (b) send a copy of the notice to—
 - (i) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (ii) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (iii) the Secretary of State.
- (10) A contravention notice given in respect of a contravention that is or was a continuing contravention must specify the period of contravention in respect of which it is given.
- (11) In this Schedule "representation period", in relation to a contravention notice, means—
- (a) the period specified in the contravention notice for making representations;
 - (b) where the period has been extended in accordance with sub-paragraph (7), the extended period.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 1(1)-(11)(b): United Kingdom

 Law In Force

[2 Restrictions on giving contravention notices

- (1) If the CAA gives a licence holder a contravention notice or an urgent enforcement order (see paragraph 5) in respect of a contravention, it may not subsequently give the licence holder a contravention notice in respect of the same contravention.
- (2) Sub-paragraph (1) does not apply if—
- (a) the CAA withdraws the first contravention notice without imposing a penalty on the person under paragraph 9, or
 - (b) the CAA revokes the urgent enforcement order without imposing a penalty on the licence holder under paragraph 10.
- (3) Sub-paragraph (1) does not prevent the CAA giving a licence holder more than one contravention notice, or a contravention notice and urgent enforcement order, in respect of—
- (a) contraventions of the same Chapter 1 requirement in different ways, or
 - (b) contraventions of the same Chapter 1 requirement at different times or during different periods.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 2(1)-(3)(b): United Kingdom

✓ Law In Force

[3 Enforcement order

(1) The CAA may give an order under this paragraph (an "enforcement order") to a licence holder if—

- (a) it has given the licence holder a contravention notice (and has not withdrawn it),
- (b) the representation period has ended,
- (c) it has considered any representations made about the matters in the contravention notice before the end of that period (and not withdrawn), and
- (d) sub-paragraph (2) or (3) is satisfied.

(2) This sub-paragraph is satisfied if the CAA has determined that the licence holder is contravening a Chapter 1 requirement specified in the contravention notice in one or more of the ways specified in the notice.

(3) This sub-paragraph is satisfied if the CAA has determined that the licence holder—

- (a) has contravened a Chapter 1 requirement specified in the contravention notice in one or more of the ways specified in the notice, and
- (b) did not, before the end of the representation period, take all of the appropriate steps mentioned in sub-paragraph (6)(b).

(4) An enforcement order must—

- (a) specify the Chapter 1 requirement and contravention in respect of which it is given;
- (b) require the licence holder to take any appropriate steps that are specified in the order;
- (c) specify a reasonable period within which the steps must be taken;
- (d) give the CAA's reasons for giving the order.

(5) As soon as practicable after giving an enforcement order, the CAA must—

- (a) publish the order;
- (b) send a copy of the order to—
 - (i) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (ii) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (iii) the Secretary of State.

(6) In this paragraph "appropriate steps", in relation to a contravention of a Chapter 1 requirement, means steps that the CAA has determined are appropriate—

- (a) for complying with the requirement, and
- (b) for remedying the consequences of the contravention.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 3(1)-(6)(b): United Kingdom

✓ Law In Force

[4 Enforcement order: modification and revocation

- (1) The CAA may—
- (a) modify an enforcement order with the agreement of the licence holder to whom it was given, or
 - (b) revoke an enforcement order.
- (2) Before modifying or revoking the order, the CAA must—
- (a) publish a notice in relation to the proposed modification or revocation;
 - (b) send a copy of the notice to the licence holder to whom the order was given;
 - (c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).
- (3) The notice under sub-paragraph (2) must—
- (a) state that the CAA proposes to modify or revoke the order;
 - (b) specify the proposed modification (if relevant);
 - (c) give the CAA's reasons for the modification or revocation;
 - (d) specify a reasonable period for making representations.
- (4) As soon as practicable after modifying or revoking an enforcement order, the CAA must—
- (a) publish a notice giving details of the modification or revocation;
 - (b) send a copy of the notice to the persons listed in sub-paragraph (5).
- (5) The persons are—
- (a) the licence holder to whom the enforcement order was given;
 - (b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (d) the Secretary of State.

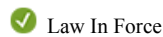
]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 4(1)-(5)(d): United Kingdom



Law In Force

[5 Urgent enforcement order

- (1) The CAA may give an order under this paragraph (an "urgent enforcement order") to a licence holder if sub-paragraph (2) or (3) is satisfied.
- (2) This sub-paragraph is satisfied if the CAA has reasonable grounds for believing that—
- (a) the licence holder is contravening, or has contravened, a Chapter 1 requirement,
 - (b) the contravention has resulted in, or creates an immediate risk of, a serious economic or operational problem—
 - (i) for owners or operators of aircraft, or
 - (ii) for owners or managers of aerodromes, and
 - (c) it is appropriate to give an urgent enforcement order to prevent, remove or reduce that problem or risk.
- (3) This sub-paragraph is satisfied if the CAA has reasonable grounds for believing that—
- (a) the licence holder is likely to contravene a Chapter 1 requirement,
 - (b) the contravention is likely to result in, or create an immediate risk of, a problem described in sub-paragraph (2)(b), and
 - (c) it is appropriate to give the urgent enforcement order to prevent, or reduce the likelihood of, that problem or risk arising.
- (4) An urgent enforcement order must—
- (a) specify the Chapter 1 requirement and the contravention in respect of which it is given;
 - (b) require the licence holder to take any appropriate steps that are specified in the order;
 - (c) specify a reasonable period within which the steps must be taken;
 - (d) give the CAA's reasons for giving the order.
- (5) As soon as practicable after giving an urgent enforcement order, the CAA must—
- (a) publish the order;
 - (b) send a copy of the order to—
 - (i) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (ii) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (iii) the Secretary of State.
- (6) In this paragraph "appropriate steps" —
- (a) in relation to a contravention of a Chapter 1 requirement that has occurred or is occurring, means steps that the CAA has determined are appropriate—
 - (i) for complying with the requirement, and
 - (ii) for remedying the consequences of the contravention;
 - (b) in relation to a contravention of a Chapter 1 requirement that is likely to occur, means steps that the CAA has determined are appropriate for securing that the contravention does not occur.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 5(1)-(6)(b): United Kingdom

✓ Law In Force

[6 Urgent enforcement order: confirmation

- (1) As soon as practicable after giving an urgent enforcement order, the CAA must—
 - (a) confirm the order, or
 - (b) revoke the order (see paragraph 7).
- (2) The CAA may confirm an urgent enforcement order with or without modifications.
- (3) The CAA may confirm an urgent enforcement order given in reliance on paragraph 5(2) only if it has determined that—
 - (a) the licence holder is contravening, or has contravened, a Chapter 1 requirement specified in the order in one or more of the ways specified in the order,
 - (b) the contravention has resulted in, or creates an immediate risk of, a problem described in paragraph 5(2)(b), and
 - (c) it is appropriate to confirm the urgent enforcement order, with any modifications, to prevent, remove or reduce that problem or risk.
- (4) The CAA may confirm an urgent enforcement order given in reliance on paragraph 5(3) only if—
 - (a) it has determined that paragraphs (a) to (c) of sub-paragraph (3) of this paragraph are satisfied, or
 - (b) it has determined that—
 - (i) the licence holder is likely to contravene a Chapter 1 requirement specified in the order in one or more of the ways specified in the order,
 - (ii) the contravention is likely to result in, or create an immediate risk of, a problem described in paragraph 5(2)(b), and
 - (iii) it is appropriate to confirm the urgent enforcement order, with any modifications, in order to prevent, or reduce the likelihood of, that problem or risk arising.
- (5) Before confirming an urgent enforcement order, the CAA must—
 - (a) publish a notice in relation to the proposal to confirm the order;
 - (b) send a copy of the notice to the licence holder to whom the order was given;
 - (c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).
- (6) The notice under sub-paragraph (5) must—
 - (a) state that the CAA proposes to confirm the order;
 - (b) specify any proposed modifications of the order;
 - (c) give the CAA's reasons for confirming the order and for any modifications;
 - (d) specify a reasonable period for making representations.
- (7) As soon as practicable after confirming an urgent enforcement order, the CAA must—
 - (a) publish a notice giving details of the confirmation, including any modifications of the order;
 - (b) send a copy of the notice to the persons listed in sub-paragraph (8).

(8) Those persons are—

- (a) the licence holder to whom the urgent enforcement order was given;
- (b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
- (c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
- (d) the Secretary of State.

1

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 6(1)-(8)(d): United Kingdom

✓ Law In Force

[7 Urgent enforcement order: modification and revocation

(1) The CAA may—

- (a) modify an urgent enforcement order with the agreement of the licence holder to whom it was given, or
- (b) revoke an urgent enforcement order.

(2) Before modifying or revoking the order, the CAA must—

- (a) publish a notice in relation to the proposed modification or revocation;
- (b) send a copy of the notice to the licence holder;
- (c) consider any representations made about the proposal in the period specified in the notice (and not withdrawn).

(3) The notice under sub-paragraph (2) must—

- (a) state that the CAA proposes to modify or revoke the order;
- (b) specify the proposed modification (if relevant);
- (c) give the CAA's reasons for the modification or revocation;
- (d) specify a reasonable period for making representations.

(4) As soon as practicable after modifying or revoking an urgent enforcement order, the CAA must—

- (a) publish a notice giving details of the modification or revocation;
- (b) send a copy of the notice to the persons listed in sub-paragraph (5).

(5) Those persons are—

- (a) the licence holder to whom the urgent enforcement order was given;
- (b) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
- (c) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
- (d) the Secretary of State.

(6) Nothing in this paragraph restricts, or applies in relation to the exercise of, the CAA's power under paragraph 6 to modify an urgent enforcement order when confirming the order.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 7(1)-(6): United Kingdom

✓ Law In Force

[8 Civil proceedings

(1) A licence holder who is given an enforcement order must comply with it (unless it is revoked).

(2) The obligation to comply with an enforcement order is a duty owed to every person who may be affected by a contravention of a requirement of the order.

(3) A licence holder who is given an urgent enforcement order must comply with it, whether or not it has been confirmed (unless it is revoked).

(4) The obligation to comply with an urgent enforcement order that has been confirmed is a duty owed to every person who may be affected by a contravention of a requirement of the order.

(5) Where a duty is owed to a person under sub-paragraph (2) or (4), the following are actionable by the person—

(a) a breach of the duty that causes the person to sustain loss or damage;

(b) an act that—

(i) by inducing a breach of the duty or interfering with its performance, causes that person to sustain loss or damage, and

(ii) is done entirely or partly for achieving that result.

(6) In proceedings brought against a licence holder by virtue of sub-paragraph (5), it is a defence for the licence holder to show that it took all reasonable steps and exercised all due diligence to avoid contravening the requirements of the order.

(7) The CAA may enforce the duties under sub-paragraphs (1) and (3)—

(a) in civil proceedings for an injunction,

(b) in civil proceedings in Scotland for an interdict or for specific performance of a statutory duty under section 45 of the Court of Session Act 1988, or

(c) in civil proceedings for any other appropriate remedy or relief.

(8) Enforcement of a duty under sub-paragraph (1) or (3) by the CAA does not prejudice any rights a person may have by virtue of sub-paragraph (5).

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 8(1)-(8): United Kingdom

✓ Law In Force

[9 Penalty for contravention of Chapter 1 requirement

- (1) The CAA may impose a penalty on a licence holder if—
- (a) it has given the licence holder a contravention notice (and has not withdrawn it),
 - (b) the representation period has ended,
 - (c) it has considered any representations made about the matters in the contravention notice before the end of that period (and not withdrawn), and
 - (d) it has determined that the licence holder is contravening, or has contravened, a Chapter 1 requirement specified in the notice in one or more of the ways specified in the notice.
- (2) If the contravention notice specifies more than one contravention, the CAA may impose a separate penalty under this paragraph for each contravention.
- (3) If the contravention notice specifies more than one period of contravention, the CAA may impose a separate penalty under this paragraph for each period.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 9(1)-(3): United Kingdom

✓ Law In Force

[10 Penalty for contravention of order

The CAA may impose a penalty on a licence holder if it has determined that the licence holder is contravening, or has contravened, a requirement of—

- (a) an enforcement order, or
- (b) an urgent enforcement order that has been confirmed.

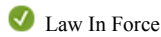
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Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 10(a)-(b): United Kingdom



Law In Force

[11 Procedure before imposing penalty

- (1) Before imposing a penalty on a licence holder under paragraph 9 or 10 the CAA must—
 - (a) give the licence holder a notice about the proposed penalty;
 - (b) publish the notice as soon as practicable;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (3);
 - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) A notice under sub-paragraph (1) must—
 - (a) state that the CAA proposes to impose a penalty;
 - (b) state the proposed amount of the penalty;
 - (c) specify the requirement that the CAA has determined is being or has been contravened;
 - (d) specify the act or omission that the CAA has determined constitutes a contravention of the requirement;
 - (e) where the penalty would be imposed under paragraph 10, specify the Chapter 1 requirement in respect of which the enforcement order or urgent enforcement order (as the case may be) was given.
- (3) The persons are—
 - (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (c) the Secretary of State.
- (4) In the case of a penalty calculated entirely or partly by reference to a daily amount (see paragraph 13(2)), a notice must specify—
 - (a) the day on which daily amounts would begin to accumulate;
 - (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (5) The period specified in a notice under sub-paragraph (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the licence holder.
- (6) Before varying the proposed amount of a penalty, the CAA must—
 - (a) give the licence holder on whom the penalty is to be imposed a notice about the proposed variation;
 - (b) publish the notice as soon as practicable;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (3);
 - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (7) In the case of a penalty calculated entirely or partly by reference to a daily amount (see paragraph 13(2)), the reference in sub-paragraph (6) to varying the proposed amount includes—
 - (a) varying the day on which daily amounts would begin to accumulate;
 - (b) varying the day on which, or the circumstances in which, they would cease to accumulate.
- (8) The notice under sub-paragraph (6) must—
 - (a) specify the proposed variation;
 - (b) give the CAA's reasons for the proposed variation.

(9) The period specified in a notice under sub-paragraph (6) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the licence holder.

(10) The CAA may withdraw a notice under sub-paragraph (1) or (6) at any time by giving notice to the licence holder on whom it proposed to impose the penalty.

(11) As soon as practicable after giving a notice under sub-paragraph (10), the CAA must—
(a) publish the notice;
(b) send a copy of the notice to the persons listed in sub-paragraph (3).

¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 11(1)-(11)(b): United Kingdom

 Law In Force

[12 Procedure after imposing a penalty

(1) As soon as practicable after imposing a penalty under paragraph 9 or 10 the CAA must—

- (a) give a notice to the licence holder on whom the penalty is imposed;
- (b) publish the notice;
- (c) send a copy of the notice to the persons listed in sub-paragraph (3).

(2) The notice must—

- (a) state that the CAA has imposed a penalty;
- (b) state the amount of the penalty;
- (c) specify the requirement that the CAA has determined is being or has been contravened;
- (d) specify the act or omission that the CAA has determined constitutes a contravention of the requirement;
- (e) where the penalty is imposed under paragraph 10, specify the Chapter 1 requirement in respect of which the enforcement order or urgent enforcement order (as the case may be) was given;
- (f) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.

(3) The persons are—

- (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
- (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
- (c) the Secretary of State.

(4) In the case of a penalty calculated entirely or partly by reference to a daily amount (see paragraph 13(2)), the notice must specify—

- (a) the day on which the daily amounts begin to accumulate;

- (b) the day on which, or the circumstances in which, they cease to accumulate.
- (5) As soon as practicable after daily amounts cease to accumulate, the CAA must—
 - (a) give a notice to the licence holder on whom the penalty was imposed confirming the day on which they ceased to accumulate;
 - (b) publish the notice;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (3).

1

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 12(1)-(5)(c): United Kingdom

 Law In Force

[13 Amount of penalty

- (1) The amount of a penalty imposed on a person under paragraph 9 or 10 must be the amount that the CAA determines to be—
 - (a) appropriate, and
 - (b) proportionate to the contravention for which it is imposed.
- (2) The penalty may consist of either or both of the following—
 - (a) a fixed amount (see paragraph 14);
 - (b) a daily amount (see paragraph 15).
- (3) In determining the amount of a penalty, the CAA must have regard, in particular, to—
 - (a) any representations made to it in a period specified in a notice proposing to give a penalty under paragraph 11(1) or (6) (and not withdrawn);
 - (b) any steps taken by the licence holder on whom the penalty is to be imposed towards complying with—
 - (i) the requirement specified in the notice under paragraph 11(1) by virtue of paragraph 11(2)(c), and
 - (ii) where the penalty is to be imposed under paragraph 10, the Chapter 1 requirement specified in the notice under paragraph 11(1) by virtue of paragraph 11(2)(e);
 - (c) any steps taken by that licence holder towards remedying the consequences of the contravention of the requirement mentioned in paragraph (b)(i) and, where relevant, paragraph (b)(ii).

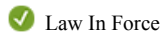
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Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 13(1)-(3)(c): United Kingdom



Law In Force

[14 Amount of penalty: fixed amount

- (1) A penalty imposed on a licence holder under paragraph 9 or 10 for a contravention may not consist of or include a fixed amount exceeding 10% of the licence holder's qualifying turnover for the qualifying period.
- (2) A licence holder's qualifying turnover is the licence holder's turnover from its provision of air traffic services.
- (3) The qualifying period is the last regulatory year ending on or before the day on which the notice proposing the penalty is given under paragraph 11(1) ("the notice day"), except in the cases described in sub-paragraph (4).
- (4) Those cases are—
 - (a) where a licence holder was not authorised to provide air traffic services in respect of a managed area throughout the last regulatory year that ends on or before the notice day;
 - (b) where there is no regulatory year or the last regulatory year ended more than 12 months before the notice day;
 - (c) where a licence holder has not provided the CAA with accounts prepared in accordance with the licence for the last regulatory year that ends on or before the notice day.
- (5) In those cases—
 - (a) if the licence holder was authorised to provide air traffic services in respect of a managed area on the notice day, the qualifying period is the year ending with the notice day (or, if shorter, the period ending with the notice day during which the licence holder was authorised to provide such services in respect of such an area);
 - (b) otherwise, the qualifying period is the year ending with the last day before the notice day on which the licence holder was authorised to provide air traffic services in respect of a managed area (or, if shorter, the period ending with the last day before the notice day during which the licence holder was authorised to provide such services in respect of such an area).
- (6) A licence holder's qualifying turnover for a qualifying period is to be taken to be the qualifying turnover for that period as reported in accounts that the licence holder is required to prepare by a licence condition, unless regulations under sub-paragraph (7) provide otherwise.
- (7) The Secretary of State may by regulations—
 - (a) amend or otherwise modify the definition of qualifying turnover;
 - (b) make provision about how a licence holder's qualifying turnover for a qualifying period is to be calculated.
- (8) The regulations may in particular—
 - (a) make provision about cases in which turnover is or is not to be treated as qualifying turnover for a qualifying period;
 - (b) provide that a licence holder's qualifying turnover for a qualifying period is to be taken to be the qualifying turnover reported in accounts specified or described in the regulations;
 - (c) provide that a licence holder's qualifying turnover is to be calculated entirely or partly using accounting rules specified or described in the regulations.

(9) In this paragraph "regulatory year", in relation to a licence holder, means a year for which the licence holder was required to prepare accounts by a licence condition for air traffic services provided in respect of a managed area.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 14(1)-(9): United Kingdom

 Law In Force

[15 Amount of penalty: daily amount

(1) In relation to a penalty under paragraph 9 or 10, a daily amount is an amount payable where the contravention in respect of which the penalty is imposed continues after it is imposed.

(2) A penalty under paragraph 9 may not consist of or include a daily amount unless that contravention has been continuous since the end of the representation period for the contravention notice in which the contravention was specified.

(3) A daily amount must not exceed 0.1% of the licence holder's qualifying turnover for the qualifying period.

(4) A daily amount is payable in respect of each day in a period specified by the CAA in the notice under paragraph 12 stating that it has imposed the penalty.

(5) A specified period during which daily amounts accumulate must be the period that the CAA considers appropriate, subject to sub-paragraphs (6) and (7).

(6) The period must begin after the day on which the CAA gives the notice under paragraph 12.

(7) The period must end before—

- (a) the day on which the contravention specified in the notice under paragraph 12 ceases, or
- (b) if more than one contravention is specified in that notice, the day on which the last of those contraventions ceases.

(8) In this paragraph "qualifying turnover" and "qualifying period" have the same meaning as in paragraph 14.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 15(1)-(8): United Kingdom

✓ Law In Force

[16 Use of powers under Competition Act 1998

(1) Before exercising a power listed in sub-paragraph (3), the CAA must consider whether it would be more appropriate to proceed under the Competition Act 1998.

(2) The CAA must not exercise such a power to the extent that it considers it would be more appropriate to proceed under that Act.

(3) Those powers are—

- (a) the power to give a contravention notice under paragraph 1;
- (b) the power to give an enforcement order under paragraph 3;
- (c) the power to give and confirm an urgent enforcement order under paragraphs 5 and 6;
- (d) the power to impose penalties under paragraphs 9 and 10.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(1) para. 16(1)-(3)(d); United Kingdom

[PART 2

APPEALS AGAINST ORDERS AND PENALTIES

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

✓ Law In Force

[17 Appeals against enforcement orders and urgent enforcement orders

(1) A licence holder may appeal to the Competition Appeal Tribunal (referred to in this Schedule as "the Tribunal") against—

- (a) an enforcement order given to the licence holder, or
- (b) an urgent enforcement order given to the licence holder that has been confirmed.

(2) The appeal may be against one or more of the following—

- (a) the decision to give the order or, in the case of an urgent enforcement order, to confirm the order;
- (b) the decision as to the steps specified in the order;
- (c) the decision as to the period allowed for taking those steps.

(3) The making of an appeal under this paragraph against an enforcement order suspends the effect of the order until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

(4) The making of an appeal under this paragraph against an urgent enforcement order does not suspend the effect of the order, unless the Tribunal orders otherwise.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(2) para. 17(1)-(4): United Kingdom

 Law In Force

[18 Appeals against modifications or revocations of existing orders

(1) A person may appeal to the Tribunal against—

(a) a decision to modify or revoke an enforcement order, or

(b) a decision to modify or revoke an urgent enforcement order that has been confirmed.

(2) An appeal under this paragraph may be made only by a person—

(a) who is not the person to whom the order was given, but

(b) who appears to the Tribunal to have sufficient interest in the decision.

(3) The making of an appeal under this paragraph against a modification or revocation of an order suspends the modification or revocation until the appeal is decided or withdrawn, unless the Tribunal orders otherwise.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(2) para. 18(1)-(3): United Kingdom

 Law In Force

[19 Appeals against penalties

(1) A licence holder may appeal to the Tribunal against a penalty imposed on the licence holder under paragraph 9 or 10.

(2) The appeal may be against one or more of the following—

(a) the decision to impose the penalty;

(b) the decision as to the amount of the penalty;

(c) in the case of a penalty calculated entirely or partly by reference to a daily amount, the decision as to the period during which the daily amounts accumulate;

(d) the decision as to the period allowed for payment of the penalty.

(3) Where a licence holder appeals under this paragraph against a penalty, the CAA may not require the licence holder to pay the penalty until the appeal is decided or withdrawn.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(2) para. 19(1)-(3): United Kingdom

 Law In Force

[20 Decisions on appeal

(1) The Tribunal may allow an appeal under paragraph 17, 18 or 19 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that an error was made in the exercise of a discretion.

(2) It may—

- (a) confirm or set aside the order, modification, revocation or penalty;
- (b) give the CAA any directions it considers appropriate, including directions about the time within which the CAA must act.

(3) It may not direct the CAA to do anything that the CAA would not have the power to do apart from the direction.

(4) When deciding an appeal under paragraph 17, 18 or 19 (including giving directions) the Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 2.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(2) para. 20(1)-(4): United Kingdom

 Law In Force

[21 Further appeals

(1) An appeal lies to the appropriate court on a point of law arising from a decision of the Tribunal under paragraph 20, including a direction.

(2) An appeal under this paragraph may be brought by a party to the proceedings before the Tribunal.

- (3) An appeal may not be brought without the permission of—
- (a) the Tribunal, or
 - (b) the appropriate court.
- (4) "The appropriate court" —
- (a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, means the Court of Appeal;
 - (b) in the case of an appeal from proceedings in Scotland, means the Court of Session.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(2) para. 21(1)-(4)(b): United Kingdom

[PART 3 INTERPRETATION

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

 Law In Force

[22

References in this Schedule to remedying the consequences of a contravention of a Chapter 1 requirement, or a requirement of an enforcement order or an urgent enforcement order, include paying an amount to a person—

- (a) by way of compensation for loss or damage suffered by the person, or
- (b) in respect of annoyance, inconvenience or anxiety suffered by the person.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.5 para.1 (June 29, 2021)

Extent

Sch. B1(3) para. 22(a)-(b): United Kingdom

[SCHEDULE C1 INFORMATION

Section 25

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

[PART 1 POWER TO OBTAIN INFORMATION

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

 Law In Force

[1 Power to obtain information

- (1) The CAA may by notice require a person to provide—
 - (a) information, or
 - (b) a document that is in the person's custody or under the person's control.
- (2) In this Schedule "document" means anything in which information is recorded.
- (3) The CAA may give a notice under this paragraph only in respect of information or documents that it reasonably requires for the purpose of carrying out its functions under section 34 or Schedule B1.
- (4) The notice may require the information or document to be provided—
 - (a) at a time and place specified in the notice;
 - (b) in a form and manner specified in the notice.
- (5) The notice may not require a person to provide information or documents that the person could not be compelled to provide in evidence in civil proceedings before the High Court or, in Scotland, the Court of Session.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(1) para. 1(1)-(5): United Kingdom

[PART 2**ENFORCEMENT: INFORMATION**

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

 Law In Force

[2 Enforcement of information notice

(1) If a person fails to comply with a notice under paragraph 1 without reasonable excuse, the CAA may do either or both of the following—

- (a) impose a penalty on the person;
- (b) enforce the duty to comply with the notice in civil proceedings for an injunction or, in Scotland, for specific performance of a statutory duty under section 45 of the Court of Session Act 1988.

(2) The amount of the penalty must be the amount that the CAA determines to be—

- (a) appropriate, and
- (b) proportionate to the failure in respect of which it is imposed.

(3) A penalty may consist of either or both of the following—

- (a) a fixed amount;
- (b) an amount payable in respect of each day in a period specified by the CAA (a "daily amount").

(4) A fixed amount must not exceed £2,000,000.

(5) A daily amount must not exceed £100,000.

(6) A specified period during which daily amounts accumulate must be the period that the CAA considers appropriate, subject to sub-paragraphs (7) and (8).

(7) The period must begin after the day on which the CAA gives the notice under paragraph 6 stating that it has imposed the penalty.

(8) The period must end before the day on which the person provides the information or documents specified in the notice under paragraph 1.

(9) The Secretary of State may by regulations replace the amount for the time being specified in sub-paragraph (4) or (5).

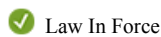
] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(2) para. 2(1)-(9): United Kingdom



Law In Force

[3 Penalty for providing false information

(1) The CAA may impose a penalty of a fixed amount on a person where it is satisfied beyond reasonable doubt that the person, in giving information to the CAA, has committed an offence under section 101 (making of false statements etc).

(2) Where a penalty is imposed on a person under this paragraph by the CAA, that person may not at any time be convicted of the offence under section 101 in respect of the act or omission giving rise to the penalty.

(3) The amount of a penalty imposed on a person under this paragraph must be the amount that the CAA determines to be—

(a) appropriate, and

(b) proportionate to the action in respect of which it is imposed,

but subject to a maximum of £2,000,000.

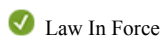
] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(2) para. 3(1)-(3)(b): United Kingdom



Law In Force

[4 Penalty for destroying documents etc.

(1) The CAA may impose a penalty of a fixed amount on a person if the person intentionally alters, suppresses or destroys a document that the person is required to produce by a notice under paragraph 1.

(2) The reference in sub-paragraph (1) to suppressing a document includes a reference to destroying the means of reproducing information recorded otherwise than in a legible format.

(3) The amount of a penalty imposed on a person under this paragraph must be the amount that the CAA determines to be—

(a) appropriate, and

(b) proportionate to the action in respect of which it is imposed,

but subject to a maximum of £2,000,000.

1

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(2) para. 4(1)-(3)(b): United Kingdom

 Law In Force

[5 Procedure before imposing a penalty

- (1) Before imposing a penalty on a person under paragraph 2, 3 or 4, the CAA must—
 - (a) give the person a notice about the proposed penalty;
 - (b) publish the notice as soon as practicable;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (4);
 - (d) consider any representations made about the proposed penalty in the period specified in the notice (and not withdrawn).
- (2) The notice under sub-paragraph (1) must—
 - (a) state that the CAA proposes to impose a penalty;
 - (b) state the proposed amount of the penalty;
 - (c) give the CAA's reasons for imposing the penalty.
- (3) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the notice under sub-paragraph (1) must specify—
 - (a) the day on which daily amounts would begin to accumulate;
 - (b) the day on which, or the circumstances in which, they would cease to accumulate.
- (4) The persons are—
 - (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;
 - (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (c) the Secretary of State.
- (5) The period specified in the notice under sub-paragraph (1) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (6) Before varying the proposed amount of a penalty, the CAA must—
 - (a) give the person on whom the penalty is to be imposed a notice about the proposed variation;
 - (b) publish the notice as soon as practicable;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (4);
 - (d) consider any representations made about the proposed variation in the period specified in the notice (and not withdrawn).
- (7) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the reference in sub-paragraph (6) to varying the proposed amount of the penalty includes a reference to—

- (a) varying the day on which daily amounts would begin to accumulate, and
 - (b) varying the day on which, or circumstances in which, they would cease to accumulate.
- (8) The notice under sub-paragraph (6) must—
- (a) specify the proposed variation;
 - (b) give the CAA's reasons for the proposed variation.
- (9) The period specified in the notice under sub-paragraph (6) for making representations must be a period of not less than 21 days beginning with the day on which the notice is given to the person.
- (10) The CAA may withdraw a notice under sub-paragraph (1) or (6) at any time by giving notice to the person on whom it is proposed to impose the penalty.
- (11) As soon as practicable after giving a notice under sub-paragraph (10), the CAA must—
- (a) publish the notice;
 - (b) send a copy of the notice to the persons listed in sub-paragraph (4).

¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(2) para. 5(1)-(11)(b): United Kingdom

 Law In Force

[6 Procedure after imposing penalty

- (1) As soon as practicable after imposing a penalty on a person under paragraph 2, 3 or 4, the CAA must—
- (a) give a notice to the person on whom the penalty is imposed;
 - (b) publish the notice;
 - (c) send a copy of the notice to the persons listed in sub-paragraph (4).
- (2) The notice must—
- (a) state that the CAA has imposed the penalty;
 - (b) state the amount of the penalty;
 - (c) give the CAA's reasons for imposing the penalty;
 - (d) specify a reasonable period within which the penalty must be paid or reasonable periods within which different portions of the penalty must be paid.
- (3) In the case of a penalty under paragraph 2 calculated entirely or partly by reference to a daily amount, the notice must specify—
- (a) the day on which the daily amounts begin to accumulate;
 - (b) the day on which, or circumstances in which, they cease to accumulate.
- (4) The persons are—
- (a) any owners or operators of aircraft, or any bodies representing them, that the CAA considers appropriate;

- (b) any owners or managers of aerodromes, or any bodies representing them, that the CAA considers appropriate;
 - (c) the Secretary of State.
- (5) As soon as practicable after daily amounts cease to accumulate, the CAA must—
- (a) give a notice to the person on whom the penalty was imposed confirming the day on which they ceased to accumulate;
 - (b) send a copy of the notice to the persons listed in sub-paragraph (4).
-] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(2) para. 6(1)-(5)(b): United Kingdom

[PART 3

APPEALS AGAINST PENALTIES: INFORMATION

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

 Law In Force

[7 Appeals against penalties

- (1) A person may appeal to the Competition Appeal Tribunal against a penalty imposed on the person under paragraph 2, 3 or 4.
- (2) The appeal may be against one or more of the following—
- (a) a decision to impose a penalty;
 - (b) a decision as to the amount of the penalty;
 - (c) in the case of a penalty calculated entirely or partly by reference to a daily amount, a decision as to the period during which daily amounts accumulate;
 - (d) a decision as to the period allowed for payment of the penalty.
- (3) Where a person appeals under this paragraph against a penalty, the CAA may not require the person to pay the penalty until the appeal is decided or withdrawn.
- (4) In any appeal where the commission of an offence under section 101 is an issue requiring determination, the CAA must prove that offence according to the same burden and standard of proof as in a criminal prosecution.

] ¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(3) para. 7(1)-(4): United Kingdom

 Law In Force

[8 Decisions on appeal

(1) The Competition Appeal Tribunal may allow an appeal under paragraph 7 only to the extent that it is satisfied that the decision appealed against was wrong on one or more of the following grounds—

- (a) that the decision was based on an error of fact;
- (b) that the decision was wrong in law;
- (c) that an error was made in the exercise of a discretion.

(2) It may—

- (a) confirm or set aside the penalty;
- (b) give the CAA any directions that it considers appropriate, including directions about the time within which the CAA must act.

(3) It may not direct the CAA to do anything that the CAA would not have the power to do apart from the direction.

(4) When deciding an appeal under paragraph 7 (including giving directions), the Competition Appeal Tribunal must have regard to the matters in respect of which duties are imposed on the CAA by section 2.

¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(3) para. 8(1)-(4): United Kingdom

 Law In Force

[9 Further appeals

(1) An appeal lies to the appropriate court on a point of law arising from a decision of the Competition Appeal Tribunal under paragraph 8, including a direction.

(2) An appeal under this paragraph may be brought by a party to the proceedings before the Competition Appeal Tribunal.

(3) An appeal may not be brought under this paragraph without the permission of—

- (a) the Competition Appeal Tribunal, or
- (b) the appropriate court.

(4) "The appropriate court" —

- (a) in the case of an appeal from proceedings in England and Wales or Northern Ireland, means the Court of Appeal;
- (b) in the case of an appeal from proceedings in Scotland, means the Court of Session.

]¹

Notes

¹ Added by Air Traffic Management and Unmanned Aircraft Act 2021 c. 12 Sch.6 para.1 (June 29, 2021)

Extent

Sch. C1(3) para. 9(1)-(4)(b): United Kingdom

SCHEDULE 1

AIR TRAFFIC ADMINISTRATION ORDERS: GENERAL

Section 30

PART I

MODIFICATIONS OF 1986 ACT

 Law In Force

Introduction

1.

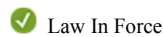
This Part of this Schedule applies if an air traffic administration order is made.

Commencement

Sch. 1(I) para. 1: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 1: United Kingdom



Law In Force

General application of provisions of 1986 Act

2.

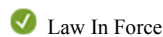
Sections 11 to 23 and 27 of the 1986 Act (which relate to administration orders under Part II of that Act) apply with the modifications specified in this Part of this Schedule.

Commencement

Sch. 1(I) para. 2: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 2: United Kingdom



Law In Force

General modifications

3.

In those sections as applied by this Part of this Schedule—

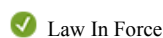
- (a) references to an administration order are to an air traffic administration order, and
- (b) references to an administrator are to an air traffic administrator.

Commencement

Sch. 1(I) para. 3(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 3(a)-(b): United Kingdom



Law In Force

Effect of order

4.

In section 11 of the 1986 Act (effect of order) as applied by this Part of this Schedule—

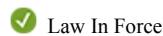
- (a) the requirement in subsection (1)(a) that any petition for the winding up of the company shall be dismissed does not prejudice the air traffic administration order if it is made by virtue of section 27 above,
- (b) the reference in subsection (3)(d) to proceedings includes a reference to any proceedings under or for the purposes of section 20 above, and
- (c) subsection (3)(d) has effect as if after “its property” there were inserted “, and no right of re-entry or forfeiture may be enforced against the company in respect of any land.”.

Commencement

Sch. 1(I) para. 4(a)-(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 4(a)-(c): United Kingdom



Law In Force

Appointment of air traffic administrator

5.

In section 13 of the 1986 Act (appointment of administrator) as applied by this Part of this Schedule for subsection (3) substitute—

“(3) An application for an order under subsection (2) may be made—

- (a) by the Secretary of State,
- (b) by the CAA with the Secretary of State's consent,
- (c) by any continuing air traffic administrator of the company, or
- (d) where there is no such air traffic administrator, by the company, the directors or any creditor or creditors of the company.”

Commencement

Sch. 1(I) para. 5: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 5: United Kingdom



Law In Force

General powers of air traffic administrator

6.—

(1) Section 14 of the 1986 Act (general powers of administrator) as applied by this Part of this Schedule has effect as follows.

(2) In subsection (1)(b) the reference to the powers specified in Schedule 1 to the 1986 Act includes a reference to a power to act on behalf of the company—

- (a) for the purposes of this Part, or
- (b) for the purposes of the exercise or performance of any power or duty which is conferred or imposed on the company by virtue of its holding a licence.

(3) In subsection (4) the reference to a power conferred by the company's [articles of association]¹ includes a reference to a power conferred by virtue of the company's holding a licence.

Notes

¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(7)(a) (October 1, 2009)

Commencement

Sch. 1(I) para. 6(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 6(1)-(3): United Kingdom

 Law In Force

Power to deal with charged property

7.—

(1) Section 15 of the 1986 Act (power to deal with charged property) as applied by this Part of this Schedule has effect as follows.

(2) In subsection (2) for “the purpose or one or more of the purposes specified in the administration order” substitute “one or both of the purposes of the administration order”.

(3) In subsection (5)(b) for “in the open market by a willing vendor” substitute “for the best price which is reasonably available on a sale which is consistent with the purposes of the air traffic administration order”.

Commencement

Sch. 1(I) para. 7(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 7(1)-(3): United Kingdom

 Law In Force

Duties of air traffic administrator

8.—

(1) Section 17 of the 1986 Act (duties of administrator) as applied by this Part of this Schedule has effect as follows.

(2) For subsection (2) substitute—

“(2) Subject to any directions of the court, it shall be the duty of the air traffic administrator to manage the affairs, business and property of the company in accordance with proposals under section 23 as they are revised from time to time.”

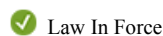
(3) In subsection (3) omit paragraph (a).

Commencement

Sch. 1(I) para. 8(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 8(1)-(3): United Kingdom



Law In Force

Discharge of order

9.—

(1) Section 18 of the 1986 Act (discharge and variation of administration order) as applied by this Part of this Schedule has effect as follows.

(2) For subsections (1) and (2) substitute—

“(1) An application for an air traffic administration order to be discharged may be made—
(a) by the air traffic administrator, on the ground that the purposes of the order have been achieved; or
(b) by the Secretary of State or (with his consent) by the CAA, on the ground that it is no longer necessary that those purposes are achieved.”

(3) In subsection (3) omit the words “or vary”.

(4) In subsection (4)—

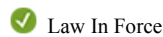
- (a) omit the words “or varied” and “or variation”, and
- (b) after “to the registrar of companies” insert “, to the CAA and to the Secretary of State”.

Commencement

Sch. 1(I) para. 9(1)-(4)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 9(1)-(4)(b): United Kingdom



Law In Force

Notice of making of order

10.

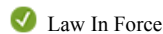
In section 21(2) of the 1986 Act (notice of order to be given by administrator) as applied by this Part of this Schedule after “to the registrar of companies” insert “, to the CAA, to the Secretary of State”.

Commencement

Sch. 1(I) para. 10: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 10: United Kingdom



Law In Force

Statement of proposals

11.

In section 23 of the 1986 Act (statement of proposals) as applied by this Part of this Schedule for subsections (1) and (2) substitute—

“(1) Where an air traffic administration order has been made, the air traffic administrator shall, within 3 months (or such longer period as the court may allow) after the making of the order, send a statement of his proposals for achieving the purposes of the order—

- (a) to the Secretary of State,
- (b) to the CAA,
- (c) to all creditors of the company (so far as he is aware of their addresses), and
- (d) to the registrar of companies.

(2) The air traffic administrator may from time to time revise those proposals.

(2A) If the air traffic administrator proposes to make revisions which appear to him to be substantial, he shall before making them send a statement of the proposed revisions—

- (a) to the Secretary of State,
- (b) to the CAA,
- (c) to all creditors of the company (so far as he is aware of their addresses), and
- (d) to the registrar of companies.

(2B) The air traffic administrator shall give a copy of any statement under subsection (1) or (2A) to all members of the company before the end of the period described in subsection (1) or, as the case may be, before making the revisions.

(2C) The requirement in subsection (2B) is satisfied if the administrator—

- (a) sends a copy of the statement to all members of the company (so far as he is aware of their addresses), or

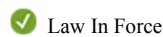
(b) publishes in the prescribed manner a notice stating an address to which members should write for copies of the statement to be sent to them free of charge.”

Commencement

Sch. 1(I) para. 11: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 11: United Kingdom



Law In Force

Applications to court

12.—

(1) Section 27 of the 1986 Act (protection of interests of creditors and members) as applied by this Part of this Schedule has effect as follows.

(2) After subsection (1) insert—

“(1A) If a creditor or member of the company makes an application under subsection (1), the court shall give notice of the application to the Secretary of State, who shall be entitled to be heard by the court in connection with the application.

(1B) At any time when an air traffic administration order is in force the Secretary of State or (with his consent) the CAA may apply to the court by petition for an order under this section on one or both of the following grounds.

(1C) The first ground is that the air traffic administrator has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which will not best ensure the achievement of the purposes of the order.

(1D) The second ground is that he has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which involves a contravention of—

- (a) a condition of the licence granted under Chapter I of Part I of the Transport Act 2000, or
- (b) a duty imposed by section 8(1) of that Act, or
- (c) any other requirement imposed on the company by virtue of its holding the licence.”

(3) Omit subsection (3).

(4) In subsection (4) omit the words “Subject as above”.

(5) After that subsection insert—

“(4A) Provision may be made by virtue of subsection (4)(d) that the air traffic administration order is to be discharged from such date as may be specified in the order unless, before that date, such measures are taken as the court thinks fit for the purpose of protecting the interests of creditors.”

(6) For subsection (6) substitute—

“(6) Where an air traffic administration order is discharged, the air traffic administrator shall within 14 days after the date on which the discharge takes effect send [a copy]¹ of the order under this section—

- (a) to the Secretary of State,
- (b) to the CAA, and
- (c) to the registrar of companies;

and if, without reasonable excuse, the air traffic administrator fails to comply with this subsection, he is liable to a fine and, for continued contravention, to a daily default fine.”

Notes

- ¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(7)(b) (October 1, 2009)

Commencement

Sch. 1(I) para. 12(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(I) para. 12(1)-(6): United Kingdom

PART II

OTHER PROVISIONS



Law In Force

General adaptations

13.—

(1) References in the 1986 Act (except in sections 8 to 10 and 24 to 26), or in any other enactment passed before the day on which this Act is passed, to an administration order under Part II of that Act, to an application for such an order and to an administrator include references (respectively) to an air traffic administration order, to an application for an air traffic administration order and to an air traffic administrator.

(2) References in the 1986 Act, or in any other enactment passed before the day on which this Act is passed, to an enactment contained in Part II of that Act include references to that enactment as applied by section 30 above or Part I of this Schedule.

(3) But—

- (a) sub-paragraph (1) applies in relation to a reference in an enactment contained in Part II of the 1986 Act only so far as necessary for the purposes of the operation of the provisions of that Part as so applied;

(b) sub-paragraphs (1) and (2) apply subject to Part I of this Schedule.

Commencement

Sch. 1(II) para. 13(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(II) para. 13(1)-(3)(b): United Kingdom

 Law In Force

Saving**14.**

The provisions of this Schedule are without prejudice to the power conferred by section 411 of the 1986 Act (company insolvency rules) as modified by paragraph 13(1) and (2).

Commencement

Sch. 1(II) para. 14: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(II) para. 14: United Kingdom

 Law In Force

Interpretation**15.—**

(1) In this Schedule “the 1986 Act” means the Insolvency Act 1986.

(2) For the purposes of this Schedule and any modification of the 1986 Act made by this Schedule—

- (a) an air traffic administration order is an order made under section 27 or 28 above;
- (b) an air traffic administrator is a person appointed by the court to achieve the purposes of an air traffic administration order;
- (c) the CAA is the Civil Aviation Authority.

Commencement

Sch. 1(II) para. 15(1)-(2)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 1(II) para. 15(1)-(2)(c): United Kingdom

SCHEDULE 2**AIR TRAFFIC ADMINISTRATION ORDERS: SCHEMES****Section 30***Application of Schedule*

✓ Law In Force

1.

This Schedule applies if—

- (a) the court has made an air traffic administration order in relation to a licence company (the existing licence company), and
- (b) it is proposed that on and after the appointed day another company (the new licence company) should carry out licensed activities in respect of all or part of a licensed area.

Commencement

Sch. 2 para. 1(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 1(a)-(b): United Kingdom

Interpretation

✓ Law In Force

2.

For the purposes of this Schedule—

- (a) an air traffic administration order is an order made under section 27 or 28;
- (b) an air traffic administrator is a person appointed by the court to achieve the purposes of an air traffic administration order;
- (c) the court is the court which (but for section 27) would have jurisdiction to wind up the existing licence company;
- (d) references to the existing licence company and the new licence company must be construed in accordance with paragraph 1;
- (e) references to a licence company are to be construed in accordance with section 26;
- (f) other licence companies are licence companies, other than the existing licence company and the new licence company;
- (g) licensed activities are activities which the licence concerned authorises the existing licence company to carry out;

- (h) a licensed area is an area in respect of which the licence concerned authorises the existing licence company to provide air traffic services;
- (i) the appointed day is a day which falls before the discharge of the air traffic administration order takes effect and which is appointed by the court for the purposes of this Schedule.

Commencement

Sch. 2 para. 2(a)-(i): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 2(a)-(i): United Kingdom

Making and modification of schemes

✓ Law In Force

3.—

- (1) The existing licence company, acting with the consent of the new licence company and, in relation to the matters affecting them, of any other licence companies, may make a scheme designed to secure that the new licence company carries out licensed activities in respect of all or part of the licensed area.
- (2) No scheme takes effect unless it is approved by the Secretary of State after consulting the CAA.
- (3) If a scheme is submitted to the Secretary of State for approval he may modify the scheme before approving it.
- (4) But no modification may be made unless the following consent—
 - (a) the new licence company,
 - (b) the existing licence company, and
 - (c) in relation to the matters affecting them, any other licence companies.
- (5) A scheme comes into force on the appointed day.
- (6) At any time after a scheme has come into force, if he thinks it appropriate the Secretary of State may by order provide that the scheme is to be taken for all purposes to have come into force with the modifications specified in the order.
- (7) But the Secretary of State may not make an order under sub-paragraph (6) unless the following consent—
 - (a) the existing licence company,
 - (b) the new licence company, and
 - (c) in relation to the provisions of the order which affect them, any other licence companies.
- (8) An order under sub-paragraph (6)—
 - (a) may make, with effect from the coming into force of the scheme to which it relates, any such provision as could have been made by the scheme, and

(b) in connection with giving effect to that provision from that time, may make such supplementary, consequential and transitional provision as the Secretary of State thinks appropriate.

Commencement

Sch. 2 para. 3(1)-(8)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 3(1)-(8)(b): United Kingdom

Effect on licence

✓ Law In Force

4.—

(1) A scheme may provide for a licence held by the existing licence company to have effect, with such modifications as the scheme may specify, as if the licence had been granted to the new licence company.

(2) If different schemes are made in relation to different parts of the licensed area—

- (a) each scheme has effect as if there were a separate licence in respect of each part, and
- (b) each licence has effect as if it had been granted to the company which is the new licence company under the scheme concerned.

Commencement

Sch. 2 para. 4(1)-(2)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 4(1)-(2)(b): United Kingdom

Property, rights and liabilities

✓ Law In Force

5.

A scheme may provide for the transfer of property, rights and liabilities from the existing licence company to the new licence company.

Commencement

Sch. 2 para. 5: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 5: United Kingdom

✓ Law In Force

6.—

(1) In determining whether and in what manner to exercise the powers under paragraph 3 to approve and modify a scheme, the Secretary of State must have regard to the need to ensure that a scheme allocates property, rights and liabilities to the new licence company in such manner as appears to the Secretary of State to be appropriate.

(2) In deciding what is appropriate the Secretary of State must take into account the licensed activities which will be carried out on or after the appointed day by any of—

- (a) the new licence company,
- (b) the existing licence company, and
- (c) any other licence companies.

Commencement

Sch. 2 para. 6(1)-(2)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 6(1)-(2)(c): United Kingdom

✓ Law In Force

7.—

(1) When a scheme comes into force, it has effect without more so as to transfer to the new licence company the property, rights and liabilities to which the scheme relates.

(2) A scheme may divide the property, rights or liabilities of the existing licence company and in connection with that division may—

- (a) create for the existing licence company, the new licence company or any other licence companies an interest in or right over any property to which the scheme relates;
- (b) create new rights and liabilities as between any two or more of those companies with respect to the subject-matter of the scheme;
- (c) in connection with any provision made by virtue of paragraph (a) or (b), make incidental provision as to the interests, rights and liabilities of other persons with respect to the subject-matter of the scheme.

(3) A scheme may impose duties on the existing licence company, the new licence company and any other licence company to take all such steps as may be necessary to secure that—

- (a) any interest, right or liability created by virtue of paragraph (a) or (b) of sub-paragraph (2), and
 - (b) any incidental provision made by virtue of paragraph (c) of that sub-paragraph,has effect.
- (4) A scheme may require the new licence company and any other licence companies to provide consideration in respect of the transfer or creation of property, rights and liabilities by means of the scheme.
- (5) A requirement imposed under sub-paragraph (4) is enforceable in the same way as if the property, rights and liabilities had been created or transferred, and (if the case so requires) had been capable of being created or transferred, by agreement between the parties.
- (6) The property, rights and liabilities of the existing licence company which may be transferred in accordance with a scheme include—
 - (a) property, rights and liabilities which the existing licence company would not otherwise be capable of transferring or assigning;
 - (b) property, rights and liabilities to which the existing licence company may become entitled or subject after the making of the scheme and before the appointed day;
 - (c) property situated anywhere in the United Kingdom or elsewhere;
 - (d) rights and liabilities under enactments;
 - (e) rights and liabilities under the law of any part of the United Kingdom or of any country or territory outside the United Kingdom.
- (7) If a scheme makes a person entitled to possession of a document, the provision that may be made by virtue of sub-paragraph (2)(b) includes—
 - (a) provision for treating that person as having given another person an acknowledgement in writing of the right of that other person to the production of the document and to delivery of copies of it,
 - (b) provision applying section 64 of the Law of Property Act 1925 (production and safe custody of documents) to that acknowledgement,
 - (c) provision that, where a scheme transfers any interest in land or other property situated in Scotland, subsections (1) and (2) of section 16 of the Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) are to have effect in relation to the transfer as if the transfer had been effected by deed and as if from each of those subsections the words “unless specially qualified” had been omitted, and
 - (d) provision applying section 9 of the Conveyance Act 1881 (which is the equivalent in Northern Ireland to section 64 of the Law of Property Act 1925) to that acknowledgement.
- (8) Sub-paragraph (9) applies if a transfer authorised by sub-paragraph (6)(a) would (were it not so authorised)—
 - (a) give rise to a contravention or liability by reason of a provision relating to the terms on which the existing licence company is entitled or subject to the property, right or liability transferred, or
 - (b) give rise to an interference with any interest or right by reason of such a provision.
- (9) In such a case the transfer does not give rise to such a contravention, liability or interference.
- (10) The provision referred to in sub-paragraph (8) may arise under an enactment or agreement or otherwise.

Commencement

Sch. 2 para. 7(1)-(10): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 7(1)-(10): United Kingdom

 Law In Force

8.—

(1) A scheme may impose duties on the existing licence company and on the new licence company to take all such steps as may be necessary to secure that the vesting in the new licence company, by virtue of the scheme, of any foreign property, right or liability is effective under the relevant foreign law.

(2) A scheme may require the existing licence company to comply with any directions given by the new licence company in performing any duty imposed on the existing licence company by virtue of a provision included in the scheme under sub-paragraph (1).

(3) A scheme may provide that, until the vesting of any foreign property, right or liability of the existing licence company in the new licence company is effective under the relevant foreign law, it is the duty of the existing licence company—

- (a) to hold that property or right for the benefit of the new licence company, or
- (b) to discharge that liability on behalf of the new licence company.

(4) A scheme may provide that in specified cases foreign property, rights or liabilities acquired or incurred by an existing licence company after the scheme comes into force are immediately to become property, rights or liabilities of the new licence company; and in relation to such property, rights or liabilities the scheme may make provision equivalent to that in sub-paragraphs (1) to (3).

(5) Nothing in any provision included in a scheme by virtue of this paragraph affects the law of any part of the United Kingdom as it applies to the vesting of any foreign property, right or liability in the new licence company by virtue of the scheme.

(6) References in this paragraph to any foreign property, right or liability are references to any property, right or liability as respects which any issue arising in any proceedings would have to be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.

(7) Any expenses incurred by an existing licence company in consequence of any provision included in a scheme by virtue of this paragraph must be met by the new licence company.

(8) Duties imposed on an existing licence company or a new licence company by virtue of this paragraph are enforceable in the same way as if they were imposed by a contract between the existing licence company and the new licence company.

Commencement

Sch. 2 para. 8(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 8(1)-(8): United Kingdom

Supplementary provisions of schemes

✓ Law In Force

9.—

(1) A scheme may contain supplementary, consequential and transitional provision for the purposes of, or in connection with, any provision of the scheme.

(2) In particular a scheme may provide—

- (a) that for purposes connected with any transfers made in accordance with the scheme (including the transfer of rights and liabilities under an enactment) the new licence company is to be treated as the same person in law as the existing licence company;
- (b) that (so far as may be necessary for the purposes of or in connection with any such transfers) agreements made, transactions effected and other things done by or in relation to the existing licence company are to be treated as made, effected or done by or in relation to the new licence company;
- (c) that (so far as may be necessary for the purposes of or in connection with any such transfers) references in any agreement (whether or not in writing) or in any document to, or to any officer of, the existing licence company are to have effect with such modifications as the scheme may specify;
- (d) that proceedings commenced by or against the existing licence company are to be continued by or against the new licence company;
- (e) that contracts of employment with the existing licence company are not to terminate and that periods of employment with the existing licence company are to count for all purposes as periods of employment with the new licence company;
- (f) that disputes about the effect of the scheme between the existing licence company and the new licence company, between either of them and any other licence company or between different companies which are other licence companies are to be referred to such arbitration as may be specified in or determined under the scheme;
- (g) that determinations on such arbitrations are conclusive for all purposes;
- (h) that certificates given jointly by two or more of the licence companies mentioned in paragraph (f) as to the effect of the scheme as between the licence companies giving the certificates are conclusive for all purposes.

Commencement

Sch. 2 para. 9(1)-(2)(h): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 9(1)-(2)(h): United Kingdom

Assistance

✓ Law In Force

10.—

(1) The new licence company, the existing licence company and any other licence companies which are likely to be affected by a scheme must provide the Secretary of State with all such information and other assistance as the Secretary of State may reasonably require for the purposes of, or in connection with, the exercise of any power conferred by paragraph 3.

(2) If a company without reasonable excuse fails to do anything required of it by sub-paragraph (1) it is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement

Sch. 2 para. 10(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 10(1)-(2): United Kingdom

Effect of air traffic administration order

✓ Law In Force

11.

While an air traffic administration order is in force in relation to an existing licence company anything which the company is permitted or required to do—

- (a) by paragraph 3 or 10, or
- (b) in consequence of any provision of a scheme,

is effective only if it is done on the company's behalf by its air traffic administrator.

Commencement

Sch. 2 para. 11(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 2 para. 11(a)-(b): United Kingdom

SCHEDULE 3**AIR TRAFFIC ADMINISTRATION ORDERS: NORTHERN IRELAND****Section 33**

✓ Law In Force

1.

In their application to a licence company formed and registered [under the Companies Act 2006 in Northern Ireland]¹, sections 26 to 32 and Schedules 1 and 2 have effect with the modifications made by this Schedule.

Notes

¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(8)(a) (October 1, 2009)

Commencement

Sch. 3 para. 1: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 3 para. 1: United Kingdom

✓ Law In Force

2.—

(1) Section 26 is modified as follows.

(2) In subsection (2) for “Part II of the 1986 Act” substitute “Part III of the 1989 Order”.

(3) In subsection (5) for “Parts I to VII of the 1986 Act” substitute “Parts II to VII of the 1989 Order”.

(4) In subsection (6)—

(a) for “the 1986 Act” substitute “the 1989 Order”, and

(b) for “the Insolvency Act 1986” substitute “the Insolvency (Northern Ireland) Order 1989”.

Commencement

Sch. 3 para. 2(1)-(4)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 3 para. 2(1)-(4)(b): United Kingdom

 Law In Force

3.—

(1) Section 28 is modified as follows.

(2) In subsection (3) for paragraph (a) substitute—

“(a) the Secretary of State certifies that but for section 27 it would in his opinion be appropriate for the Department of Enterprise, Trade and Investment to petition for the company's winding up under Article 104A of the 1989 Order (petition following inspectors' report etc), and”.

(3) In subsection (3)(b) for “section 124A” substitute “Article 104A”.

(4) In subsection (6) for “section 123 of the 1986 Act” substitute “Article 103 of the 1989 Order”.

Commencement

Sch. 3 para. 3(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 3 para. 3(1)-(4): United Kingdom

 Law In Force

4.

In section 29(5) for “the 1986 Act” substitute “the 1989 Order”.

Commencement

Sch. 3 para. 4: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 3 para. 4: United Kingdom

✓ Law In Force

5.—

(1) Section 30 is modified as follows.

(2) In subsection (2) for “Section 9(4) and (5) of the 1986 Act” substitute “Article 22(4) and (5) of the 1989 Order”.

(3) In subsection (3)—

(a) for “Section 10(1), (2), (4) and (5) of the 1986 Act” substitute “Article 23(1), (2) and (4) of the 1989 Order”;

(b) in paragraphs (a), (b), (c) and (d) for “subsection” substitute “paragraph”.

(4) In subsection (5)—

(a) for “section 411 of the 1986 Act” substitute “Article 359 of the 1989 Order”, and

(b) for “Parts I to VII of that Act” substitute “Parts II to VII of that Order”.

Commencement

Sch. 3 para. 5(1)-(4)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 3 para. 5(1)-(4)(b): United Kingdom

✓ Law In Force

6.

For Schedule 1 substitute—

“SCHEDULE 1

AIR TRAFFIC ADMINISTRATION ORDERS: GENERAL

PART I

MODIFICATIONS OF 1989 ORDER

Introduction

1.

This Part of this Schedule applies if an air traffic administration order is made in Northern Ireland.

General application of provisions of 1989 Order

2.

Articles 24 to 35 and 39 of the 1989 Order (which relate to administration orders under Part III of that Order) apply with the modifications specified in this Part of this Schedule.

General modifications

3.

In those Articles as applied by this Part of this Schedule—

- (a) references to an administration order are to an air traffic administration order, and
- (b) references to an administrator are to an air traffic administrator.

Effect of order

4.

In Article 24 of the 1989 Order (effect of order) as applied by this Part of this Schedule—

- (a) the requirement in paragraph (1)(a) that any petition for the winding up of the company shall be dismissed does not prejudice the air traffic administration order if it is made by virtue of section 27 above,
- (b) the reference in paragraph (3)(d) to proceedings includes a reference to any proceedings under or for the purposes of section 20 above, and
- (c) paragraph (3)(d) has effect as if after “its property” there were inserted “, and no right of re-entry or forfeiture may be enforced against the company in respect of any land,”.

Appointment of air traffic administrator

5.

In Article 26 of the 1989 Order (appointment of administrator) as applied by this Part of this Schedule for paragraph (3) substitute—

- “(3) An application for an order under paragraph (2) may be made—
- (a) by the Secretary of State,
 - (b) by the CAA with the Secretary of State's consent,
 - (c) by any continuing air traffic administrator of the company, or
 - (d) where there is no such air traffic administrator, by the company, the directors or any creditor or creditors of the company.”

General powers of air traffic administrator

6.—

- (1) Article 27 of the 1989 Order (general powers of administrator) as applied by this Part of this Schedule has effect as follows.
- (2) In paragraph (1)(b) the reference to the powers specified in Schedule 1 to the 1989 Order includes a reference to a power to act on behalf of the company—
 - (a) for the purposes of this Part, or
 - (b) for the purposes of the exercise or performance of any power or duty which is conferred or imposed on the company by virtue of its holding a licence.
- (3) In paragraph (4) the reference to a power conferred by the company's [articles of association]¹ includes a reference to a power conferred by virtue of the company's holding a licence.

Power to deal with charged property

7.—

- (1) Article 28 of the 1989 Order (power to deal with charged property) as applied by this Part of this Schedule has effect as follows.
- (2) In paragraph (2) for “the purpose or one or more of the purposes specified in the administration order” substitute “one or both of the purposes of the administration order”.
- (3) In paragraph (5)(b) for “in the open market by a willing vendor” substitute “for the best price which is reasonably available on a sale which is consistent with the purposes of the air traffic administration order”.

Duties of air traffic administrator

8.—

- (1) Article 29 of the 1989 Order (duties of administrator) as applied by this Part of this Schedule has effect as follows.
- (2) For paragraph (2) substitute—

“(2) Subject to any directions of the High Court, it shall be the duty of the air traffic administrator to manage the affairs, business and property of the company in accordance with proposals under Article 35 as they are revised from time to time.”
- (3) In paragraph (3) omit sub-paragraph (a).

Discharge of order

9.—

(1) Article 30 of the 1989 Order (discharge and variation of administration order) as applied by this Part of this Schedule has effect as follows.

(2) For paragraphs (1) and (2) substitute—

“(1) An application for an air traffic administration order to be discharged may be made—

(a) by the air traffic administrator, on the ground that the purposes of the order have been achieved; or

(b) by the Secretary of State or (with his consent) by the CAA, on the ground that it is no longer necessary that those purposes are achieved.”

(3) In paragraph (3) omit the words “or vary”.

(4) In paragraph (4)—

(a) omit the words “or varied” and “or variation”, and

(b) after “to the registrar” insert “, to the CAA and to the Secretary of State”.

Notice of making of order

10.

In Article 33(2) of the 1989 Order (notice of order to be given by administrator) as applied by this Part of this Schedule after “to the registrar” insert “, to the CAA, to the Secretary of State”.

Statement of proposals

11.

In Article 35 of the 1989 Order (statement of proposals) as applied by this Part of this Schedule for paragraphs (1) and (2) substitute—

“(1) Where an air traffic administration order has been made, the air traffic administrator shall, within 3 months (or such longer period as the High Court may allow) after the making of the order, send a statement of his proposals for achieving the purposes of the order—

(a) to the Secretary of State,

(b) to the CAA,

(c) to all creditors of the company (so far as he is aware of their addresses), and

(d) to the registrar.

(2) The air traffic administrator may from time to time revise those proposals.

(2A) If the air traffic administrator proposes to make revisions which appear to him to be substantial, he shall before making them send a statement of the proposed revisions—

- (a) to the Secretary of State,
- (b) to the CAA,
- (c) to all creditors of the company (so far as he is aware of their addresses), and
- (d) to the registrar.

(2B) The air traffic administrator shall give a copy of any statement under paragraph (1) or (2A) to all members of the company before the end of the period described in paragraph (1) or, as the case may be, before making the revisions.

(2C) The requirement in paragraph (2B) is satisfied if the administrator—

- (a) sends a copy of the statement to all members of the company (so far as he is aware of their addresses), or
- (b) publishes in the prescribed manner a notice stating an address to which members should write for copies of the statement to be sent to them free of charge.”

Applications to court

12.—

(1) Article 39 of the 1989 Order (protection of interests of creditors and members) as applied by this Part of this Schedule has effect as follows.

(2) After paragraph (1) insert—

“(1A) If a creditor or member of the company makes an application under paragraph (1), the court shall give notice of the application to the Secretary of State, who shall be entitled to be heard by the court in connection with the application.

(1B) At any time when an air traffic administration order is in force the Secretary of State or (with his consent) the CAA may apply to the court by petition for an order under this Article on one or both of the following grounds.

(1C) The first ground is that the air traffic administrator has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which will not best ensure the achievement of the purposes of the order.

(1D) The second ground is that he has exercised or is exercising or proposing to exercise his powers in relation to the company in a manner which involves a contravention of—

- (a) a condition of the licence granted under Chapter I of Part I of the Transport Act 2000, or
- (b) a duty imposed by section 8(1) of that Act, or
- (c) any other requirement imposed on the company by virtue of its holding the licence.”

(3) Omit paragraph (3).

(4) In paragraph (4) omit the words “Subject to paragraph (3),”.

(5) After that paragraph insert—

“(4A) Provision may be made by virtue of paragraph (4)(d) that the air traffic administration order is to be discharged from such date as may be specified in the order unless, before that date, such measures are taken as the court thinks fit for the purpose of protecting the interests of creditors.”

(6) For paragraph (6) substitute—

“(6) Where an air traffic administration order is discharged, the air traffic administrator shall within 14 days after the date on which the discharge takes effect send [a copy]² of the order under this Article—

(a) to the Secretary of State,

(b) to the CAA, and

(c) to the registrar;

and if, without reasonable excuse, the air traffic administrator contravenes this paragraph, he shall be guilty of an offence and, for continued contravention, he shall be guilty of a continuing offence.”

PART II

OTHER PROVISIONS

General adaptations

13.—

(1) References in the 1989 Order (except in Articles 21 to 23 and 36 to 38), or in any other enactment passed before the day on which this Act is passed, to an administration order under Part III of that Order, to an application for such an order and to an administrator include references (respectively) to an air traffic administration order, to an application for an air traffic administration order and to an air traffic administrator.

(2) References in the 1989 Order, or in any other enactment passed before the day on which this Act is passed, to an enactment contained in Part III of that Order include references to that enactment as applied by section 30 above or Part I of this Schedule.

(3) But—

(a) sub-paragraph (1) applies in relation to a reference in an enactment contained in Part III of the 1989 Order only so far as necessary for the purposes of the operation of the provisions of that Part as so applied;

(b) sub-paragraphs (1) and (2) apply subject to Part I of this Schedule.

Saving

14.

The provisions of this Schedule are without prejudice to the power conferred by Article 359 of the 1989 Order (insolvency rules) as modified by paragraph 13(1) and (2).

Interpretation

15.—

(1) In this Schedule “the 1989 Order” means the Insolvency (Northern Ireland) Order 1989.

(2) For the purposes of this Schedule and any modification of the 1989 Order made by this Schedule—

- (a) an air traffic administration order is an order made under section 27 or 28 above;
- (b) an air traffic administrator is a person appointed by the court to achieve the purposes of an air traffic administration order;
- (c) the CAA is the Civil Aviation Authority.”

Notes

- ¹ Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(8)(b) (October 1, 2009)
- ² Words substituted by Companies Act 2006 (Consequential Amendments, Transitional Provisions and Savings) Order 2009/1941 Sch.1 para.184(8)(c) (October 1, 2009)

Commencement

Sch. 3 para. 6: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 3 para. 6: United Kingdom

SCHEDULE 4

LICENCE HOLDERS: LAND

Section 36

✓ Law In Force

1.

The Civil Aviation Act 1982 shall be amended as follows.

Commencement

Sch. 4 para. 1: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 1: United Kingdom

✓ Law In Force

2.

After section 42 (acquisition of land by CAA) insert the following—

“42A.— Acquisition of land: air traffic services licence holders.

(1) A licence holder may be authorised by the Secretary of State to acquire land in Great Britain compulsorily for any purpose connected with the carrying out of the activities authorised by the licence.

(2) Where a licence holder proposes to acquire, otherwise than by agreement, any land in Northern Ireland—

(a) which is required by the licence holder for any purpose connected with the carrying out of the activities authorised by the licence, or

(b) as to which it can reasonably be foreseen that it will be so required,

the licence holder may apply to the Secretary of State for an order vesting the land in it, and the Secretary of State shall have power to make such an order.

(3) The Secretary of State shall not grant an authorisation under subsection (1) or an order under subsection (2) to a licence holder in respect of land which is owned by another licence holder who—

(a) is using it, or

(b) will, in the opinion of the Secretary of State, use it at some time in the period of five years beginning with the date on which he receives the request for the authorisation or order.

(4) A reference in subsection (3) to use of land by a licence holder is a reference to use for a purpose connected with the carrying out of the activities authorised by the licence.

(5) The following provisions of section 42 shall apply for the purposes of this section in relation to a licence holder as they apply for the purposes of that section in relation to the CAA—

(a) in subsection (1), the words from “and the following enactments” to the end,

(b) subsection (3),

(c) subsection (5) (with the reference to acquisition for the purposes of the CAA's undertaking being construed as a reference to acquisition in connection with the carrying out of the activities authorised by the licence), and

(d) subsection (6).”

Commencement

Sch. 4 para. 2: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 2: United Kingdom

✔ Law In Force

3.

In section 43(1) (rights over land to bind grantor's successors) after paragraph (b) insert—

“or,

(c) for any purpose connected with the carrying out of the activities authorised by the licence, to a licence holder,”.

Commencement

Sch. 4 para. 3: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 3: United Kingdom

✔ Law In Force

4.—

(1) Section 44 (power to obtain rights over land) shall be amended as follows.

(2) In subsection (6) after paragraph (b) insert—

“and

(c) if the relevant authority in whose favour the order was made is a licence holder, the licence holder,”.

(3) For subsection (7) substitute—

“(7) The ownership of anything shall not be affected by reason only that it is placed on or under, or affixed, to, any land in pursuance of any such order.

(7A) So long as any such order is in force, no person shall, except with the necessary consent, willfully interfere—

(a) with any works carried out on any land in pursuance of the order, or

(b) with anything installed on, under, over or across any land in pursuance of the order.

(7B) The necessary consent is—

- (a) if the relevant authority in whose favour the order is made is the Secretary of State or Eurocontrol, the consent of the Secretary of State,
- (b) if that relevant authority is the CAA, the consent of the Secretary of State or the CAA, and
- (c) if that relevant authority is a licence holder, the consent of the licence holder.”

(4) In subsection (12) the following shall be inserted after paragraph (c)—

“and

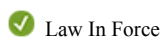
(d) a licence holder;”.

Commencement

Sch. 4 para. 4(1)-(4): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 4(1)-(4): United Kingdom



Law In Force

5.

In section 46(10) (control over land: relevant authorities) after paragraph (d) insert—

“and

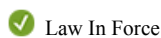
(e) a licence holder (within the meaning of section 105(1) below);”.

Commencement

Sch. 4 para. 5: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 5: United Kingdom



Law In Force

6.—

(1) Section 48 (Secretary of State's powers in respect of highways, &c.) shall be amended as follows.

(2) In subsection (1) for “or the CAA” substitute (in each place) “, the CAA or a licence holder”.

(3) In subsection (9) after “the CAA” insert (in each place) “or a licence holder”.

Commencement

Sch. 4 para. 6(1)-(3): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 6(1)-(3): United Kingdom

✓ Law In Force

7.

In section 49 (acquisition of land for purpose related to highway) after subsection (3) insert—

“(3A) A licence holder's power of acquiring land compulsorily under this Act may be exercised for the purpose of providing or improving any highway which is to be provided or improved in pursuance of an order made under section 48(1) above in relation to land which is vested in the licence holder or which the licence holder proposes to acquire or for any other purpose for which land is required in connection with such an order.”

Commencement

Sch. 4 para. 7: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 7: United Kingdom

✓ Law In Force

8.—

(1) Section 50 (powers of entry) shall be amended as follows.

(2) In subsection (1)(a), (b) and (c) after “the CAA” insert “or a licence holder”.

(3) In subsection (1)(d) after “the CAA” insert “, a licence holder (within the meaning of section 105(1) below)”.

(4) In subsection (3)(a), (b) and (c) for “or the CAA” substitute “, the CAA or a licence holder”.

(5) In subsection (7) for paragraph (a) substitute—

“(a) in a case falling within subsection (1)(a) to (c) above in respect of the CAA,
the CAA,
(aa) in a case falling within subsection (1)(a) to (c) above in respect of a licence holder, the licence holder.”

Commencement

Sch. 4 para. 8(1)-(5): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 8(1)-(5): United Kingdom

✓ Law In Force

9.

In section 51(7)(a) (statutory undertakers) after “the CAA” insert “or a licence holder”.

Commencement

Sch. 4 para. 9: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 9: United Kingdom

✓ Law In Force

10.—

(1) Section 52 (displacements from land) shall be amended as follows.

(2) After subsection (1)(c) (and before the word “or”) insert—

“(ca) a licence holder has acquired land for purposes connected with the carrying out of the activities authorised by the licence;”.

(3) In subsection (2)(a) for “or (c)” substitute “, (c) or (ca)”.

(4) In subsection (3)(a) after “(c)” insert “, (ca)”.

Commencement

Sch. 4 para. 10(1)-(4): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 10(1)-(4): United Kingdom

✓ Law In Force

11.—

(1) Section 53 (planning decisions: compensation) shall be amended as follows.

(2) In subsection (1)—

- (a) for “entitled to recover from the CAA” substitute “entitled to recover from the relevant person”,
- (b) for paragraph (b)(iii) substitute—

“(iii) to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence.”

- (3) In subsection (2) for “shall pay the CAA” substitute “shall refund to the person who paid that sum”.

- (4) In subsection (3)—

- (a) for “such a need as aforesaid in respect of an aerodrome or apparatus owned by the CAA,” substitute “a need referred to in subsection (1)(b)(i) to (iii),”,
- (b) for “given to the CAA” substitute “given to the relevant person”, and
- (c) for “require the CAA” substitute “require the relevant person”.

- (5) In subsection (4) for “the CAA” substitute (in each place) “the relevant person”.

- (6) In subsection (7) for paragraph (b) and the words following it substitute—

“(b) the decision would not have been taken but for the need to secure the safe and efficient operation of apparatus which is in the possession of a licence holder and is provided for the purpose of the activities authorised by the licence, the Department shall be entitled to recover from the licence holder a sum equal to that compensation.”

- (7) In subsection (8) for “the CAA” substitute “the licence holder”.

- (8) After subsection (9) insert—

- “(10) The relevant person for the purposes of this section is—
- (a) in a case to which subsection (1)(b)(i) or (ii) applies, the CAA, and
 - (b) in a case to which subsection (1)(b)(iii) applies, the licence holder.”

Commencement

Sch. 4 para. 11(1)-(8): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 11(1)-(8): United Kingdom



Law In Force

12.

In section 54(2) (consecrated land and burial grounds) for “in relation to any land acquired by the CAA” substitute

- “in relation to any land—
- (a) acquired by the CAA, or

(b) acquired by a licence holder for purposes connected with the carrying out of the activities authorised by the licence,”.

Commencement

Sch. 4 para. 12: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 12: United Kingdom

✓ Law In Force

13.—

(1) Section 55 (registration of orders, &c.) shall be amended as follows.

(2) In subsection (5) after “the CAA” insert “or a licence holder”.

(3) In subsection (7)(a) after sub-paragraph (ii) (and after the word “and”) insert—

“(iii) if the order is made in favour of a licence holder, the licence holder; and”.

(4) In subsection (7)(c) after sub-paragraph (i) (and before the word “and”) insert—

“(ia) if the order is made in respect of a licence holder, the licence holder;”.

Commencement

Sch. 4 para. 13(1)-(4): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 13(1)-(4): United Kingdom

✓ Law In Force

14.

In section 105(1) (interpretation) after the definition of “the Lands Tribunal” insert—

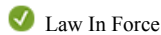
“‘licence holder’ means a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services);”.

Commencement

Sch. 4 para. 14: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 14: United Kingdom



Law In Force

15.

In Schedule 6 (modifications of Schedule 6 to the Local Government Act (Northern Ireland) 1972)—

- (a) in paragraph 2 after “Civil Aviation Authority” insert “or (as the case may be) the licence holder”,
- (b) in paragraph 4 after “Civil Aviation Authority” insert “or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (“a licence holder””, and
- (c) in paragraphs 5 and 6 after “Civil Aviation Authority” (in each place) insert “or (as the case may be) the licence holder”.

Commencement

Sch. 4 para. 15(a)-(c): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 15(a)-(c): United Kingdom



Law In Force

16.—

(1) Schedule 7 (certain orders under Part II: supplementary) shall be amended as follows.

(2) For the words “the CAA”—

- (a) substitute “the CAA or a licence holder” in paragraph 1(1), in the first place where the words appear in paragraph 1(2), and in paragraph 12(2)(a), and
- (b) substitute “the CAA or the licence holder” in the second place where the words appear in paragraph 1(2).

(3) After paragraph 5(2)(a) insert—

“(aa) the licence holder in the case of an order under section 44 of this Act made in favour of a licence holder;”.

(4) After paragraph 12(2)(b) insert—

“(c) from the licence holder in the case of an order made in favour of a licence holder.”

Commencement

Sch. 4 para. 16(1)-(4): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 16(1)-(4): United Kingdom

✓ Law In Force

17.

In Schedule 13 (subordinate instruments), in Part I after the entry for section 42(2) insert—

“Section 42A(2) (order vesting land in licence holder).”

Commencement

Sch. 4 para. 17: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 4 para. 17: United Kingdom

SCHEDULE 5

LICENCE HOLDERS AS STATUTORY UNDERTAKERS

Section 37

Miscellaneous enactments

✓¹ Law In Force With Amendments Pending

1.—

(1) For the purposes of the provisions mentioned in sub-paragraph (2)—

- (a) a licence holder carrying out activities authorised by its licence is to be taken to be a statutory undertaker;
- (b) its undertaking as licence holder is to be taken to be a statutory undertaking.

(2) The provisions are—

- (a) the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947;
- (b) section 4 of the Requisitioned Land and War Works Act 1948;
- (c) the National Parks and Access to the Countryside Act 1949;
- (d) the Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951;
- (e) the Landlord and Tenant Act 1954;
- (f) section 39(6)(b) of the Opencast Coal Act 1958;
- (g) section 11 of the Land Compensation Act 1961;
- (h) [...]¹
- (i) section 18 of the Land Compensation (Scotland) Act 1963;
- (j) Schedule 3 to the Harbours Act 1964;
- (k) Schedule 6 to the Gas Act 1965;
- (l) the New Towns (Scotland) Act 1968;
- (m) paragraph 6 of Schedule 2 to the Countryside Act 1968;
- (n) section 22 of the Sewerage (Scotland) Act 1968;

(o) [296 and 611 of the Housing Act 1985]².

Notes

¹ Repealed by Flood Risk Management (Scotland) Act 2009 asp 6 (Scottish Act) Sch.3 para.12 (December 24, 2010)

² Word repealed by Housing Act 2004 c. 34 Sch.16 para.1 (June 16, 2006 as SI 2006/1535)

Proposed Draft Amendments

Sch. 5 para. 1(3): added by Planning (Consequential Provisions) (Wales) Bill [as introduced] (GB/27/2025) Sch. 2 para. 326 (Initial Consideration, October 13, 2025) (date to be appointed: insertion has effect subject to transitional provisions specified in Planning (Consequential Provisions) (Wales) Bill 2025 Sch.5 Pt 1)

Commencement

Sch. 5 para. 1(1)-(2)(o): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 1(1)-(2)(o): United Kingdom

Public health

✓ Law In Force

2.—

(1) The provisions mentioned in sub-paragraph (2) apply in relation to—

(a) a licence holder carrying out activities authorised by its licence, and

(b) any property which is owned by the licence holder,

as they apply in relation to a railway company and its railway.

(2) The provisions are—

(a) section 330 of the Public Health Act 1936 (power of certain undertakers in England and Wales to alter sewers);

(b) section 333 of that Act (protection of certain undertakings in England and Wales from works executed under that Act);

(c) section 107 of the Public Health (Scotland) Act 1897 (protection of certain undertakings in Scotland from works connected with sewers).

Commencement

Sch. 5 para. 2(1)-(2)(c): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 2(1)-(2)(c): United Kingdom

Civil defence

 Repealed

3.— [...]¹**Notes**

¹ Repealed by Civil Contingencies Act 2004 c. 36 Sch.3 para.1 (November 14, 2005 as SI 2005/2040)

Pipe-lines

 Law In Force

4.—

(1) For the purposes of the Pipe-lines Act 1962—

- (a) a licence holder carrying out activities authorised by its licence is to be taken to be a statutory undertaker;
- (b) its undertaking as licence holder is to be taken to be a statutory undertaking.

(2) For the purposes of section 13 of the 1962 Act, in relation to a licence holder operational land is land—

- (a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or
- (b) in which the licence holder, or a company associated with it, holds an interest for that purpose.

(3) If for the purposes of section 13 of the 1962 Act a question arises whether land is operational land in relation to a licence holder the question must be decided by the Secretary of State.

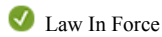
Commencement

Sch. 5 para. 4(1)-(3): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 4(1)-(3): United Kingdom

New towns

**5.—**

(1) Section 79 of the New Towns Act 1981 (meaning of statutory undertakers and operational land) shall be amended as follows.

(2) In subsection (1) after “the Civil Aviation Authority,” insert

“or

(ba) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services),”.

(3) After subsection (1) insert—

“(1A) For the purposes of this Act—

(a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;

(b) the person's undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person's undertaking as licence holder.”

(4) In subsection (3) after paragraph (b) insert—

“(ba) in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, means any land which is used by the licence holder (or by a company associated with it) for the purpose of carrying out activities authorised by the licence or land in which the licence holder (or a company associated with it) holds an interest for that purpose.”

(5) After subsection (3) insert—

“(4) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.”

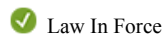
Commencement

Sch. 5 para. 5(1)-(5): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 5(1)-(5): United Kingdom

Planning



Law In Force

6.—

(1) Section 262 of the Town and Country Planning Act 1990 (meaning of statutory undertakers) shall be amended as follows.

(2) In subsection (3) for “and the Civil Aviation Authority” substitute “, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)”.

(3) In subsection (5)(b) for “and the Civil Aviation Authority” substitute “, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)”.

(4) After subsection (5) insert—

“(5A) For the purposes of this Act—

(a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;

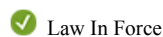
(b) the person's undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person's undertaking as licence holder.”

Commencement

Sch. 5 para. 6(1)-(4): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 6(1)-(4): United Kingdom



Law In Force

7.

In section 263 of the Town and Country Planning Act 1990 (meaning of operational land) after subsection (2) insert—

“(2A) Subsection (1) does not apply in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000.

(2B) Subject to section 264, in this Act “operational land” means, in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, land—

(a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or

(b) in which the licence holder, or a company associated with it, holds an interest for that purpose.

(2C) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.”

Commencement

Sch. 5 para. 7: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 7: United Kingdom

 Law In Force

8.

In section 91(3) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (meaning of statutory undertakers) in paragraph (b) after “the Civil Aviation Authority,” there shall be inserted “a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence),”.

Commencement

Sch. 5 para. 8: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 8: United Kingdom

 Law In Force

9.

In section 39(6) of the Planning (Hazardous Substances) Act 1990 (persons deemed to be statutory undertakers) after “the Civil Aviation Authority” there shall be inserted “, a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)”.

Commencement

Sch. 5 para. 9: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 9: United Kingdom

 Law In Force

10.—

(1) Section 214 of the Town and Country Planning (Scotland) Act 1997 (meaning of statutory undertakers) shall be amended as follows.

(2) In subsection (3) for “and the Civil Aviation Authority” substitute “, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)”.

(3) In subsection (5)(b) for “and the Civil Aviation Authority” substitute “, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services)”.

(4) After subsection (5) insert—

“(5A) For the purposes of this Act—

- (a) a person who holds a licence under Chapter I of Part I of the Transport Act 2000 shall not be considered to be a statutory undertaker unless the person is carrying out activities authorised by the licence;
- (b) the person's undertaking shall not be considered to be a statutory undertaking except to the extent that it is the person's undertaking as licence holder.”

Commencement

Sch. 5 para. 10(1)-(4): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 10(1)-(4): United Kingdom

✓ Law In Force

11.

In section 215 of the Town and Country Planning (Scotland) Act 1997 (meaning of operational land) after subsection (2) insert—

“(2A) Subsection (1) does not apply in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000.

(2B) Subject to section 216, in this Act “operational land” means, in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000, land—

- (a) which is used by the licence holder, or by a company associated with it, for the purpose of carrying out activities authorised by the licence, or
- (b) in which the licence holder, or a company associated with it, holds an interest for that purpose.

(2C) If for the purposes of this Act a question arises whether land is operational land in relation to a person who holds a licence under Chapter I of Part I of the Transport Act 2000 the question must be decided by the Secretary of State.”

Commencement

Sch. 5 para. 11: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 11: United Kingdom

✓ Law In Force

12.

In section 81(3) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (meaning of statutory undertakers) in paragraph (b) after “the Civil Aviation Authority,” there shall be inserted “a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence),”.

Commencement

Sch. 5 para. 12: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 12: United Kingdom

✓ Law In Force

13.

In section 38(5) of the Planning (Hazardous Substances) (Scotland) Act 1997 (persons deemed to be statutory undertakers) after “the Civil Aviation Authority” there shall be inserted “, a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)”.

Commencement

Sch. 5 para. 13: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 13: United Kingdom

Water and drainage

✓ Law In Force

14.

In Schedule 13 to the Water Industry Act 1991 (protection of undertakings) in paragraph 1(5) after paragraph (j) there shall be inserted—

“(k) the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that it is the person's undertaking as licence holder.”

Commencement

Sch. 5 para. 14: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 14: United Kingdom

✓ Law In Force

15.

In Schedule 22 to the Water Resources Act 1991 (protection of undertakings) in paragraph 1(4) after paragraph (j) there shall be inserted—

“(k) the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that it is the person's undertaking as licence holder.”

Commencement

Sch. 5 para. 15: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 15: United Kingdom

✓ Law In Force

16.

In Schedule 6 to the Land Drainage Act 1991 (protection of undertakings) in paragraph 1(1) after paragraph (j) there shall be inserted—

“(k) the undertaking of a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) to the extent that it is the person's undertaking as licence holder.”

Commencement

Sch. 5 para. 16: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 16: United Kingdom

Development

 Repealed

17. [...]¹

Notes

¹ Repealed by Housing and Regeneration Act 2008 c. 17 Sch.16 para.1 (December 1, 2008 as SI 2008/3068)

 Repealed

18. [...]¹

Notes

¹ Repealed by Public Bodies Act 2011 c. 24 Sch.6 para.1 (July 1, 2012: repeal has effect as SI 2012/1662 at 00.02)

Coal mining subsidence

 Law In Force

19.

In section 52(1) of the Coal Mining Subsidence Act 1991 (interpretation) in paragraph (b) of the entry relating to statutory undertakers after “the Civil Aviation Authority” there shall be inserted “, any person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)”.

Commencement

Sch. 5 para. 19: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 5 para. 19: United Kingdom

SCHEDULE 6

TRANSFER SCHEMES

Section 63

Allocation

 Law In Force

1.—

- (1) Paragraphs 2 and 3 apply if the following two conditions are satisfied.
- (2) The first condition is that—
- (a) provision is made by a transfer scheme for the transfer to a transferee of a specified part of a transferor's undertaking, or
 - (b) provision is made by a transfer scheme (or transfer schemes) for the transfer to different transferees of different specified parts of a transferor's undertaking.
- (3) The second condition is that any property, right or liability falls partly in one part of the undertaking and partly in another or others; and the parts of the undertaking are—
- (a) the part (or each part) transferred, and
 - (b) if a part is retained by the transferor, that part.
- (4) In paragraphs 2 and 3 references to the parties are to—
- (a) the transferee or transferees concerned, and
 - (b) the transferor (if he retains part of the undertaking).
- (5) Paragraphs 2 and 3 do not apply to rights or liabilities under a contract of employment.

Commencement

Sch. 6 para. 1(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 1(1)-(5): United Kingdom

 Law In Force

2.—

- (1) If the nature of the property, right or liability permits, it must be apportioned in appropriate proportions between the parties; and each appropriate part must be taken to have been transferred to a transferee or retained by the transferor.
- (2) If an estate or interest in land is to be apportioned under sub-paragraph (1)—
- (a) any rent payable under a lease in respect of the estate or interest, and

(b) any rent charged on the estate or interest, must be apportioned so that an appropriate part of the rent is payable in respect of (or charged on) the appropriate part of the estate or interest.

(3) Sub-paragraph (2) applies, with any necessary modifications, in relation to any feuduty payable in respect of an estate or interest in land in Scotland as it applies in relation to any rent charged on an estate or interest in land.

Commencement

Sch. 6 para. 2(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 2(1)-(3): United Kingdom

 Law In Force

3.—

(1) If the nature of the property, right or liability does not permit it to be apportioned as mentioned in paragraph 2(1), it must be taken to have been transferred to a transferee or retained by the transferor in accordance with the tests in sub-paragraphs (2) and (3).

(2) In the case of an estate or interest in land the test is—

- (a) which one of the parties has the greater (or greatest) need of the estate or interest for business purposes, or
- (b) if it is not possible to say that one of them has the greater (or greatest) need, which one of them is likely to make more (or the most) use of the land.

(3) In the case of any other property or any right or liability, the test is which one of the parties is likely—

- (a) to make more (or the most) use of the property, or
- (b) to be more (or the most) affected by the right or liability.

(4) The tests in sub-paragraphs (2) and (3) must be applied at—

- (a) the time when the transfer scheme comes into force (or schemes come into force), or
- (b) if there are two or more schemes and they come into force at different times, the later or latest of the times.

(5) The preceding provisions of this paragraph apply subject to any arrangements made by the parties as to the protection of the interests of any of them.

Commencement

Sch. 6 para. 3(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 3(1)-(5): United Kingdom

Identification

✓ Law In Force

4.—

(1) Paragraphs 5 to 7 apply if—

- (a) provision is made by a transfer scheme for the transfer to a transferee of a specified part of a transferor's undertaking, or
- (b) provision is made by a transfer scheme (or transfer schemes) for the transfer to different transferees of different specified parts of a transferor's undertaking.

(2) It is immaterial whether or not the second condition set out in paragraph 1 is satisfied.

(3) In paragraphs 5 to 7 references to the parties are to—

- (a) the transferee or transferees concerned, and
- (b) the transferor (if he retains part of the undertaking).

(4) Paragraphs 5 to 7 do not apply to rights or liabilities under a contract of employment.

Commencement

Sch. 6 para. 4(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 4(1)-(4): United Kingdom

✓ Law In Force

5.—

(1) The parties must, so far as practicable, make any written agreement necessary or expedient to identify what is to be taken to have been transferred to whom and what (if anything) is to be taken to have been retained.

(2) The duty under sub-paragraph (1) has effect before as well as after the coming into force of any transfer scheme concerned.

Commencement

Sch. 6 para. 5(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 5(1)-(2): United Kingdom

✓ Law In Force

6.—

(1) If the Secretary of State thinks it is unlikely that agreement will be reached on a matter where agreement is required under paragraph 5 he may serve a notice on the parties.

(2) A notice may be served—

- (a) whether or not representations are made by a party;
- (b) before or after the coming into force of any transfer scheme concerned.

(3) A notice may specify the terms of the agreement which the Secretary of State thinks the parties should have made under paragraph 5 in relation to the matter concerned.

(4) If a notice is served under this paragraph the parties are to be treated as having made an agreement in the terms specified.

Commencement

Sch. 6 para. 6(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 6(1)-(4): United Kingdom

✓ Law In Force

7.—

(1) This paragraph applies if—

- (a) an agreement made under paragraph 5, or
- (b) an agreement treated as made by paragraph 6,

contains provision to the effect that any property, right or liability is to be taken to have been transferred to a transferee.

(2) The property, right or liability is to be treated as having been transferred to the transferee by the scheme concerned (or, if there are two or more schemes, such of them as the agreement specifies).

Commencement

Sch. 6 para. 7(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 7(1)-(2): United Kingdom

Discharge of functions

✓ Law In Force

8.—

- (1) Paragraphs 9 and 10 apply if—
- (a) provision is made by a transfer scheme for the transfer to a transferee of a specified part of a transferor's undertaking, or
 - (b) provision is made by a transfer scheme (or transfer schemes) for the transfer to different transferees of different specified parts of a transferor's undertaking.
- (2) It is immaterial whether or not the second condition set out in paragraph 1 is satisfied.
- (3) In paragraphs 9 and 10 references to the parties are to—
- (a) the transferee or transferees concerned, and
 - (b) the transferor (if he retains part of the undertaking).
- (4) Paragraphs 9 and 10 do not apply to rights or liabilities under a contract of employment.
- (5) Sub-paragraph (6) applies if at the time a transfer scheme comes into force a transferor or transferee under the scheme is—
- (a) a company which is wholly owned by the Crown;
 - (b) a company which is wholly owned by the CAA;
 - (c) a company which is a wholly owned subsidiary of a company falling within paragraph (a) or (b).
- (6) Paragraphs 9 and 10 cease to apply in relation to the scheme concerned at the time when the transferor or any one of the transferees under the scheme ceases to be a company which falls within any of paragraphs (a) to (c) of sub-paragraph (5).

Commencement

Sch. 6 para. 8(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 8(1)-(6): United Kingdom

✓ Law In Force

9.—

- (1) The parties must, so far as practicable, make any written agreement and execute any other instrument necessary or expedient to—
- (a) give to any party (as against another or others) any rights and safeguards needed for carrying out the party's functions;
 - (b) modify the division of the transferor's undertaking in order to help the parties in carrying out their functions.
- (2) An agreement or instrument under sub-paragraph (1) may provide—
- (a) for the granting of leases and for the creation of other rights and liabilities over land (whether or not amounting in law to interests in land and whether or not involving the surrender of any existing interest or the creation of a new interest);

- (b) for the granting of indemnities in connection with the severance of leases and other matters;
- (c) for responsibility for registration of any matter in any statutory register.

(3) The duty under sub-paragraph (1) has effect before as well as after the coming into force of any transfer scheme concerned.

Commencement

Sch. 6 para. 9(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 9(1)-(3): United Kingdom

✓ Law In Force

10.—

(1) If the Secretary of State thinks it is unlikely that agreement will be reached on a matter where agreement is required under paragraph 9 he may serve a notice on the parties.

(2) A notice may be served—

- (a) whether or not representations are made by a party;
- (b) before or after the coming into force of any transfer scheme concerned.

(3) A notice may specify the terms of the agreement which the Secretary of State thinks the parties should have made under paragraph 9 in relation to the matter concerned.

(4) If a notice is served under this paragraph the parties are to be treated as having made an agreement in the terms specified.

Commencement

Sch. 6 para. 10(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 10(1)-(4): United Kingdom

Transfers by agreement

✓ Law In Force

11.—

(1) If a transfer scheme provides for property, rights or liabilities to be transferred from a transferor to a transferee, they may agree that such of the property, rights or liabilities as are specified in the agreement are to be transferred from the transferee to the transferor.

- (2) If one or more transfer schemes provide for different property, rights or liabilities to be transferred to different transferees, any transferee may agree with another that such of the property, rights or liabilities as are specified in the agreement are to be transferred from one to the other.
- (3) This paragraph does not apply to rights or liabilities under a contract of employment.
- (4) An agreement under this paragraph—
- (a) must be in writing;
 - (b) must be made before the end of the required period;
 - (c) must be made with the Secretary of State's approval.
- (5) The required period is the period of 12 months starting with—
- (a) the day on which the transfer scheme comes into force (or schemes come into force), or
 - (b) if there are two or more schemes and they come into force on different days, the later or latest of the days.
- (6) An agreement under this paragraph may provide for a transfer to take effect on a date specified in or determined in accordance with the agreement; but the agreement may provide that a transfer is not to take effect unless the circumstances are such as the agreement specifies.
- (7) When a transfer agreed under this paragraph takes effect the agreement has effect to transfer (in accordance with its provisions) the property, rights or liabilities concerned, subject to any enactment which provides for transactions to be registered in a statutory register.

Commencement

Sch. 6 para. 11(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 11(1)-(7): United Kingdom

Documents of title

 Law In Force

12.—

- (1) This paragraph applies if on a transfer under a transfer scheme a transferor is entitled to retain possession of any document relating in part to the title to, or to the management of, any land or other property transferred to a transferee.
- (2) If the land or other property is situated in England and Wales—
- (a) the transferor is to be treated as having given the transferee an acknowledgement in writing of the transferee's right to production of the document and to delivery of copies of it, and
 - (b) section 64 of the Law of Property Act 1925 (production and safe custody of documents) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.

(3) If the land or other property is situated in Scotland, subsections (1) and (2) of section 16 of the Land Registration (Scotland) Act 1979 (omission of certain clauses in deeds) is to have effect in relation to the transfer as if the transfer had been effected by deed and as if from each of those subsections the words “unless specially qualified” were omitted.

(4) If the land or other property is situated in Northern Ireland—

(a) the transferor is to be treated as having given the transferee an acknowledgement in writing of the transferee's right to production of the document and to delivery of copies of it, and

(b) section 9 of the Conveyancing Act 1881 (which corresponds to section 64 of the Law of Property Act 1925) is to apply to the acknowledgement and is to apply on the basis that the acknowledgement does not contain an expression of contrary intention.

Commencement

Sch. 6 para. 12(1)-(4)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 12(1)-(4)(b): United Kingdom

Foreign property, rights and liabilities

✓ Law In Force

13.—

(1) This paragraph applies if a transfer scheme provides for the transfer of foreign property, rights or liabilities from a transferor to a transferee.

(2) The transferor and the transferee must take such steps as may be necessary to secure that the vesting of the property, rights or liabilities in the transferee is effective under the relevant foreign law; and the transferor must take the steps at such times as the transferee may specify in directions given to the transferor.

(3) Until the vesting of the property, rights or liabilities in the transferee is effective under the relevant foreign law, the transferor must—

- (a) hold the property or rights for the transferee's benefit, or
- (b) discharge the liabilities on the transferee's behalf.

(4) The transferor is to have all powers necessary for the performance of his duty under sub-paragraph (2), but the transferee must act on the transferor's behalf (so far as possible) in the performance of that duty.

(5) Nothing in sub-paragraphs (2) to (4) affects the law of the United Kingdom (or of any part of the United Kingdom) as it applies to the vesting of the property, rights or liabilities in the transferee by virtue of the transfer scheme.

(6) References in this paragraph to foreign property, rights or liabilities are references to property, rights or liabilities as respects which any issue arising in any proceedings would be determined (in

accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.

(7) The transferee must meet any expenses incurred by the transferor in consequence of this paragraph.

(8) Duties imposed on the transferor or the transferee by this paragraph are enforceable in the same way as if they were imposed by a contract between them.

Commencement

Sch. 6 para. 13(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 13(1)-(8): United Kingdom

Certificates

✓ Law In Force

14.—

(1) This paragraph applies if—

- (a) a transfer scheme provides for the transfer of property, rights or liabilities from a transferor to a transferee, and
- (b) a certificate falling within sub-paragraph (2) is made jointly by or on behalf of the parties.

(2) A certificate falls within this sub-paragraph if it certifies that any specified property, right or liability—

- (a) was intended to be, and was, vested in the transferee by virtue of the transfer, and
- (b) has not been the subject of an agreement under paragraph 11.

(3) The certificate is to be conclusive evidence for all purposes of the facts it certifies.

(4) The reference in sub-paragraph (2) to property includes a reference to an interest in or right over property.

(5) Sub-paragraph (6) applies if—

- (a) one of the parties requests the other to join in the preparation of a certificate, and
- (b) they fail to agree the terms of a certificate within the period of one month starting with the day of the request.

(6) The parties must—

- (a) refer the matter to the Secretary of State, and
- (b) issue a certificate in such terms as may be specified in a direction given by him.

(7) The parties are the transferor and the transferee.

Commencement

Sch. 6 para. 14(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 14(1)-(7): United Kingdom

Restrictions on dealing with land

✓ Law In Force

15.—

- (1) For the purposes of this paragraph a person is a party if—
- (a) he is the transferee (or one of the transferors) under a transfer scheme and holds an interest in land immediately after the scheme comes into force, or
 - (b) he is the transferee (or one of the transferees) under the scheme and an interest in land is transferred to him under the scheme.
- (2) For the purposes of this paragraph the relevant land is any land in which any party has an interest immediately after the scheme comes into force.
- (3) On the representation of any of the parties the Secretary of State may give to the parties a direction stating that sub-paragraph (4) is to apply to such of the relevant land as the direction specifies.
- (4) While the direction remains in force—
- (a) no party may dispose of an interest in any of the specified land unless the Secretary of State consents;
 - (b) if a party proposes to dispose of such an interest and the Secretary of State thinks it necessary or expedient to exercise any of the powers set out in sub-paragraph (5) for the protection of any other party, the Secretary of State may exercise any of those powers.
- (5) The powers are—
- (a) power to consent to the proposed disposal subject to compliance with such conditions as the Secretary of State may see fit to impose;
 - (b) power to require a party to dispose of an interest in any of the specified land to such person and in such manner as may be specified in the requirement;
 - (c) power to require a party to acquire another party's interest in any of the specified land.
- (6) In sub-paragraph (5)(b) and (c) references to an interest include (but are not limited to) references to the interest whose disposal is proposed.
- (7) A person who is not a party and who is dealing with a party (or with a person claiming under a party) in relation to land is not to be concerned to see or enquire—
- (a) whether this paragraph applies (or has applied) in relation to any of the land;
 - (b) whether a direction under this paragraph has been given in relation to any of the land;

(c) whether this paragraph or any condition imposed or requirement made under it has been complied with in connection with the dealing or any other dealing concerning any of the land.

(8) No transaction between a person who is not a party (on the one hand) and a party or a person claiming under a party (on the other) is to be invalid by reason of any failure to comply with this paragraph or any condition imposed or requirement made under it.

Commencement

Sch. 6 para. 15(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 15(1)-(8): United Kingdom

Construction of agreements etc

✓ Law In Force

16.—

(1) This paragraph applies if—

- (a) a transfer scheme provides for the transfer of property, rights or liabilities from a transferor to a transferee, and
- (b) immediately before the coming into force of the scheme the transferor was entitled or subject to the property, rights or liabilities under an agreement to which he was then a party.

(2) This paragraph applies—

- (a) whether or not the agreement is in writing;
- (b) whether or not the transferor could assign the property, rights or liabilities.

(3) So far as the agreement relates to the property, rights or liabilities transferred to the transferee, as respects anything falling to be done after the coming into force of the scheme the agreement is to have effect as if—

- (a) the transferee had been a party to it instead of the transferor;
- (b) a reference to the transferor were a reference to the transferee;
- (c) a reference to a person employed by (or engaged in the business of) the transferor and holding a specified office or serving in a specified capacity were a reference to such a person as the transferee may appoint or, in default of appointment, to a person with corresponding functions who is employed by (or engaged in the business of) the transferee;
- (d) a reference in general terms to persons employed by, persons engaged in the business of, or agents of, the transferor were a reference to persons employed by, persons engaged in the business of, or agents of, the transferee.

(4) A reference mentioned in sub-paragraph (3)(b) or (c) may be express or implied; and if express it is immaterial how it is worded.

(5) It is immaterial how a reference mentioned in sub-paragraph (3)(d) is worded.

Commencement

Sch. 6 para. 16(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 16(1)-(5): United Kingdom

 Law In Force**17.—**

(1) This paragraph applies if—

- (a) a transfer scheme provides for the transfer of property, rights or liabilities from a transferor to a transferee, and
- (b) immediately before the coming into force of the scheme any provision of an agreement to which the transferor was not a party, any statutory provision or any provisions of a document (other than an agreement) related to the property, rights or liabilities transferred to the transferee.

(2) This paragraph applies—

- (a) whether or not the agreement mentioned in sub-paragraph (1)(b) is in writing;
- (b) whether or not the transferor could assign the property, rights or liabilities.

(3) So far as the agreement, provision or document relates to the property, rights or liabilities transferred to the transferee, as respects anything falling to be done after the coming into force of the scheme the agreement, provision or document is to have effect as if—

- (a) a reference to the transferor were a reference to the transferee;
- (b) a reference to a person employed by (or engaged in the business of) the transferor and holding a specified office or serving in a specified capacity were a reference to such a person as the transferee may appoint or, in default of appointment, to a person with corresponding functions who is employed by (or engaged in the business of) the transferee;
- (c) a reference in general terms to persons employed by, persons engaged in the business of, or agents of, the transferor were a reference to persons employed by, persons engaged in the business of, or agents of, the transferee.

(4) A reference mentioned in sub-paragraph (3)(a) or (b) may be express or implied; and if express it is immaterial how it is worded.

(5) It is immaterial how a reference mentioned in sub-paragraph (3)(c) is worded.

(6) A reference mentioned in sub-paragraph (3) to the transferor may be a general reference to a class of persons of which the transferor is one (without the transferor being named).

(7) For the purposes of this paragraph a statutory provision is a provision contained in an Act or in a document made or issued under an Act; and here “Act” includes a private or local Act.

Commencement

Sch. 6 para. 17(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 17(1)-(7): United Kingdom

Proceedings etc

✓ Law In Force

18.—

- (1) This paragraph applies if a transfer scheme provides for a transfer from a transferor to a transferee.
- (2) From the coming into force of the scheme the transferee is to have the same rights, powers and remedies for ascertaining, perfecting or enforcing a right or liability transferred to him under the scheme as he would have had if the right or liability had at all times been a right or liability of his.
- (3) From the coming into force of the scheme any person (other than the transferee) is to have the same rights, powers and remedies for ascertaining, perfecting or enforcing a right or liability transferred to the transferee under the scheme as he would have had if the right or liability had at all times been a right or liability of the transferee.
- (4) The rights and powers which the transferee or any other person is to have include—
- (a) rights and powers as to the taking or resisting of legal proceedings;
 - (b) rights and powers as to the making or resisting of applications to an authority.
- (5) Sub-paragraph (6) applies if on the coming into force of the scheme legal proceedings or applications to an authority by or against the transferor are pending.
- (6) The proceedings or applications must be continued by or against the transferee (to the transferor's exclusion) in so far as they relate—
- (a) to any property, rights or liabilities transferred to the transferee under the scheme, or
 - (b) to any agreement or enactment relating to any such property, rights or liabilities.

Commencement

Sch. 6 para. 18(1)-(6)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 18(1)-(6)(b): United Kingdom

Third parties

✓ Law In Force

19.—

(1) This paragraph applies if—

- (a) an agreement is made by the parties under paragraph 5 or 9 or treated as made under paragraph 6 or 10, or
- (b) an instrument is executed by the parties under paragraph 9.

(2) The agreement or instrument is to bind all other persons even if it would (apart from this sub-paragraph) have required the consent or concurrence of any other person.

(3) If as a result of the agreement or instrument the rights or liabilities of a person who is not a party become enforceable as to part against or by one party and as to part against or by another party—

- (a) the parties must notify that person of the agreement or instrument;
- (b) that person may within the period of 28 days (starting with the day he is notified) apply to the Secretary of State to give a direction to vary the agreement or instrument.

(4) If the Secretary of State is satisfied that the agreement or instrument operated unfairly against that person, the Secretary of State may give a direction to the parties requiring them to vary the agreement or instrument in a way specified in the direction.

Commencement

Sch. 6 para. 19(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 19(1)-(4): United Kingdom

✓ Law In Force

20.—

(1) For the purposes of this paragraph—

- (a) a party is a person who is a transferor or a transferee under the transfer scheme or schemes referred to in this paragraph;
- (b) a third party is a person who is not a transferor or a transferee under the transfer scheme or schemes referred to in this paragraph.

(2) This paragraph applies if—

- (a) a transfer scheme is made or transfer schemes are made,
- (b) rights or liabilities of a third party are (apart from the scheme or schemes) enforceable against or by a transferor,
- (c) in consequence of the scheme or schemes or of anything done under this Schedule the third party's rights or liabilities become enforceable as to different parts against or by different parties, and
- (d) the value of any property or interest of the third party is diminished as a result.

(3) Just compensation must be paid to the third party by one or more of these persons—

- (a) the parties against or by whom the third party's rights or liabilities become enforceable;

- (b) the transferor concerned (if he does not fall within paragraph (a)).
- (4) If it appears to the transferor that a person is or may be entitled to compensation the transferor must—
- (a) notify the person that he is or may be entitled, and
 - (b) invite him to make representations to the transferor within the period of 14 days starting with the date the notification is made.
- (5) But if the transferor does not know the person's name and address he must instead publish (in a manner he thinks is appropriate) a notice which—
- (a) contains information about the property or interest affected, and
 - (b) invites any person who thinks he is or may be entitled to compensation to make representations to the transferor within the period specified in the notice (which must not be less than 28 days starting with the date of publication of the notice).
- (6) A dispute about whether (or how much) compensation is payable under this paragraph, or about who must pay or be paid it, must be referred to and determined by—
- (a) an arbitrator appointed by the President of the Royal Institution of Chartered Surveyors (if the proceedings are to be held in England and Wales),
 - (b) an arbiter appointed by the Chairman of the Royal Institution of Chartered Surveyors in Scotland (if the proceedings are to be held in Scotland), or
 - (c) an arbitrator appointed by the [Chairman of the Royal Institution of Chartered Surveyors in Northern Ireland] ¹ (if the proceedings are to be held in Northern Ireland).

Notes

¹ Words substituted by Constitutional Reform Act 2005 c. 4 Sch.4(1) para.297(2) (April 3, 2006)

Commencement

Sch. 6 para. 20(1)-(6)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 20(1)-(6)(c): United Kingdom

 Law In Force

21.—

- (1) For the purposes of this paragraph—
- (a) a third party is a person who is not a transferor or a transferee under the transfer scheme or schemes referred to in this paragraph;
 - (b) a transferred item is any property, right, liability, undertaking or part of an undertaking which is the subject of a transfer (or transfers) under the transfer scheme or schemes referred to in this paragraph.
- (2) This paragraph applies if a transfer scheme is made (or transfer schemes are made) and there are court proceedings the parties to which are (or include) a third party and either—
- (a) the transferor of a transferred item, or
 - (b) any transferee or transferees of the item.

- (3) The third party may apply to the court at any stage in the proceedings on any of these grounds—
- (a) that the issues in the proceedings depend on the identification, with regard to the transferred item, of what has been transferred to whom and what (if anything) has been retained and that the identification has not yet been made;
 - (b) that the issues in the proceedings raise a question of construction on the provisions of this Chapter which would not arise if the transferor of the transferred item and the transferee (or transferees) of it constituted a single person.
- (4) If it appears to the court that such a ground is established it may hear and determine the proceedings on the first and second bases set out below.
- (5) If the transferor of the transferred item is a party to the proceedings, the first basis is that the transferor represents and is answerable for the transferee (or transferees) of the item.
- (6) If there is one transferee of the transferred item and he is a party to the proceedings, the first basis is that the transferee represents and is answerable for the transferor of the item.
- (7) If there are two or more transferees of the transferred item and they are parties to the proceedings, the first basis is that the transferees represent and are answerable for the transferor of the item.
- (8) If there are two or more transferees of the transferred item and one or more of them (but not both or all of them) are parties to the proceedings, the first basis is that—
- (a) the transferee who is a party represents and is answerable for the transferor of the item and for the transferee of it who is not (or the transferees of it who are not) parties, or
 - (b) the transferees who are parties represent and are answerable for the transferor of the item and for the transferee of it who is not (or the transferees of it who are not) parties.
- (9) The second basis is that the transferor of the transferred item and the transferee (or transferees) of it constitute a single person.
- (10) If the court determines the proceedings on the first and second bases any judgment or order of the court is to bind both the transferor and the transferee (or transferees) of the transferred item.

Commencement

Sch. 6 para. 21(1)-(10): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 21(1)-(10): United Kingdom

 Law In Force

22.—

- (1) For the purposes of this paragraph a relevant person is a person who satisfies these conditions—
- (a) he is a transferor or transferee under a transfer scheme or transfer schemes, and
 - (b) he might be prejudiced by paragraph 21 if there were court proceedings in which the scheme or schemes were an issue.
- (2) A relevant person must keep each other relevant person informed of any court proceedings in which the scheme or schemes may become an issue.

Commencement

Sch. 6 para. 22(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 22(1)-(2): United Kingdom

✓ Law In Force

23.—

- (1) This paragraph applies if a person falling within sub-paragraph (3) (the claimant) claims that—
- (a) he has been prejudiced by paragraph 21,
 - (b) another person or other persons falling within sub-paragraph (3) ought to indemnify him, and
 - (c) there has been an unreasonable failure by the person (or any of the persons) to indemnify him.
- (2) The claimant may refer the matter to the Secretary of State for determination by him; and a determination must be complied with.
- (3) A person falls within this sub-paragraph if he is a transferor or a transferee under the scheme or schemes concerned.
-

Commencement

Sch. 6 para. 23(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 23(1)-(3): United Kingdom

General

✓ Law In Force

24.

Paragraphs 11 to 18 and 20 apply whether or not property, rights or liabilities are (or are to be) transferred under the scheme or schemes as a constituent of an undertaking (or part of one).

Commencement

Sch. 6 para. 24: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 24: United Kingdom

✓ Law In Force

25.—

(1) Paragraphs 12 to 18 and 20 to 24 have effect as if references to a transfer scheme or schemes included references to—

- (a) an agreement or agreements under paragraph 9 or 11;
- (b) an instrument or instruments under paragraph 9;
- (c) an agreement or agreements treated as made under paragraph 10.

(2) Where paragraph 14 has effect in relation to an agreement under paragraph 11 by virtue of sub-paragraph (1), sub-paragraph (2)(b) of paragraph 14 shall be disregarded.

(3) Paragraph 19 has effect in relation to an agreement under paragraph 11 as it has effect in relation to an agreement made under paragraph 5 or 9.

(4) Where paragraphs 12 to 24 have effect in relation to—

- (a) an agreement under paragraph 9 or 11,
- (b) an instrument under paragraph 9, or
- (c) an agreement treated as made under paragraph 10,

references to a transferor or a transferee have effect as references to a transferor or a transferee under the agreement or the instrument.

Commencement

Sch. 6 para. 25(1)-(4)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 6 para. 25(1)-(4)(c): United Kingdom

SCHEDULE 7

TRANSFER SCHEMES: TAX

Section 64

Interpretation

✓ Law In Force

1.

In this Schedule—

- “the 1988 Act” means the Income and Corporation Taxes Act 1988;
- “the 1990 Act” means the Capital Allowances Act 1990;

“the 1992 Act” means the Taxation of Chargeable Gains Act 1992;
“relevant transfer” means a transfer of property, rights or liabilities under a transfer scheme;
“transferee” in relation to a relevant transfer means the person to whom the property, rights or liabilities are transferred;
“transferor” in relation to a relevant transfer means the person from whom the property, rights or liabilities are transferred.

Commencement

Sch. 7 para. 1 definition of "the 1988 Act"- definition of "transferor": February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 1 definition of "the 1988 Act"- definition of "transferor": United Kingdom

Chargeable gains: general

✓ Law In Force

2.—

(1) For the purposes of the 1992 Act a disposal constituted by a relevant transfer is to be taken (in relation to the transferee as well as the transferor) to be for a consideration such that no gain or loss accrues to the transferor.

(2) Sub-paragraph (1) has effect subject to the following provisions of this Schedule.

(3) [...]¹

(4) Section 171(1) of the 1992 Act (provision in relation to disposal of assets from one member of a group of companies to another member of the group) does not apply if the disposal in question is constituted by a relevant transfer.

(5) Expressions used in this paragraph and in the 1992 Act have the same meanings in this paragraph as in that Act.

Notes

¹ Repealed by Finance Act 2008 c. 9 Sch.2 para.70(e)(i) (July 21, 2008: repeal has effect in relation to disposals on or after April 6, 2008)

Commencement

Sch. 7 para. 2(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 2(1)-(5): United Kingdom

Chargeable gains: securities

✓ Law In Force

3.—

(1) This paragraph applies if—

- (a) assets are transferred to a company under a transfer scheme,
- (b) in consequence the Secretary of State gives a direction under section 49 above, and
- (c) the company issues securities in accordance with the direction.

(2) For the purposes of the 1992 Act the person to whom the securities are issued is to be treated as acquiring them for a consideration—

- (a) provided by him wholly and exclusively for the securities, and
- (b) equal to the market value of the assets transferred to the company under the scheme.

(3) This paragraph applies whether or not the person to whom the securities are issued is the person transferring the assets under the scheme.

(4) Expressions used in this paragraph and in the 1992 Act have the same meanings in this paragraph as in that Act.

Commencement

Sch. 7 para. 3(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 3(1)-(4): United Kingdom

✓ Law In Force

4.—

(1) This paragraph applies if—

- (a) the Secretary of State gives a direction under section 57 above requiring the CAA to release a company from liability in respect of debts,
- (b) in connection with the direction the Secretary of State gives a direction or directions under section 58 above, and
- (c) securities are issued in accordance with the direction or directions under section 58.

(2) Sub-paragraph (3) applies if the direction under section 58 requires securities to be issued to one person only or the directions under that section (taken together) require securities to be issued to one person only; and sub-paragraph (4) applies in any other case.

(3) For the purposes of the 1992 Act the person to whom the securities are issued is to be treated as acquiring them for a consideration—

- (a) provided by him wholly and exclusively for the securities, and
- (b) equal to the amount of the liability affected by the release required by the direction under section 57.

(4) For the purposes of the 1992 Act a person to whom any of the securities are issued is to be treated as acquiring them for a consideration—

- (a) provided by him wholly and exclusively for the securities, and
- (b) equal to such part as is just and reasonable of the amount of the liability affected by the release required by the direction under section 57.

(5) This paragraph applies whether or not the person to whom the securities are issued, or any person to whom any of the securities are issued, is a person transferring anything under the transfer scheme in connection with which the direction under section 57 is given.

(6) Expressions used in this paragraph and in the 1992 Act have the same meanings in this paragraph as in that Act.

Commencement

Sch. 7 para. 4(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 4(1)-(6): United Kingdom

Chargeable gains: value shifting

✓ Law In Force

5.

Nothing in this Chapter and nothing done under it is to be regarded as a scheme or arrangement for the purposes of section 30 of the 1992 Act (tax-free benefits).

Commencement

Sch. 7 para. 5: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 5: United Kingdom

Chargeable gains: roll-over relief

✓ Law In Force

6.—

(1) This paragraph applies if—

- (a) but for section 154 of the 1992 Act (depreciating assets) a held-over gain would have been carried forward to a depreciating asset,

- (b) the asset is the subject of a relevant transfer, and
- (c) the Secretary of State is not the transferee under the relevant transfer.

(2) Section 154 is to have effect as if the gain had accrued to, and the claim for it to be held over had been made by, the transferee and as if the transferor's acquisition of the depreciating asset had been the transferee's acquisition of it.

(3) Expressions used in this paragraph and in section 154 have the same meanings in this paragraph as in that section.

Commencement

Sch. 7 para. 6(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 6(1)-(3): United Kingdom

Chargeable gains: restriction of losses

✓ Law In Force

7.—

(1) If there has been a relevant transfer of an asset section 174(1) of the 1992 Act (which applies section 41 to cases where assets have been acquired without gain or loss) is to have effect as if the asset had been transferred to the transferee, and acquired by him, in relevant circumstances.

(2) This paragraph is not to prejudice paragraph 2.

(3) Expressions used in this paragraph and in section 174(1) of the 1992 Act have the same meanings in this paragraph as in section 174(1).

Commencement

Sch. 7 para. 7(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 7(1)-(3): United Kingdom

Chargeable gains: groups

✓ Law In Force

8.—

(1) Sub-paragraph (2) applies if a company (the degrouped company)—

- (a) acquired an asset from another company at any time when both were members of the same group of companies (the old group),
 - (b) ceases by virtue of a relevant transfer to be a member of the old group, and
 - (c) becomes by virtue of the transfer a member of another group of companies (the new group).
- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) Sub-paragraph (4) applies if—
 - (a) sub-paragraph (2) applies to an asset, and
 - (b) the degrouped company ceases to be a member of the new group.
- (4) On the company so ceasing section 179 of the 1992 Act is to have effect as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.
- (5) But sub-paragraph (4) does not apply if—
 - (a) at the time when the degrouped company ceases to be a member of the new group the company from which it acquired the asset also ceases to be a member of the new group,
 - (b) the companies are associated companies immediately before and immediately after that time, and
 - (c) the companies were associated companies at the time of acquisition.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

Commencement

Sch. 7 para. 8(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 8(1)-(6): United Kingdom



Law In Force

9.—

- (1) Sub-paragraph (3) applies if—
 - (a) a company (the degrouped company) ceases by virtue of a relevant transfer to be a member of a group of companies (the old group),
 - (b) it becomes by virtue of the transfer a member of another group of companies (the new group),
 - (c) it ceases to be a member of the new group, and
 - (d) the condition in sub-paragraph (2) is satisfied.
- (2) The condition is that—
 - (a) the degrouped company acquired an asset under a relevant transfer at a time falling before it ceases to be a member of the new group, and

- (b) at the time of acquisition the degrouped company and the transferor were not members of the new group.
- (3) On the degrouped company ceasing to be a member of the new group section 179 of the 1992 Act is to have effect as if the degrouped company and the transferor had been members of the new group at the time of acquisition.
- (4) But sub-paragraph (3) does not apply if—
 - (a) at the time when the degrouped company ceases to be a member of the new group the transferor also ceases to be a member of the new group,
 - (b) the companies are associated companies immediately before and immediately after that time, and
 - (c) the companies were associated companies at the time of acquisition.
- (5) Paragraph 8(4) and sub-paragraph (3) above may apply on the same occasion; but if paragraph 8(4) applies to an asset on a given occasion sub-paragraph (3) above does not apply to that asset on that occasion.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

Commencement

Sch. 7 para. 9(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 9(1)-(6): United Kingdom

 Law In Force

10.—

- (1) Sub-paragraph (4) applies if—
 - (a) a company ceases by virtue of a relevant transfer to be a member of a group of companies (the old group),
 - (b) it becomes by virtue of the transfer a member of another group of companies (the new group),
 - (c) a company falling within sub-paragraph (2) (the degrouped company) ceases to be a member of the new group, and
 - (d) the condition in sub-paragraph (3) is satisfied.
- (2) A company falls within this sub-paragraph if immediately before it ceases to be a member of the new group it is a subsidiary of—
 - (a) the company referred to in sub-paragraph (1)(a), or
 - (b) the principal company of the new group (if that company differs from the company referred to in sub-paragraph (1)(a)).
- (3) The condition is that—
 - (a) the degrouped company acquired an asset under a relevant transfer at a time falling before it ceases to be a member of the new group, and

- (b) at the time of acquisition the degrouped company and the transferor were not members of the new group.
- (4) On the degrouped company ceasing to be a member of the new group section 179 of the 1992 Act is to have effect as if the degrouped company and the transferor had been members of the new group at the time of acquisition.
- (5) But sub-paragraph (4) does not apply if—
- (a) at the time when the degrouped company ceases to be a member of the new group the transferor also ceases to be a member of the new group,
 - (b) the companies are associated companies immediately before and immediately after that time, and
 - (c) the companies were associated companies at the time of acquisition.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

Commencement

Sch. 7 para. 10(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 10(1)-(6): United Kingdom

Capital allowances

✓ Law In Force

11.—

- (1) This paragraph applies if—
- (a) property which is plant or machinery is the subject of a relevant transfer,
 - (b) [Chapter 1 of Part 22 of the Corporation Tax Act 2010 (transfers of trade without a change of ownership)]¹ does not apply in relation to the transfer, and
 - (c) the transfer scheme concerned contains provision for the disposal value of the property to be taken for the purposes of the Capital Allowances Acts to be of an amount specified in or determined in accordance with the scheme.
- (2) For the purposes of the Capital Allowances Acts—
- (a) the provision mentioned in sub-paragraph (1)(c) is to have effect (instead of section 26(1) or 59 of the 1990 Act) for determining an amount as the disposal value of the property or the price at which a fixture is to be treated as sold;
 - (b) the transferee is to be taken to have incurred expenditure of that amount on the provision of the property;
 - (c) in the case of a fixture, the expenditure which falls to be treated as incurred by the transferee is to be taken for the purposes of section 54 of the 1990 Act to be incurred by the giving of a consideration consisting in a capital sum of that amount.

- (3) A provision mentioned in sub-paragraph (1)(c) for the determination of an amount may include provision—
- (a) for a determination to be made by the Secretary of State in a manner described in the scheme;
 - (b) for a determination to be made by reference to factors so described or to the opinion of a person so described;
 - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (4) The Treasury's consent is required for the making or modification of a determination under a provision mentioned in sub-paragraph (1)(c).
- (5) The transferee's consent is also required for such a modification after the relevant transfer takes effect.
- (6) If there is a determination or a modification of a determination under a provision mentioned in sub-paragraph (1)(c) all necessary adjustments—
- (a) must be made by making assessments or by repayment or discharge of tax, and
 - (b) must be made notwithstanding any limitation on the time within which assessments may be made.
- (7) In this paragraph “the Capital Allowances Acts” has the same meaning as in the Tax Acts and “fixture” has the same meaning as in Chapter VI of Part II of the 1990 Act.

Notes

- ¹ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(2) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

Commencement

Sch. 7 para. 11(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 11(1)-(7): United Kingdom

Transfers of trading stock

 Law In Force

12.—

- (1) This paragraph applies if—
- (a) under a relevant transfer trading stock of the transferor is transferred to the transferee, and
 - (b) the stock falls, immediately after the time when the transfer takes effect, to be treated as trading stock of the transferee.

- (2) Sub-paragraphs (3) and (4) have effect in computing the profits or gains of the relevant trades for the purposes of the Corporation Tax Acts; and the relevant trades are—
- (a) the trade in relation to which the stock is trading stock immediately before the time when the transfer takes effect, and
 - (b) the trade in relation to which it is trading stock after that time.
- (3) The stock must be taken—
- (a) to have been disposed of by the transferor in the course of the trade carried on by the transferor,
 - (b) to have been acquired by the transferee in the course of the trade carried on by the transferee, and
 - (c) subject to that, to have been disposed of and acquired at the time when the transfer takes effect.
- (4) The stock must be valued for the purposes of each of the relevant trades as if the disposal and acquisition had been for a consideration which in relation to the transferor would have resulted in neither a profit nor a loss being brought into account in respect of the disposal in the accounting period of the transferor which ends with, or is current at, the time when the transfer takes effect.
- (5) In this paragraph “trading stock” has the same meaning as in [section 163 of the Corporation Tax Act 2009]¹.

Notes

- ¹ Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.472(2) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

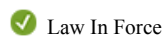
Commencement

Sch. 7 para. 12(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 12(1)-(5): United Kingdom

Trading losses: transfer of trade



Law In Force

13.—

- (1) This paragraph applies if a transfer scheme provides for a relevant transfer as a result of which the transferor ceases to carry on a trade and the transferee begins to carry it on.
- (2) A transferor treated as ceasing to carry on a trade for the purposes of [Chapter 1 of Part 22 of the Corporation Tax Act 2010 (transfers of trade without a change of ownership)]¹ is to be so treated for the purposes of this paragraph.
- (3) A transferee treated as beginning to carry on a trade for the purposes of [that Chapter]² is to be so treated for the purposes of this paragraph.

(4) Sub-paragraph (5) applies if the transfer will result in the transferee being entitled to relief for an amount in respect of the trade [under section 45 of the Corporation Tax Act 2010 (carry forward of trading losses) by virtue of section 944(3) of that Act]³.

(5) In such a case the scheme may provide that the amount is to be treated as such amount (the replacement amount) as is specified in or determined in accordance with the scheme.

(6) Sub-paragraph (7) applies if the trade concerned is in fact part of a trade of the transferor and the transferor is entitled to relief for an amount under [section 45 of the Corporation Tax Act 2010]⁴ in respect of the part retained.

(7) In such a case the scheme may provide that the amount is to be treated as such amount (the replacement amount) as is specified in or determined in accordance with the scheme.

(8) A provision under sub-paragraph (5) or (7) must be such that the replacement amount is not greater than the amount it replaces; and the replacement amount may be nil.

(9) When the scheme comes into force a provision made under sub-paragraph (5) or (7) is to have effect for the purposes of arriving at the amount of relief concerned.

Notes

¹ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(3)(a) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

² Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(3)(b) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

³ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(3)(c) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

⁴ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(3)(d) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

Commencement

Sch. 7 para. 13(1)-(9): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 13(1)-(9): United Kingdom

Trading losses: change in ownership

✓ Law In Force

14.—

(1) This paragraph applies if under a relevant transfer all the issued share capital of a company (the transferred company) is transferred from the CAA to—

- (a) the Secretary of State, or
- (b) a company whose shares are all held by the Secretary of State when the transfer takes effect.

(2) For the purposes of [Chapter 2 of Part 14 of the Corporation Tax Act 2010 (but not section 674(1) of that Act)]¹ (disallowance of trading losses on change in company's ownership) the transfer is not to be taken to result in a change in the ownership of—

- (a) the transferred company, or
- (b) a company which is a wholly owned subsidiary of the transferred company when the transfer takes effect.

Notes

- ¹ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(4) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

Commencement

Sch. 7 para. 14(1)-(2)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 14(1)-(2)(b): United Kingdom

Leased assets

✓ Law In Force

15.—

(1) This paragraph applies for the purposes of [Chapter 4 of Part 19 of the Corporation Tax Act 2010]¹ [or Chapter 4 of Part 12A of the Income Tax Act 2007]² (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.

(2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor or the transferee; and this is so notwithstanding [section 879]³ of [the Corporation Tax Act 2010 and section 681DI of the Income Tax Act 2007]⁴.

Notes

- ¹ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(5)(a) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains

tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

- ² Words inserted by Taxation (International and Other Provisions) Act 2010 c. 8 Sch.8(9) para.252(a) (April 1, 2010 for corporation tax purposes, for accounting periods ending on or after that day, for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, and for petroleum revenue tax purposes, for chargeable periods beginning on or after July 1, 2010)
- ³ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.321(5)(b) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)
- ⁴ Words substituted by Taxation (International and Other Provisions) Act 2010 c. 8 Sch.8(9) para.252(b) (April 1, 2010 for corporation tax purposes, for accounting periods ending on or after that day, for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, and for petroleum revenue tax purposes, for chargeable periods beginning on or after July 1, 2010)

Commencement

Sch. 7 para. 15(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 15(1)-(2): United Kingdom

Securities

 Law In Force

16.—

- (1) This paragraph applies if securities are issued by a company in pursuance of a direction of the Secretary of State under section 49 or 58 above.
- (2) A share issued by the company is to be treated for the purposes of the Corporation Tax Acts as if it had been issued wholly in consideration of a subscription paid to the company of an amount equal to the nominal value of the share.
- (3) A debenture issued by the company is to be treated for the purposes of the Corporation Tax Acts as if it had been issued—
 - (a) wholly in consideration of a loan made to the company of an amount equal to the principal sum payable under the debenture, and
 - (b) wholly and exclusively for the purposes of the trade carried on by the company.
- (4) If a debenture issued by the company includes provision for the payment of a sum expressed as interest in respect of a period falling wholly or partly before the issue of the debenture, a payment made in pursuance of the provision in respect of the period is to be treated for the purposes of the Corporation Tax Acts as if the debenture had been issued at the commencement of the period and (accordingly) as interest on the principal sum payable under the debenture.
- (5) This paragraph has effect subject to paragraphs 3, 4 and 17.

Commencement

Sch. 7 para. 16(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 16(1)-(5): United Kingdom

✓ Law In Force

17.—

(1) This paragraph applies if—

- (a) securities are issued to a company in pursuance of a direction of the Secretary of State under section 49 or 58 above, and
- (b) by virtue of any such security the company has a loan relationship for the purposes of the Corporation Tax Acts.

(2) For the purposes of [Part 5 of the Corporation Tax Act 2009]¹ (loan relationships) the company is to be taken to have acquired its rights under the security wholly in consideration of a loan made by it to the issuing company of an amount equal to the principal sum payable under the security.

(3) Expressions used in this paragraph and in [Part 5 of the Corporation Tax Act 2009]² have the same meanings in this paragraph as in [that Part]².

Notes

¹ Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.472(3)(a) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

² Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.472(3)(b) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

Commencement

Sch. 7 para. 17(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 17(1)-(3): United Kingdom

Stamp duty

✓ Law In Force

18.—

(1) A relevant transfer is not to give rise to liability to stamp duty.

(2) Stamp duty is not to be chargeable on a transfer scheme.

(3) Stamp duty is not to be chargeable on an instrument which is certified to the Commissioners of Inland Revenue by the Secretary of State as having been made for the purposes of (or for purposes connected with) a transfer scheme.

(4) But no instrument which is certified as mentioned in sub-paragraph (3) is to be taken to be duly stamped unless—

- (a) it is stamped with the duty to which it would be liable but for that sub-paragraph, or
- (b) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped.

(5) Stamp duty is not to be chargeable on an instrument which is made under Schedule 6.

Commencement

Sch. 7 para. 18(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 18(1)-(5): United Kingdom

Stamp duty reserve tax

✔ Law In Force

19.

An agreement is not to give rise to a charge to stamp duty reserve tax if—

- (a) it is made for the purposes of (or for purposes connected with) a transfer scheme, or
- (b) it is made under Schedule 6.

Commencement

Sch. 7 para. 19(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 19(a)-(b): United Kingdom

Agreements

✔ Law In Force

20.—

(1) Sub-paragraph (2) applies if the effect of—

- (a) an agreement made under paragraph 9 or 11 of Schedule 6,
- (b) an instrument executed under paragraph 9 of Schedule 6, or

(c) an agreement treated as made under paragraph 10 of Schedule 6, is to modify the effect of a transfer scheme.

(2) This Schedule, the 1988 Act, the 1990 Act and the 1992 Act are to have effect as if—

(a) the scheme had been made as modified, and

(b) anything done by or in relation to the preceding holder had (so far as relating to the property, rights or liabilities affected by the modification) been done by or in relation to the subsequent holder.

(3) Sub-paragraph (4) applies to a disposal of an asset if the disposal—

(a) is effected in pursuance of an agreement made or treated as made under paragraph 9 or 10 of Schedule 6 or is effected by an instrument executed under paragraph 9 of that Schedule, and

(b) is the grant of a lease of land or the creation of other rights and liabilities over land.

(4) For the purposes of the 1992 Act the disposal is to be taken (in relation to the person to whom it is made as well as the person making it) to be for a consideration such that no gain or loss accrues to the person making it.

(5) Section 171(1) of the 1992 Act (provision in relation to disposal of assets from one member of a group of companies to another member of the group) does not apply if sub-paragraph (4) applies to the disposal in question.

(6) References in this paragraph to an agreement or instrument include references to the agreement or instrument as varied in accordance with a direction under paragraph 19(4) of Schedule 6.

(7) For the purposes of sub-paragraph (2) the preceding holder is the person who without the modification—

(a) became (under the transfer scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification, or

(b) remained (despite the transfer scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification,

as the case may be.

(8) For the purposes of sub-paragraph (2) the subsequent holder is the person who (in consequence of the modification) becomes, or resumes being, entitled or subject to the property, rights or liabilities affected by the modification.

Commencement

Sch. 7 para. 20(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 7 para. 20(1)-(8): United Kingdom

SCHEDULE 8

AMENDMENTS ABOUT AIR TRAFFIC

Section 97

PART I

LICENCES

 Law In Force

House of Commons Disqualification Act 1975 (c.24)

1.

In the House of Commons Disqualification Act 1975, in Part III of Schedule 1, after the entry “Director of the Commonwealth Institute” there shall be inserted—

“Director of any of the following—

- (a) a company which for the time being holds a licence under Chapter I of Part I of the Transport Act 2000 (a licence company);
- (b) a company of which a licence company is a subsidiary (within the meaning given by section 736(1) of the Companies Act 1985 or Article 4(1) of the Companies (Northern Ireland) Order 1986);
- (c) a company which is a subsidiary (within the meaning so given) of a licence company.”

Commencement

Sch. 8(I) para. 1: February 1, 2001 (SI 2001/57 art. 3(1), Sch. 2(I) para. 1)

Extent

Sch. 8(I) para. 1: United Kingdom

 Law In Force

Northern Ireland Assembly Disqualification Act 1975 (c.25)

2.

In the Northern Ireland Assembly Disqualification Act 1975, in Part III of Schedule 1, after the entry “Director of Cable and Wireless Limited nominated by a Minister of the Crown or government department” there shall be inserted—

“Director of any of the following—

- (a) a company which for the time being holds a licence under Chapter I of Part I of the Transport Act 2000 (a licence company);
- (b) a company of which a licence company is a subsidiary (within the meaning given by section 736(1) of the Companies Act 1985 or Article 4(1) of the Companies (Northern Ireland) Order 1986);
- (c) a company which is a subsidiary (within the meaning so given) of a licence company.”

Commencement

Sch. 8(I) para. 2: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 8(I) para. 2: United Kingdom

PART II

AIR NAVIGATION SERVICES

 Law In Force

Civil Aviation Act 1982 (c.16)

3.

Section 72 of the Civil Aviation Act 1982 (CAA's duty to provide air navigation services) shall cease to have effect.

Commencement

Sch. 8(II) para. 3: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(II) para. 3: United Kingdom

PART III

CHARGES

Civil Aviation Act 1982 (c.16)

✓ Law In Force

4.

Sections 73 and 74 of the Civil Aviation Act 1982 (charges for air navigation services etc) shall cease to have effect.

Commencement

Sch. 8(III) para. 4: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(III) para. 4: United Kingdom

✓ Law In Force

5.

In section 86 of the Civil Aviation Act 1982 (mortgaging of aircraft) in subsection (2)(b) for “section 74(4) above” there shall be substituted “section 83 of the Transport Act 2000 (detention and sale of aircraft)”.

Commencement

Sch. 8(III) para. 5: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(III) para. 5: United Kingdom

✓ Law In Force

6.—

(1) Section 88 of the Civil Aviation Act 1982 (detention and sale of aircraft for unpaid airport charges) shall be amended as follows.

(2) In subsection (6)(d) for “regulations under section 73 above” substitute “section 73 of the Transport Act 2000 (or, if more than one such charge is due, in payment of them in such order as the Secretary of State may specify by order)”.

(3) In subsection (10) in the definition of “airport charges” for “regulations under section 73 above” substitute “section 73 of the Transport Act 2000”.

Commencement

Sch. 8(III) para. 6(1)-(3): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(III) para. 6(1)-(3): United Kingdom

✔ Law In Force

7.

In section 90 of the Civil Aviation Act 1982 (Convention rights) in subsection (2)(b) for “section 74(4) above” there shall be substituted “section 83 of the Transport Act 2000 (detention and sale of aircraft)”.

Commencement

Sch. 8(III) para. 7: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(III) para. 7: United Kingdom

✔ Law In Force

8.—

(1) In Schedule 4 to the Civil Aviation Act 1982 (Eurocontrol) paragraph 1 shall be amended as follows.

(2) In sub-paragraph (5) omit the definition of “record”.

(3) After sub-paragraph (5) insert—

- “(6) For the purposes of this paragraph a record includes (in addition to a record in writing)—
- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
 - (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
 - (c) a photograph.”

Commencement

Sch. 8(III) para. 8(1)-(3): April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(III) para. 8(1)-(3): United Kingdom

 Law In Force

9.

In Schedule 13 to the Civil Aviation Act 1982 (subordinate instruments) in Part II after the entry relating to section 87 there shall be inserted—

“Section 88(6)(d)	Priority of charges	Subject to the negative resolution procedure	—”.
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Commencement

Sch. 8(III) para. 9: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(III) para. 9: United Kingdom

Airports Act 1986 (c.31)

 Repealed

10. [...] ¹

Notes

¹ Repealed by Civil Aviation Act 2012 c. 19 Sch.9 para.17 (April 1, 2014 as SI 2013/589)

PART IV

COMPETITION

Fair Trading Act 1973 (c.41)

 Repealed

11. [...] ¹

Notes

¹ Repealed by Enterprise Act 2002 c. 40 Sch.26 para. (June 20, 2003 as SI 2003/1397)

Competition Act 1980 (c.21) Repealed**12. [...]**¹**Notes**

¹ Repealed by Enterprise Act 2002 c. 40 Sch.26 para. (June 20, 2003 as SI 2003/1397)

Civil Aviation Act 1982 (c.16) Law In Force**13.**

In section 4 of the Civil Aviation Act 1982 (CAA's general objectives) after subsection (2) there shall be inserted—

“(3) The duty mentioned in subsection (1) above does not apply in relation to anything done by the CAA in the performance of functions mentioned in subsection (3) of section 86 of the Transport Act 2000 which, by virtue of that section, are concurrent functions of the CAA and the Director General of Fair Trading.

(4) However, when performing such a function the CAA may have regard to any matter in respect of which a duty is imposed by subsection (1) above if it is matter to which the Director General of Fair Trading could have regard when performing that function.”

Commencement

Sch. 8(IV) para. 13: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 8(IV) para. 13: United Kingdom

Competition Act 1998 (c.41) Law In Force**14.—**

(1) Section 54 of the Competition Act 1998 (regulators) shall be amended as follows.

(2) [...]

¹

(3) In subsection (4) after “Schedule 10” insert “or by Chapter V of Part I of the Transport Act 2000”.

Notes

- ¹ Repealed subject to the transitional provisions specified in 2003 c.21 Sch.18 para.13 and SI 2003/1900 art.3(1) by Communications Act 2003 c. 21 Sch.19 para.1 (July 25, 2003 as SI 2003/1900, subject to the transitional provisions specified in 2003 c.21 Sch.18 para.13 and SI 2003/1900 art.3(1))

Commencement

Sch. 8(IV) para. 14(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 8(IV) para. 14(1)-(3): United Kingdom

 Repealed

15. [...] ¹

Notes

- ¹ Repealed by Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003/1400 Sch.5 para.1 (June 20, 2003)
-

 Law In Force

16.—

(1) Schedule 13 to the Competition Act 1998 (transitionals and savings) shall be amended as follows.

(2) In paragraph 1(1) in the definition of “regulator” after “Schedule 10” insert “and the Civil Aviation Authority”.

(3) In paragraph 35(2) after paragraph (g) insert—

“(h) in the case of the Civil Aviation Authority, the supply of air traffic services within the meaning given by section 98 of the Transport Act 2000.”

Commencement

Sch. 8(IV) para. 16(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 8(IV) para. 16(1)-(3): United Kingdom

PART V

HOSTILITIES ETC

Civil Aviation Act 1982 (c.16)

✓ Law In Force

17.—

(1) Section 6 of the Civil Aviation Act 1982 (directions in national interest etc) shall be amended as follows.

(2) In each of subsections (1) and (2) omit the words from “and in so far” to the end.

(3) After subsection (2) insert—

“(3) In so far as any directions given under this section conflict with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the directions shall be disregarded.

(4) In so far as any directions given under this section conflict with the requirements of any enactment or instrument relating to the CAA (other than section 93 of the Transport Act 2000 or an order under section 94 of that Act) the requirements shall be disregarded.”

Commencement

Sch. 8(V) para. 17(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 8(V) para. 17(1)-(3): United Kingdom

✓ Law In Force

18.

Sections 62 and 63 of the Civil Aviation Act 1982 (control in time of war or emergency) shall cease to have effect.

Commencement

Sch. 8(V) para. 18: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 8(V) para. 18: United Kingdom

Airports Act 1986 (c.31)

✓ Law In Force

19.—

(1) Section 30 of the Airports Act 1986 (directions in interests of national security etc) shall be amended as follows.

(2) After subsection (4) insert—

“(4A) In so far as any direction applying to an airport operator by virtue of subsection (1), (2) or (3) conflicts with the requirements of section 93 of the Transport Act 2000 or of an order under section 94 of that Act, the direction shall be disregarded.”

(3) In subsection (5) after “to him as an airport operator” insert “(other than section 93 of the Transport Act 2000 or an order under section 94 of that Act)”.

Commencement

Sch. 8(V) para. 19(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 8(V) para. 19(1)-(3): United Kingdom

SCHEDULE 9**AIR TRAFFIC: INFORMATION****Section 102***Prohibition on disclosure*

✓ Law In Force

1.—

(1) This Schedule applies to information if—

- (a) it was obtained under or by virtue of this Part, and
- (b) it relates to the affairs of an individual or to a particular business.

(2) The information must not be disclosed during the lifetime of the individual or so long as the business is carried on, except as provided below.

Commencement

Sch. 9 para. 1(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 9 para. 1(1)-(2): United Kingdom

Disclosure with consent

✓ Law In Force

2.

Paragraph 1(2) does not apply to a disclosure made with the consent of the individual or the person for the time being carrying on the business.

Commencement

Sch. 9 para. 2: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 9 para. 2: United Kingdom

Other permitted disclosures

✓ Law In Force

3.—

(1) Paragraph 1(2) does not apply to a disclosure made—

- (a) for the purpose of facilitating the carrying out by the Secretary of State, the CAA or the [Competition and Markets Authority]¹ of any of his or their functions under this Part;
- (b) for the purpose of facilitating the carrying out by a person or body mentioned in sub-paragraph (2) of any of his or its functions under an enactment or instrument specified in sub-paragraph (3);
- (c) for the purpose of enabling or assisting the Secretary of State or the Treasury to exercise any powers conferred by the Financial Services Act 1986 or by the enactments relating to companies, insurance companies or insolvency;
- (d) for the purpose of enabling or assisting an inspector appointed under the enactments relating to companies to carry out his functions;
- (e) for the purpose of enabling or assisting an official receiver to carry out his functions under the enactments relating to insolvency or for the purpose of enabling or assisting a

recognised professional body for the purposes of section 391 of the Insolvency Act 1986 or Article 350 of the Insolvency (Northern Ireland) Order 1989 to carry out its functions;

(f) for the purpose of facilitating the carrying out by [...] ² the Health and Safety Executive of any of its functions under any enactment or of facilitating the carrying out by any enforcing authority (within the meaning of Part I of the Health and Safety at Work etc. Act 1974) of any functions under a relevant statutory provision (within the meaning of that Act);

[(fa) for the purpose of facilitating the carrying out by the Office for Nuclear Regulation of any of its functions under any enactment;] ³

(g) for the purpose of facilitating the carrying out by the Comptroller and Auditor General of any of his functions under any enactment;

(h) in connection with the investigation of any criminal offence or for the purposes of any criminal proceedings;

(i) for the purposes of any civil proceedings brought under or by virtue of this Part or any enactment or instrument specified in sub-paragraph (3);

(j) in pursuance of [an EU] ⁴ obligation;

(k) [...] ⁵

(l) by the Secretary of State, or with his consent, to an international organisation of which the United Kingdom is a member;

(m) in connection with negotiations conducted by officers of the Secretary of State with representatives of the government of a country or territory outside the United Kingdom;

(n) in connection with the discharge of an obligation of the United Kingdom under international arrangements;

(o) to a person to whom the information in question is required to be disclosed by regulations made in pursuance of section 7(2) of the Civil Aviation Act 1982 (special provisions as respects certain functions);

(p) for the purposes of an investigation undertaken in pursuance of regulations made under section 75 of the Civil Aviation Act 1982 (investigation of accidents).

(2) The persons and bodies are—

- (a) any Minister of the Crown;
- (b) [...] ⁶
- (c) the [Competition and Markets Authority] ⁷ ;
- [(d) the Office of Communications;] ⁸
- (e) [...] ⁹
- (f) the Director General of Gas Supply;
- [(g) the Water Services Regulation Authority;] ¹⁰
- (h) the Director General of Electricity Supply;
- (i) the Coal Authority;
- (j) the CAA;
- (k) [the [Office of Rail and Road] ¹²] ¹¹ ;
- (l) [...] ¹³
- (m) a local weights and measures authority in Great Britain.

(3) The enactments and instruments are—

- (a) the Trade Descriptions Act 1968;
- (b) the Fair Trading Act 1973;
- (c) the Consumer Credit Act 1974;
- (d) the Estate Agents Act 1979;

- (e) the Competition Act 1980;
- (f) the Telecommunications Act 1984;
- (g) the Airports Act 1986;
- (h) the Gas Act 1986;
- (i) the Insolvency Act 1986;
- (j) the Consumer Protection Act 1987;
- (k) the Electricity Act 1989;
- (l) the Broadcasting Act 1990;
- (m) [...] ¹⁴
- (n) the Water Industry Act 1991;
- (o) the Water Resources Act 1991;
- (p) the Railways Act 1993;
- (q) the Coal Industry Act 1994;
- [(qa) the Broadcasting Act 1996;] ¹⁵
- (r) the Competition Act 1998;
- [(ra) the Enterprise Act 2002;] ¹⁶
- [(rb) the Communications Act 2003;] ¹⁷
- [(rb) the Water Act 2003;] ¹⁸
- [(rd) the Railways Act 2005;] ¹⁹
- [(re) the Airport Charges Regulations 2011;] ²⁰
- [(rf) Part 1 of the Civil Aviation Act 2012;] ²¹
- [(rg) Parts 3 and 4 of the Enterprise and Regulatory Reform Act 2013;] ²²
- [(rh) the Water Act 2014;] ²³
- [(ri) the following provisions of the Digital Markets, Competition and Consumers Act 2024—
 - (i) Part 3;
 - (ii) [Part 4] ²⁵;
 - (iii) Chapter 2 of Part 5;
-] ²⁴
- (s) [...] ²⁶
- (sa) [...] ²⁷
- [(t) any subordinate legislation made for the purpose of securing compliance with Directive 2006/114/EC of the European Parliament and of the Council of 12 December 2006 concerning misleading and comparative advertising;] ²⁸
- (u) any Air Navigation Order made under section 60 of the Civil Aviation Act 1982.

Notes

- ¹ Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.158(a) (April 1, 2014)
- ² Words repealed subject to transitional provisions as specified in SI 2008/960 Sch.2 para.11 by Legislative Reform (Health and Safety Executive) Order 2008/960 Sch.3 para.1 (April 1, 2008: repeal has effect subject to transitional provisions as specified in SI 2008/960 Sch.2 para.11)
- ³ Added by Energy Act 2013 c. 32 Sch.12(5) para.76 (April 1, 2014)
- ⁴ Words substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(1)(e) (April 22, 2011)
- ⁵ Repealed by Competition (Amendment etc.) (EU Exit) Regulations 2019/93 Sch.1 para.9(3)(a) (December 31, 2020: repeal has effect subject to saving and transitional provisions specified in SI 2019/93 Sch.4 paras 7 and 15)

- ⁶ Repealed by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.158(b)(i) (April 1, 2014)
- ⁷ Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.158(b)(ii) (April 1, 2014)
- ⁸ Substituted by Communications Act 2003 c. 21 Sch.17 para.166(2) (July 25, 2003 subject to transitional provisions specified in SI 2003/1900 art.3(1); December 29, 2003 being the date on which the transitional provisions cease to have effect as specified in SI 2003/3142 art.3(2))
- ⁹ Repealed subject to the transitional provisions specified in 2003 c.21 Sch.18 para.13 by Communications Act 2003 c. 21 Sch.19 para.1 (December 29, 2003: repeal has effect as SI 2003/3142 subject to the transitional provisions specified in 2003 c.21 Sch.18 para.13)
- ¹⁰ Substituted by Water Act 2003 c. 37 Sch.7(2) para.35(a) (April 1, 2006)
- ¹¹ Words substituted by Railways and Transport Safety Act 2003 c. 20 Sch.2(2) para.19(t)(iii) (July 5, 2004)
- ¹² Words substituted by Office of Rail Regulation (Change of Name) Regulations 2015/1682 Sch.1(1) para.4(p)(iii) (October 16, 2015)
- ¹³ Repealed by Deregulation Act 2015 c. 20 Sch.6(6) para.22(12) (October 1, 2015: repeal has effect as SI 2015/1732 subject to transitional provisions and savings specified in SI 2015/1732 art.7)
- ¹⁴ Repealed by Property Misdescriptions Act 1991 (Repeal) Order 2013/1575 Sch.1(1) para.3 (October 1, 2013)
- ¹⁵ Added by Communications Act 2003 c. 21 Sch.17 para.166(3)(a) (December 29, 2003)
- ¹⁶ Added by Enterprise Act 2002 c. 40 Sch.25 para.44(11)(a)(ii) (April 1, 2003)
- ¹⁷ Added by Communications Act 2003 c. 21 Sch.17 para.166(3)(b) (July 25, 2003 subject to transitional provisions specified in SI 2003/1900 art.3(1); December 29, 2003 being the date on which the transitional provisions cease to have effect as specified in SI 2003/3142 art.3(2))
- ¹⁸ Added by Water Act 2003 c. 37 Sch.7(2) para.35(b) (April 1, 2004)
- ¹⁹ Added by Railways Act 2005 c. 14 Sch.12 para.17(7) (June 8, 2005)
- ²⁰ Added by Airport Charges Regulations 2011/2491 Sch.3 para.5 (November 10, 2011)
- ²¹ Added by Civil Aviation Act 2012 c. 19 Sch.9 para.12 (April 6, 2013)
- ²² Added by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.158(c) (April 1, 2014)
- ²³ Added by Water Act 2014 (Consequential Amendments etc.) Order 2017/506 Pt 2 art.13 (March 31, 2017)
- ²⁴ Added by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.30(1) para.27(a) (January 1, 2025: 2024 c.13 Sch.30 para.27(a) came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; January 1, 2025 as SI 2024/1226 reg.2(6)(m) and (22) otherwise)
- ²⁵ Words repealed by Digital Markets, Competition and Consumers Act 2024 (Consequential Amendments) Regulations 2025/381 Sch.1(1) para.16 (April 6, 2025 except in so far as it relates to 2024 c.13 Pt 4 chs 2-4; not yet in force otherwise)
- ²⁶ Repealed by Competition (Amendment etc.) (EU Exit) Regulations 2019/93 Sch.1 para.9(3)(b) (December 31, 2020: repeal has effect subject to saving and transitional provisions specified in SI 2019/93 Sch.4 paras 7 and 15)
- ²⁷ Repealed by Digital Markets, Competition and Consumers Act 2024 c. 13 Sch.30(1) para.27(b) (April 6, 2025: 2024 c.13 Sch.30 para.27(b) came into force on May 24, 2024 as specified in 2024 c.13 s.339(2)(c) for the limited purpose of the power to make regulations or is otherwise necessary for enabling the exercise of such a power; April 6, 2025 as SI 2025/272 reg.2(5)(i) and (14) otherwise)
- ²⁸ Substituted by Consumer Protection from Unfair Trading Regulations 2008/1277 Sch.2(1) para.62(b) (May 26, 2008)

Commencement

Sch. 9 para. 3(1)-(3)(u): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 9 para. 3(1)-(3)(u): United Kingdom

✓ Law In Force

4.

The Secretary of State may by order amend paragraph 3.

Commencement

Sch. 9 para. 4: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 9 para. 4: United Kingdom

Other exceptions

✓ Law In Force

5.—

(1) Paragraph 1(2) does not limit—

- (a) the information which may be included in a report of the [Competition and Markets Authority] ¹ on a reference under section 12;
- (b) the information or advice which may be published by the CAA under section 90.

(2) Paragraph 1(2) does not apply to—

- (a) information which has been published in a report published under section 13;
- (b) information which has otherwise been made available to the public by being disclosed in circumstances in which, or for a purpose for which, disclosure is not precluded by this Schedule.

(3) Information obtained by the CAA in exercising functions which are exercisable concurrently with [the Competition and Markets Authority] ² under Part I of the Competition Act 1998 is subject to [Part 9 of the Enterprise Act 2002 (Information)] ³ and not to paragraph 1(2).

Notes

¹ Substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.158(d) (April 1, 2014)

² Words substituted by Enterprise and Regulatory Reform Act 2013 (Competition) (Consequential, Transitional and Saving Provisions) Order 2014/892 Sch.1(2) para.158(e) (April 1, 2014)

³ Words substituted by Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003/1400 Sch.6 para.1 (June 20, 2003)

Commencement

Sch. 9 para. 5(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 9 para. 5(1)-(3): United Kingdom

Offence

✓ Law In Force

6.

A person who discloses information in contravention of this Schedule is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.
-

Commencement

Sch. 9 para. 6(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 9 para. 6(a)-(b): United Kingdom

SCHEDULE 10**[COMPETITION TEST: FUNCTIONS AND AGREEMENTS RELATING TO BUSES]¹****Section 153****Notes**

¹ Heading substituted by Local Transport Act 2008 c. 26 Sch.2 para.16 (April 1, 2009 as SI 2009/579)

Functions to which Schedule applies

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Wales](#) | [England](#)

 Partially In Force

Wales

1.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 1(1), (1)(b)-(2), (2)(b)-(2)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Sch. 10 para. 1(1)(a), (2)(a): October 26, 2001 in relation to England; not yet in force otherwise (SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 10 para. 1(1)-(2)(c): England, Wales

Competition test

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Law In Force

Wales

2.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 2(1)-(3)(c): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 2(1)-(3)(c): England, Wales

Applications to [OFT]¹ for decision

Notes

- ¹ Word substituted by Enterprise Act 2002 c. 40 Sch.25 para.44(12)(a) (April 1, 2003)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially Repealed

Wales

3.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

[...]¹

Notes

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(2) para.1 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 3(1)-(2)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 3(1)-(2)(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Partially Repealed

Wales

4.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

[...]¹

Notes

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(2) para.1 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 4(1)-(5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 4(1)-(5): England, Wales

Investigations by [OFT]¹

Notes

¹ Word substituted by Enterprise Act 2002 c. 40 Sch.25 para.44(12)(a) (April 1, 2003)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

✓ Law In Force

Wales

5.

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 5: February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 5: England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

✓ Law In Force

Wales

6.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 6(1)-(5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 6(1)-(5): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

✓ Law In Force

Wales

7.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 7(1)-(2)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 7(1)-(2)(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Wales](#) | [England](#)

✓ Law In Force

Wales

8.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 8(1)-(2)(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 8(1)-(2)(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Law In Force

Wales

9.

[Existing Sch.10 is not repealed but has been moved into a new Part 1.] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 9(a)-(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 9(a)-(b): England, Wales

Decisions

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Law In Force

Wales

10.

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 10(a)-(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 10(a)-(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Partially Repealed

Wales

11.

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

[...]¹

Notes

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(2) para.1 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 11(a)-(b): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 11(a)-(b): England, Wales

Enforcement of decisions

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

 Partially In Force

Wales

12.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 12(1), (3)-(5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Sch. 10 para. 12(2)-(2)(d): February 1, 2001 in relation to England for provisions specified in SI 2001/57 art.3 and Sch.3 Part I; October 26, 2001 in relation to England otherwise; not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 10 para. 12(1)-(5): England, Wales

Information

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

✓ Law In Force

Wales

13.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 13(1)-(5): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 13(1)-(5): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Law In Force

Wales

14.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 14(1)-(3): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 14(1)-(3): England, Wales

Defamation

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

✓ Law In Force

Wales

15.

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 15: February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 15: England, Wales

Fees

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)

✓ Law In Force

Wales

16.—

[Existing Sch.10 is not repealed but has been moved into a new Part 1.]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

England

In relation to England: Sch.10 is not repealed but has been moved into a new Part 1.[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

Commencement

Sch. 10 para. 16(1)-(3): February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1 para. 8)

Extent

Sch. 10 para. 16(1)-(3): England, Wales

[PART 1

TEST FOR EXERCISE OF BUS FUNCTIONS BY LOCAL AUTHORITIES

] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

[Functions to which this Part of this Schedule applies]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

 Law In Force

[1.—

- (1) The functions to which [this Part of]² this Schedule applies are those of—
- [(za) making and varying advanced quality partnership schemes,]³
 - (a) making and varying quality partnership schemes,
 - [(aa) making and varying advanced ticketing schemes,]⁴
 - (b) making and varying ticketing schemes, [...] ⁵
 - [(ba) making and varying enhanced partnership schemes, and]⁵
 - (c) inviting and accepting tenders under section 89 or 91 of the Transport Act 1985 (subsidised services).
- (2) For the purposes of [this Part of]² this Schedule an authority proposes (or authorities propose) to exercise a function to which [this Part of]² this Schedule applies—
- [(za) in the case of the function of making or varying an advanced quality partnership scheme, once notice of a proposal to make or vary it has been given under section 113G(1),]⁶
 - (a) in the case of the function of making or varying a quality partnership scheme, once notice of a proposal to make or vary it has been given under section 115(1),
 - [(aa) in the case of the function of making or varying an advanced ticketing scheme, once notice of a proposal to make or vary it has been given under section 134D(1),]⁷
 - (b) in the case of the function of making or varying a ticketing scheme, once notice of a proposal to make or vary it has been given under section 136(1) , [...] ⁸
 - [(ba) in the case of the function of making or varying an enhanced partnership scheme, once notice of a proposal to make or vary it has been given under section 138F(1) or 138L(1), and]⁸
 - (c) in the case of the function of inviting or accepting tenders under section 89 or 91 of the Transport Act 1985, once it is proposed to invite tenders under section 89(2) or 91(3) of that Act or to accept or not to accept a tender under section 89 of that Act.

] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Amended by Local Transport Act 2008 c. 26 Sch.2 para.3 (February 9, 2009 as SI 2009/107)
- ³ Added by Bus Services Act 2017 c. 21 Sch.1 para.11(2)(a) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁴ Added by Bus Services Act 2017 c. 21 Sch.3 para.8(2)(a) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

- ⁵ Added by Bus Services Act 2017 c. 21 Sch.4 para.9(2)(a) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁶ Added by Bus Services Act 2017 c. 21 Sch.1 para.11(2)(b) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁷ Added by Bus Services Act 2017 c. 21 Sch.3 para.8(2)(b) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁸ Added by Bus Services Act 2017 c. 21 Sch.4 para.9(2)(b) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Sch. 10(1) para. 1(1), (1)(a), (1)(b), (1)(c)-(2), (2)(a), (2)(b), (2)(c): England, Wales

Sch. 10(1) para. 1(1)(za), (1)(aa), (1)(ba), (2)(za), (2)(aa), (2)(ba): (extent not available)

[Competition Test]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

 Law In Force

[2.—

- (1) For the purposes of [this Part of]² this Schedule the exercise or proposed exercise of a function to which [this Part of]² this Schedule applies meets the competition test unless it—
- (a) has or is likely to have a significantly adverse effect on competition, and
 - (b) is not justified by sub-paragraph (2).
- (2) The exercise or proposed exercise of a function is justified if—
- (a) it is with a view to achieving one or more of the purposes specified in sub-paragraph (3), and
 - (b) its effect on competition is or is likely to be proportionate to the achievement of that purpose or any of those purposes.
- (3) The purposes referred to in sub-paragraph (2) are—
- (a) securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services,
 - (b) securing other improvements in local services of benefit to users of local services, and
 - (c) reducing or limiting traffic congestion, noise or air pollution.

¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Amended by Local Transport Act 2008 c. 26 Sch.2 para.4 (February 9, 2009 as SI 2009/107)

Extent

Sch. 10(1) para. 2(1)-(3)(c): England, Wales

[Applications to OFT for decision]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Wales](#) | [England](#) |

 Repealed

Wales

[...]¹

Notes

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.2 para.5 (April 1, 2009 as SI 2009/579)
-

England

[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

England

[...]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Wales](#) | [England](#)

 Repealed

Wales

[...]¹

Notes

- ¹ Repealed by Local Transport Act 2008 c. 26 Sch.2 para.5 (April 1, 2009 as SI 2009/579)
-

England

[...]¹

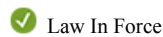
Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

[Investigations by [CMA]²]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(2) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)
-



[5.

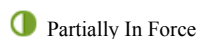
If at any time [the [Competition and Markets Authority]³ (in this Schedule referred to as “the [CMA]”⁴)]² considers that the exercise or proposed exercise of a function to which [this Part of]² this Schedule applies may not meet the competition test, it may conduct an investigation.
] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Amended by Local Transport Act 2008 c. 26 Sch.2 para.6 (February 9, 2009 as SI 2009/107)
- ³ Words substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(3)(a) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)
- ⁴ Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(3)(b) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)

Extent

Sch. 10(1) para. 5: England, Wales



[6.—

- (1) For the purposes of an investigation under paragraph 5 the [CMA]² may require any person—
- (a) to produce to it or to a person appointed by it, at a specified time and place, any specified document, or
 - (b) to provide it or such a person, at such a time and place, any specified information,
- which the [CMA]² considers relates to any matter relevant to the investigation.
- (2) The power conferred by sub-paragraph (1) is to be exercised by a notice in writing indicating the subject matter and purpose of the investigation; and in this paragraph “specified” means—
- (a) specified, or described, in the notice, or
 - (b) falling within a category which is specified, or described, in the notice.
- (3) Information required to be provided under sub-paragraph (1) shall be provided in the specified manner and form.
- (4) The power conferred by sub-paragraph (1) to require a person to produce a document includes power—
- (a) to require him to provide an explanation of the document, or
 - (b) if the document is not produced, to require him to state, to the best of his knowledge and belief, where it is.
- (5) In this paragraph “information” includes estimates and forecasts.[...] ³
] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

- ² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(4) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)
- ³ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(1) para. 6(1)-(5): England, Wales

 Partially In Force

[7.—

(1) If a person refuses or fails to comply with a notice under paragraph 6, the [CMA]² may certify that fact in writing to the High Court which may enquire into the case.

(2) If after hearing—

(a) any witness who may be produced against or on behalf of the person, and

(b) any statement which may be offered in defence,

the High Court is satisfied that the person did not have a reasonable excuse for refusing or failing to comply with the notice, the High Court may punish him as if he had been guilty of contempt of court.[...]³

] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(4) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)
- ³ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(1) para. 7(1)-(2)(b): England, Wales

 Partially In Force

[8.—

(1) A person shall not be required under paragraph 6 to produce or disclose a privileged communication.

(2) In sub-paragraph (1) “privileged communication” means a communication—

(a) between a professional legal adviser and his client, or

(b) made in connection with, or in contemplation of, legal proceedings and for the purposes of those proceedings,

which in proceedings in the High Court would be protected from disclosure on grounds of legal professional privilege.[...]²

] ¹**Notes**

¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

² Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(1) para. 8(1)-(2)(b): England, Wales

 Partially In Force

[9.

Before the [CMA] ² , as the result of an investigation under paragraph 5 , makes a decision that the exercise or proposed exercise of a function does not meet the competition test, the [CMA] ² must—

(a) give written notice to the person or persons likely to be affected by the proposed decision, and

(b) give that person or those persons an opportunity to make representations.[...] ³

] ¹**Notes**

¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(4) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)

³ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(1) para. 9(a)-(b): England, Wales

[Decisions] ¹

Notes

¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

 Partially In Force

[10.

When the [CMA]² makes a decision—

(b) after an investigation under paragraph 5,
the [CMA]² must publish its decision, together with its reasons for making it.
]¹

Notes

¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(4) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)

Extent

Sch. 10(1) para. 10(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Wales](#) | [England](#)

 Repealed

Wales

[...]¹

Notes

¹ Repealed by Local Transport Act 2008 c. 26 Sch.2 para.8 (April 1, 2009 as SI 2009/579)

England

[...]¹

Notes

¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

[Enforcement of decisions]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

 Law In Force

[12.—

- (1) If the [CMA]² has made a decision that the exercise or proposed exercise of a function to which [this Part of]³ this Schedule applies does not meet the competition test, the [CMA]² may give to the authority or authorities by which it was or was to be exercised such directions as the [CMA]² considers appropriate.
- (2) A direction under sub-paragraph (1) may (in particular)—
- (a) in the case of a proposal to exercise a function, include provision prohibiting the exercise of the function in the manner proposed,
 - (b) in the case of the exercise of the function of making or varying [an advanced quality partnership scheme [, an advanced ticketing scheme]⁵ ,]⁴ a quality partnership scheme [, a ticketing scheme or an enhanced partnership scheme]⁶ , include provision requiring the variation or revocation of the scheme,
 - (c) in the case of the exercise of the function of inviting tenders under section 89(2) or 91(3) of the Transport Act 1985, include provision requiring the variation or withdrawal of the invitation, and
 - (d) in the case of the exercise of the function of accepting or not accepting a tender under section 89 or 91 of that Act, include provision requiring the variation or termination of any agreement entered into by accepting the tender or requiring the acceptance of any tender.
- (3) A direction under sub-paragraph (1) must be given in writing.
- (4) If an authority fails, without reasonable excuse, to comply with a direction under sub-paragraph (1), the [CMA]² may apply to the High Court for an order requiring the authority to comply with the direction within a time specified in the order.
- (5) An order under sub-paragraph (4) may provide for all of the costs of, or incidental to, the application for the order to be borne by the authority.

] ¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(4) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)
- ³ Words inserted by Local Transport Act 2008 c. 26 Sch.2 para.9 (February 9, 2009 as SI 2009/107)
- ⁴ Words inserted by Bus Services Act 2017 c. 21 Sch.1 para.11(3) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

- ⁵ Words inserted by Bus Services Act 2017 c. 21 Sch.3 para.8(3) (June 27, 2017: 2017 c.21 s.8 and Sch.3 para.8 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)
- ⁶ Words substituted by Bus Services Act 2017 c. 21 Sch.4 para.9(3) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

Extent

Sch. 10(1) para. 12(1)-(5): England, Wales

[Information]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

✓ Law In Force

[13.—

(1) No information which—

- (a) has been obtained by the [CMA]² in connection with its functions under [this Part of]³ this Schedule, and
- (b) relates to the affairs of any individual or to any particular business,

is to be disclosed during the lifetime of that individual or while that business continues to be carried on, unless the condition mentioned in sub-paragraph (2) is satisfied.

(2) The condition is that consent to the disclosure has been obtained from—

- (a) the person from whom the information was obtained, and
- (b) if different, the individual to whose affairs the information relates or the person for the time being carrying on the business to which the information relates.

(3) Sub-paragraph (1) does not apply to a disclosure of information—

- (a) made for the purpose of facilitating the performance of any function of the [CMA]², a traffic commissioner or the [Office of Rail and Road]⁴,
- (b) made for the purpose of facilitating the performance of any function of the European Commission in respect of [EU]⁵ law about competition,
- (c) made for the purpose of criminal proceedings in any part of the United Kingdom or in connection with the investigation of a criminal offence triable in any part of the United Kingdom, or
- (d) made in compliance with the order of a court or tribunal.

(4) If information is disclosed to the public in circumstances in which the disclosure does not contravene sub-paragraph (1), that sub-paragraph does not prevent its further disclosure by any person.

(5) A person who contravenes this paragraph is guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

]

¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(4) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)
- ³ Words inserted by Local Transport Act 2008 c. 26 Sch.2 para.10 (February 9, 2009 as SI 2009/107)
- ⁴ Words substituted by Office of Rail Regulation (Change of Name) Regulations 2015/1682 Sch.1(1) para.4(p)(iv) (October 16, 2015)
- ⁵ Word substituted by Treaty of Lisbon (Changes in Terminology) Order 2011/1043 Pt 2 art.6(2)(a) (April 22, 2011)

Extent

Sch. 10(1) para. 13(1)-(5): England, Wales

✓ Law In Force

[14.—

(1) If information is provided by a person to the [CMA]² in connection with its functions under [this Part of]³ this Schedule, the person is guilty of an offence if—

- (a) the information is false or misleading in a material particular, and
- (b) the person knows that it is or is reckless as to whether it is.

(2) If a person—

- (a) provides any information to another person, knowing the information to be false or misleading in a material particular, or
- (b) recklessly provides to another person any information which is false or misleading in a material particular,

knowing that the information is to be used for the purpose of providing information to the [CMA]² in connection with its functions under [this Part of]³ this Schedule, the person is guilty of an offence.

(3) A person guilty of an offence under this paragraph is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

]

¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(4) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)
- ³ Words inserted by Local Transport Act 2008 c. 26 Sch.2 para.11 (February 9, 2009 as SI 2009/107)

Extent

Sch. 10(1) para. 14(1)-(3): England, Wales

*[Advice and information]*¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.12 (February 9, 2009 as SI 2009/107)

 Law In Force

[14A

(1) As soon as is reasonably practicable after the passing of the Local Transport Act 2008, the OFT must prepare and publish advice and information about—

- (a) the application of the competition test,
- (b) the enforcement of decisions regarding that test.

(2) The [CMA]² may at any time publish revised, or new, advice or information.

(3) Advice and information published under this paragraph must be prepared with a view to—

- (a) explaining provisions of this Part of this Schedule to persons who are likely to be affected by them, and
- (b) indicating how the [CMA]² expects such provisions to operate.

(4) Advice (or information) published by virtue of sub-paragraph (3)(b) may include advice (or information) about the factors which the [CMA]² may take into account in considering whether, and if so how, to exercise a power conferred on it by this Part of this Schedule.

(5) Any advice or information published by the [CMA]² under this paragraph is to be published in such form and in such manner as it considers appropriate.

(6) If the [CMA]² is preparing any advice or information under this paragraph it must consult such persons as it considers appropriate. [...]³

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.12 (February 9, 2009 as SI 2009/107)

² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(5) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)

³ Added by Local Transport Act 2008 c. 26 Sch.2 para.12 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(1) para. 14A(1)-(6): England, Wales

*[Defamation]*¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

 Law In Force

[15.

For the purposes of the law relating to defamation, absolute privilege attaches to any decision made or notice given [, and to any advice or information given,]² by the [CMA]³ in the exercise of any of its functions under [this Part of]² this Schedule.

]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
- ² Amended by Local Transport Act 2008 c. 26 Sch.2 para.13 (February 9, 2009 as SI 2009/107)
- ³ Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(6) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)

Extent

Sch. 10(1) para. 15: England, Wales

*[Fees]*¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)
-

 Law In Force

[16.—

(1) The [CMA]² may charge fees in connection with the exercise by the [CMA]² of any of its functions under [this Part of]³ this Schedule.

(2) Different fees may be charged in connection with different functions and in different circumstances.

]¹

Notes

- ¹ Existing Sch.10 is renumbered as Sch.10 Part 1 by Local Transport Act 2008 c. 26 Sch.2 para.2 (February 9, 2009 as SI 2009/107)

² Word substituted by Enterprise and Regulatory Reform Act 2013 c. 24 Sch.6(1) para.96(6) (April 1, 2014: substitution has effect as SI 2014/416 subject to transitional provisions specified in 2013 c.24 s.28)

³ Words inserted by Local Transport Act 2008 c. 26 Sch.2 para.14(2) (February 9, 2009 as SI 2009/107)

Extent

Sch. 10(1) para. 16(1)-(2): England, Wales

[PART 2

TEST FOR CERTAIN AGREEMENTS, DECISIONS AND PRACTICES

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

[Interpretation] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

 Law In Force

[17

(1) This paragraph applies for the purposes of the interpretation of this Part of this Schedule.

(2) A voluntary multilateral agreement (a “VMA”) is a voluntary partnership agreement (within the meaning given by section 153) to which two or more operators of local services are parties.

(3) A voluntary bilateral agreement (a “VBA”) is a voluntary partnership agreement (within the meaning given by that section) to which only one operator of local services is a party.

(4) In this Part of this Schedule—

- (a) a “qualifying agreement” is an agreement between bus undertakings only;
- (b) a “qualifying decision” is so much of any decision by an association of undertakings as relates to the operation of local services;
- (c) a “qualifying practice” is a concerted practice by bus undertakings only.

(5) For the purposes of sub-paragraph (4)—

- (a) a bus undertaking is an undertaking which is the operator of a local service;
- (b) the involvement of a local authority which is not a bus undertaking is to be disregarded;

(c) [an advanced quality partnership scheme [, an enhanced partnership scheme]³ ,]² a quality partnership scheme or voluntary partnership agreement is not to be regarded as a qualifying agreement, qualifying decision or qualifying practice.

(6) In sub-paragraph (5)(b) “local authority” means—

- (a) a local transport authority;
- (b) a district council in England.

(7) A provision of this Part of this Schedule which is expressed to apply to, or in relation to, a qualifying agreement is to be read as applying equally to, or in relation to, a qualifying decision or a qualifying practice (but with any necessary modifications).

(8) A reference to the area of an authority—

- (a) in relation to a VMA or “VBA”, is a reference to the area of a local transport authority who are a party to the agreement;
- (b) in relation to a qualifying agreement, is a reference to the area of a local transport authority in whose area the agreement is, or is to be, implemented.

(9) The “bus improvement objectives” are—

- (a) securing improvements in the quality of vehicles or facilities used for or in connection with the provision of local services,
- (b) securing other improvements in local services of benefit to users of local services, and
- (c) reducing or limiting traffic congestion, noise or air pollution.[...] ⁴

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

² Words inserted by Bus Services Act 2017 c. 21 Sch.1 para.11(4) (June 27, 2017: 2017 c.21 s.2 and Sch.1 para.11 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

³ Words inserted by Bus Services Act 2017 c. 21 Sch.4 para.9(4) (June 27, 2017: 2017 c.21 s.15 and Sch.4 para.9 came into force on April 27, 2017 as specified in 2017 c.21 s.26(3)(a) for the limited purpose of making regulations or orders; June 27, 2017 as specified in 2017 c.21 s.26(3)(b) otherwise)

⁴ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (April 1, 2009 as SI 2009/579)

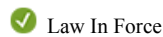
Extent

Sch. 10(2) para. 17(1)-(9)(c): England, Wales

[Agreements, decisions and practices to which this Part of this Schedule applies] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)



Law In Force

[18

(1) This Part of this Schedule applies to—

- (a) VMAs or VBAs falling within sub-paragraph (2), and
- (b) qualifying agreements falling within sub-paragraph (3).

This paragraph is subject to paragraph 19.

(2) A VMA or VBA falls within this sub-paragraph if it has as its object or effect the prevention, restriction or distortion of competition in the area of the authority, or the combined area of the authorities.

(3) A qualifying agreement falls within this sub-paragraph if—

- (a) it has as its object or effect the prevention, restriction or distortion of competition in the area of the authority, or the combined area of the authorities, but
- (b) the authority, or any of the authorities, has certified that they have considered all the terms and effects (or likely effects) of the agreement and that in their opinion the requirements mentioned in sub-paragraph (4) are satisfied.

(4) The requirements are that the agreement—

- (a) is in the interests of persons using local services within the area of the authority, or the combined area of the authorities, and
- (b) does not impose on the undertakings concerned restrictions that are not indispensable to the attainment of the bus improvement objectives.

(5) For the purposes of sub-paragraph (2)—

- (a) the object or effect of a VMA may be considered either on its own or together with one or more other VMAs, VBAs or qualifying agreements;
- (b) the object or effect of a VBA is to be considered together with one or more VMAs, other VBAs or qualifying agreements.

(6) For the purposes of sub-paragraph (3) the object or effect of a qualifying agreement may be considered either on its own or together with one or more VMAs, VBAs or other qualifying agreements.[...]²

¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

² Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(2) para. 18(1)-(6): England, Wales



Law In Force

[19

(1) This Part of this Schedule does not apply to a VMA, VBA or qualifying agreement if it (or any of its provisions) constitutes a price-fixing agreement within the meaning given by section 39(9) of the Competition Act 1998.

(2) Where the standard of services specified in a VMA or VBA includes any requirement as to maximum fares (see section 153(3)), any provision of that agreement relating to the setting, review or revision of the maximum fare is not to be regarded as constituting a price-fixing agreement for the purposes of sub-paragraph (1).[...]²

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

² Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(2) para. 19(1)-(2): England, Wales

*[The prohibition]*¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

 Law In Force

[20

(1) Any VMA, VBA or qualifying agreement to which this Part of this Schedule applies is prohibited unless it is exempt in accordance with the provisions of this Part of this Schedule.

(2) The prohibition in sub-paragraph (1) applies in place of the Chapter 1 prohibition.

(3) The Chapter 1 prohibition is the prohibition imposed by section 2(1) of the Competition Act 1998.[...]²

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

² Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(2) para. 20(1)-(3): England, Wales

*[Agreements and decisions void]*¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

✓ Law In Force

[21

Any agreement or decision which is prohibited by paragraph 20 is void.[...]²

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

² Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(2) para. 21: England, Wales

[Exempt agreements] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

✓ Law In Force

[22

(1) A VMA, VBA or qualifying agreement to which this Part of this Schedule applies is exempt if—

- (a) it contributes to the attainment of one or more of the bus improvement objectives,
- (b) it does not impose on the undertakings concerned restrictions which are not indispensable to the attainment of those objectives, and
- (c) it does not afford the undertakings concerned the possibility of eliminating competition in respect of a substantial part of the services in question.

(2) In any proceedings in which it is alleged that the prohibition in paragraph 20 is being or has been infringed by a VMA, VBA or qualifying agreement any undertaking or association of undertakings claiming the benefit of sub-paragraph (1) shall bear the burden of proving that the conditions of that sub-paragraph are satisfied.[...]²

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

² Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(2) para. 22(1)-(2): England, Wales

[Application of provisions of Competition Act 1998]¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

 Law In Force

[23

(1) The provisions of Part 1 of the Competition Act 1998 (“the 1998 Act”) specified in sub-paragraph (2) apply in relation to the prohibition in paragraph 20 (and a VMA, VBA or qualifying agreement to which this Part of this Schedule applies) as those provisions apply in relation to the Chapter 1 prohibition (and an agreement to which the provisions of that Chapter apply).

(2) The provisions are—

- (a) in [Chapter 1, sections 3, 6, 8, 10 and 10A]² (excluded agreements and exemptions);
- (b) Chapter 3 (investigations and enforcement), except sections 36 to 39 (penalties);
- (c) in Chapter 4, sections 46 to 49 (appeals) [, except section 47F and Schedule 8A]³ ;
- (d) Chapter 5 (miscellaneous), except section 54 (regulators).

(3) The application, by virtue of sub-paragraph (2)(d), of Chapter 5 includes section 52(1) of the 1998 Act; but this is subject to the following modifications—

- (a) the reference to the passing of the 1998 Act is to be read as a reference to the passing of the Local Transport Act 2008;
- (b) the reference to the Director is to be read as a reference to the OFT.

(4) The application, in accordance with sub-paragraph (1), of the provisions mentioned in sub-paragraph (2) is to be subject to such further modifications as the Secretary of State may by order provide.[...]⁴

] ¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (February 9, 2009 as SI 2009/107)

² Words substituted by Competition (Amendment etc.) (EU Exit) Regulations 2019/93 Sch.1 para.9(4) (December 31, 2020: substitution has effect subject to saving and transitional provisions specified in SI 2019/93 Sch.4 paras 7 and 15)

³ Words inserted by Claims in respect of Loss or Damage arising from Competition Infringements (Competition Act 1998 and Other Enactments (Amendment)) Regulations 2017/385 Sch.2 para.10(1) (March 9, 2017: insertion has effect subject to transitional provisions as specified in SI 2017/385 reg.3 and Sch.2 para.10(2))

⁴ Added by Local Transport Act 2008 c. 26 Sch.2 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 10(2) para. 23(1)-(4): England, Wales

SCHEDULE 11

MINOR AND CONSEQUENTIAL AMENDMENTS ABOUT LOCAL TRANSPORT

Section 161

Finance Act 1965 (c.25)

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:
[Wales](#) | [England](#)

 Repealed

Wales

1. [...]¹**Notes**

¹ Repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (August 14, 2002 as SI 2002/2024)

England

[...]¹**Notes**

¹ Repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (May 1, 2002 as SI 2002/1014)

Transport Act 1968 (c. 73)

 Law In Force

2.

The Transport Act 1968 has effect subject to the following amendments.

Commencement

Sch. 11 para. 2: February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Sch. 11 para. 2: England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [Wales](#)



Law In Force With Amendments Pending

England

3.—

(1) Section 9A (general functions of Passenger Transport Authorities and Executives) is amended as follows.

(2) Omit subsections (1) and (2).

(3) For subsection (3) substitute—

“(3) It shall be the duty of the Executive for each passenger transport area in England to secure the provision of such public passenger transport services as the Authority for the area consider it appropriate for the Executive to secure for meeting any public transport requirements within the area which in the Authority's view would not be met apart from any action taken by the Executive for that purpose.

(3A) The Authority shall seek and have regard to the advice of the Executive for their area in determining which services it would be appropriate for the Executive to secure under subsection (3) of this section.”

(4) In subsection (6), for the words following paragraph (b) substitute “to have regard to a combination of economy, efficiency and effectiveness.”

(5) In subsection (7), insert at the end “and to the bus strategy made jointly by the Authority and the councils for the metropolitan districts comprised in the area.”

Wales

[3.—

(1) Section 9A (general functions of Passenger Transport Authorities and Executives) is amended as follows.

(2) Omit subsections (1) and (2).

(3) For subsection (3) substitute—

“(3) It shall be the duty of the Executive for each passenger transport area in England to secure the provision of such public passenger transport services as the Authority for the area consider it appropriate for the Executive to secure for meeting any public transport requirements within the area which in the Authority's view would not be met apart from any action taken by the Executive for that purpose.

(3A) The Authority shall seek and have regard to the advice of the Executive for their area in determining which services it would be appropriate for the Executive to secure under subsection (3) of this section.”

(4) In subsection (6), for the words following paragraph (b) substitute “to have regard to a combination of economy, efficiency and effectiveness.”

(5) [...]

]¹

Notes

¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(1) para.1 (January 31, 2010 as SI 2009/3294)

Amendments Pending

Sch. 11 para. 3(5): repealed by Local Transport Act 2008 c. 26, Sch. 7(1) para. 1 (date to be appointed)

Commencement

Sch. 11 para. 3(1)-(5): February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Sch. 11 para. 3(1)-(5): England, Wales

 Law In Force

4.

Omit section 9B (consultation and publicity with respect to policies as to services).

Commencement

Sch. 11 para. 4: February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Sch. 11 para. 4: England, Wales

Local Government Act 1972 (c. 70)

✓ Law In Force

5.

In section 97 of the Local Government Act 1972 (exceptions from prohibition on member of local authority discussing and voting on matters in which he has pecuniary interest), after subsection (6) insert—

“(7) Section 94 above shall not prohibit a director of a public transport company, or a subsidiary of such a company, who is neither—

(a) paid for acting as such; nor

(b) an employee of the public transport company or subsidiary,

from taking part in the consideration or discussion of, or from voting on any question with respect to, a local transport plan or bus strategy; and in this subsection “public transport company” and “subsidiary” have the same meanings as in Part IV of the Transport Act 1985.”

Commencement

Sch. 11 para. 5: February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Sch. 11 para. 5: England, Wales

Road Traffic Regulation Act 1984 (c.27)

✓ Law In Force

6.

The Road Traffic Regulation Act 1984 has effect subject to the following amendments.

Commencement

Sch. 11 para. 6: August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 11 para. 6: England, Wales

✓ Law In Force

7.

In section 1 (traffic regulation orders), after subsection (3) insert—

“(3A) A local traffic authority may make a traffic regulation order in respect of a road in relation to which the Secretary of State or the National Assembly for Wales is the traffic authority if—

- (a) the order is required for the provision of facilities pursuant to a quality partnership scheme under Part II of the Transport Act 2000, and
- (b) the Secretary of State, or the National Assembly for Wales, consents.”

Commencement

Sch. 11 para. 7: August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 11 para. 7: England, Wales

✓ Law In Force

8.—

(1) Paragraph 27 of Schedule 9 (variation and revocation of orders) is amended as follows.

(2) In sub-paragraph (1), for “sub-paragraph (2)” substitute “sub-paragraphs (2) and (3)”.

(3) After sub-paragraph (2) insert—

“(3) Where an order is required for the provision of facilities pursuant to a quality partnership scheme made under Part II of the Transport Act 2000 by more than one authority—

- (a) it may not be varied or revoked by virtue of this paragraph by the Secretary of State or the National Assembly for Wales unless he or it has consulted the other authority or authorities who made the scheme, and
- (b) it may not be varied or revoked by virtue of this paragraph by any other authority without the consent of that other authority or those other authorities.”

Commencement

Sch. 11 para. 8(1)-(3): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 11 para. 8(1)-(3): England, Wales

Transport Act 1985 (c.67)

✓ Law In Force

9.

The Transport Act 1985 has effect subject to the following amendments.

Commencement

Sch. 11 para. 9: February 1, 2001 in relation to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Sch. 11 para. 9: England, Wales

✓ Law In Force

10.—

(1) Section 26(1) (conditions attached to PSV operator's licence) is amended as follows.

(2) In paragraph (b), after “section” insert “or section 118(4) or 129(1)(b) of the Transport Act 2000”.

(3) After that paragraph insert

“; or

(ba) the operator has failed to comply with section 138 or 140(3) of that Act;”.

Commencement

Sch. 11 para. 10(1), (3): February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Sch. 11 para. 10(2): August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 11 para. 10(1)-(3): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[England](#) | [Wales](#)



Law In Force With Amendments Pending

England

11.—

(1) Section 63 (functions of local councils with respect to passenger transport in areas other than passenger transport areas) is amended as follows.

(2) In subsection (1), omit paragraph (b) and the word “and” before it.

(3) In subsection (3)—

- (a) omit “(1)(b) or” and “(1)(a) or”,
- (b) in paragraph (a), omit “as a local education authority or (as the case may be)”, and
- (c) in paragraph (b), omit “social services or (as the case may be)”.

(4) In subsection (7), for the words from “so to conduct” to the end substitute “to have regard to a combination of economy, efficiency and effectiveness.”

(5) In subsection (8), at end insert “and to the appropriate bus strategy.”

(6) After that subsection insert—

“(8A) In subsection (8) “the appropriate bus strategy” means—

- (a) in the case of a council which is a local transport authority (within the meaning of section 108(4) of the Transport Act 2000), their bus strategy;
- (b) in the case of a district council which is not such an authority, the bus strategy of the council for the county in which the district is situated.”

Wales

[11.—

(1) Section 63 (functions of local councils with respect to passenger transport in areas other than passenger transport areas) is amended as follows.

(2) In subsection (1), omit paragraph (b) and the word “and” before it.

(3) In subsection (3)—

- (a) omit “(1)(b) or” and “(1)(a) or”,
- (b) in paragraph (a), omit “as a local education authority or (as the case may be)”, and
- (c) in paragraph (b), omit “social services or (as the case may be)”.

(4) In subsection (7), for the words from “so to conduct” to the end substitute “to have regard to a combination of economy, efficiency and effectiveness.”

(5) [...]

(6) [...]

]¹

Notes

¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(1) para.1 (January 31, 2010 as SI 2009/3294)

Amendments Pending

Sch. 11 para. 11(5)-(6): repealed by Local Transport Act 2008 c. 26, Sch. 7(1) para. 1 (date to be appointed)

Commencement

Sch. 11 para. 11(1)-(6): February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(1) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Sch. 11 para. 11(1)-(6): England, Wales

 Law In Force

12.—

(1) Section 64 (consultation and publicity with respect to policies as to services) is amended as follows.

(2) In subsection (1)—

- (a) for “63(1)(b) or (2)(b)” substitute “63(2)(b)”,
- (b) for “either of those provisions” substitute “that provision”, and
- (c) omit the words following paragraph (b).

(3) In subsection (2), omit “under section 63(1)(a) or (as the case may be)”.

Commencement

Sch. 11 para. 12(1)-(3): February 1, 2001 in so far as relates to England; August 1, 2001 in relation to Wales (SI 2001/57 art. 3, Sch. 3(I) para. 1; SI 2001/2788 art. 2, Sch. 1)

Extent

Sch. 11 para. 12(1)-(3): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Repealed

Wales

13. [...]¹

Notes

¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(3) para.1 (January 31, 2010 as SI 2009/3294)

England

[...]¹

Notes

¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(3) para.1 (February 9, 2009 as SI 2009/107)



Law In Force

14.

In section 82 (bus stations: restrictions on discriminatory practices), after subsection (4) insert—

“(4A) Nothing done pursuant to a quality partnership scheme under Part II of the Transport Act 2000 by—

- (a) a Passenger Transport Executive,
- (b) a local authority, or
- (c) a person to whom subsection (3) above applies,

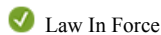
shall be taken to be discrimination prohibited by subsection (1) or (3) above.”

Commencement

Sch. 11 para. 14: August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 11 para. 14: England, Wales



Law In Force

15.

In section 93(7) (persons eligible to receive travel concessions under local scheme), for paragraphs (d) and (e) substitute—

- “(d) persons who are blind;
- (e) persons who are partially sighted;
- (ea) persons who are deaf;
- (eb) persons who are without speech;
- (ec) persons who have a disability, or have suffered an injury, which has a substantial and long-term adverse effect on their ability to walk;
- (ed) persons who do not have arms or have long-term loss of the use of both arms;
- (ee) persons who have a learning disability, that is, a state of arrested or incomplete development of mind which includes significant impairment of intelligence and social functioning;
- (ef) persons who, if they applied for the grant of a licence to drive a motor vehicle under Part III of the Road Traffic Act 1988, would have their applications refused pursuant to section 92 of that Act (physical fitness) otherwise than on the ground of persistent misuse of drugs or alcohol;
- (eg) any person travelling as the companion of a person who—
 - (i) is eligible to receive travel concessions by virtue of any other paragraph of this subsection; and
 - (ii) requires the assistance of a companion in order to travel on journeys on public passenger transport services;”.

Commencement

Sch. 11 para. 15: June 1, 2001 in relation to England; April 1, 2002 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 3, Sch. 2 para. 2)

Extent

Sch. 11 para. 15: England, Wales

✓ Law In Force

16.

In section 94(4) (definition of eligible service), for the words from “a service is” to the end substitute

““eligible service” means—

- (a) until section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel) ceases to have effect as a result of section 154(6) of the Transport Act 2000, a service qualifying for fuel duty grant, and
- (b) after that time, a service using public service vehicles of a class specified in an order made by the Secretary of State (as respects England) or the National Assembly for Wales (as respects Wales).”

Commencement

Sch. 11 para. 16: June 1, 2001 in relation to England; April 1, 2002 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 3, Sch. 2 para. 2)

Extent

Sch. 11 para. 16: England, Wales

✓ Law In Force

17.

In section 103(3) (no subsidies for concessions available under a scheme), insert at the end “or under section 145(1) of the Transport Act 2000.”

Commencement

Sch. 11 para. 17: June 1, 2001 in relation to England; April 1, 2002 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 3, Sch. 2 para. 2)

Extent

Sch. 11 para. 17: England, Wales

✓ Law In Force

18.—

(1) Section 104 (travel concessions on services provided by Passenger Transport Executives) is amended as follows.

(2) In subsection (1), for the words from “other than” to “that section” substitute “otherwise than in accordance with a scheme established under section 93 of this Act or in accordance with section 145(1) of the Transport Act 2000”.

(3) In subsection (2), after paragraph (a) insert—

“(aa) in accordance with section 145(1) of the Transport Act 2000; or”.

Commencement

Sch. 11 para. 18(1)-(3): June 1, 2001 in relation to England; April 1, 2002 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 3, Sch. 2 para. 2)

Extent

Sch. 11 para. 18(1)-(3): England, Wales

 Law In Force

19.

In section 105(1) (travel concessions on services provided by local authorities), for the words “of any description” onwards substitute “in accordance with a scheme established under section 93 of this Act or in accordance with section 145(1) of the Transport Act 2000.”

Commencement

Sch. 11 para. 19: June 1, 2001 in relation to England; April 1, 2002 in relation to Wales (SI 2000/3229 art. 2, Sch. 1(IV) para. 1; SI 2001/2788 art. 3, Sch. 2 para. 2)

Extent

Sch. 11 para. 19: England, Wales

 Partially In Force

20.—

(1) Section 108 (grants for establishment of rural passenger services in Wales and Scotland) is amended as follows.

(2) In subsection (1), omit “Wales or”.

(3) In the sidenote, omit “Wales and”.

Commencement

Sch. 11 para. 20(1)-(3): April 1, 2002 in relation to Wales; not yet in force otherwise (SI 2001/2788 art. 3, Sch. 2 para. 2)

Extent

Sch. 11 para. 20(1)-(3): England, Wales

 Law In Force

21.

Omit section 109 (transitional rural bus grants).

Commencement

Sch. 11 para. 21: August 1, 2001 in relation to Wales; October 26, 2001 in relation to England (SI 2001/2788 art. 2, Sch. 1; SI 2001/3342 art. 2, Sch. 1 para. 1)

Extent

Sch. 11 para. 21: England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Repealed

Wales

22.— [...]¹

Notes

¹ Repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (August 14, 2002 as SI 2002/2024)

England

[...]¹

Notes

¹ Repealed by Transport Act 2000 c. 38 Sch.31(II) para.1 (May 1, 2002 as SI 2002/1014)

Greater London Authority Act 1999 (c.29)



Repealed

23. [...]¹

Notes

¹ Repealed subject to transitional provisions as specified in SI 2007/2799 art.4 by Concessionary Bus Travel Act 2007 c. 13 Sch.3 para.1 (October 17, 2007: repeal has effect on October 17, 2007 for purposes specified in SI 2007/2799 art.2 and April 1, 2008 otherwise, subject to transitional provisions as specified in SI 2007/2799 art.4)

SCHEDULE 12**ROAD USER CHARGING AND WORKPLACE PARKING LEVY: FINANCIAL PROVISIONS****Section 191***Introductory*

 Partially In Force

1.—

(1) In this Schedule “relevant scheme” means a charging scheme or licensing scheme under this Part.

(2) In this Schedule—

- (a) “the relevant authority”, in relation to a relevant scheme made by one authority, means the authority by which the scheme is made, and
- (b) “the relevant authorities”, in relation to a relevant scheme made jointly by more than one authority, means the authorities by which the scheme is made.

Commencement

Sch. 12 para. 1(1)-(2)(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 1(1)-(2)(b): England, Wales

Net proceeds

 Partially In Force

2.—

(1) In this Schedule “net proceeds”, in relation to a relevant scheme and a financial year, means the amount (if any) by which—

- (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
- (b) the expenses incurred for or in connection with the scheme which are so attributable.

(2) For the purposes of this Schedule—

- (a) the amounts received under or in connection with a relevant scheme, and
- (b) the expenses incurred for or in connection with a relevant scheme,

and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations made by the appropriate national authority.

(3) Regulations under sub-paragraph (2) may, in particular, provide that—

- (a) any such costs of constructing, improving or maintaining roads in respect of which charges are imposed by trunk road charging schemes, and any such costs of managing traffic on those roads, as are specified by or determined in accordance with the regulations, or
- (b) any such payments made for or in respect of the construction, improvement or maintenance of those roads, or the management of traffic on them, as are so specified or determined,

are to be regarded, to the extent so specified or determined, as expenses incurred for or in connection with the trunk road charging schemes.

(4) Where a trunk road charging scheme is made by virtue of section 167(2)(b) [or (3)(c)]¹, the relevant authority and the local traffic authority [, Integrated Transport Authority [, combined authority or combined county authority]³]² which requested the making of the scheme (or Transport for London, if it did) may agree that—

- (a) the expenses incurred for or in connection with the trunk road charging scheme shall be taken to include specified expenses incurred for or in connection with the charging scheme in connection with which the trunk road charging scheme was requested, and
- (b) the expenses incurred for or in connection with that other charging scheme shall be taken to include specified expenses incurred for or in connection with the trunk road charging scheme.

Notes

- ¹ Words inserted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.2 (April 14, 2024)
- ² Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.115(2) (December 17, 2009)
- ³ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(2) (December 26, 2023)

Commencement

Sch. 12 para. 2(1)-(4)(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 2(1)-(4)(b): England, Wales

Appointment

 Partially In Force

3.—

(1) A relevant scheme which is—

- (a) a joint local charging scheme or licensing scheme, [...] ¹

- [(aa) a joint local-ITA charging scheme,]¹
- (b) a joint local-London charging scheme or licensing scheme, [or]¹
- [(c) a joint ITA-London charging scheme,]¹

shall provide for the net proceeds of the scheme to be apportioned between the relevant authorities.

(2) Where a trunk road charging scheme is made by virtue of section 167(2)(b) [or (3)(c)]²—

- (a) the trunk road charging scheme, or
- (b) the charging scheme in connection with which the trunk road charging scheme was requested,

or both, may provide for the net proceeds of the scheme to be apportioned between the relevant authority and the local traffic authority [, Integrated Transport Authority [, combined authority or combined county authority]⁴]³ which requested the making of the scheme (or Transport for London, if it did).

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Sch.5 para.12 (April 1, 2009 as SI 2009/579)
- ² Words inserted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.3 (April 14, 2024)
- ³ Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.115(3) (December 17, 2009)
- ⁴ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(2) (December 26, 2023)

Commencement

Sch. 12 para. 3(1)-(2)(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 3(1)-(2)(b): England, Wales

 Partially In Force

4.

References in the following provisions of this Schedule to an authority's share of the net proceeds of a relevant scheme are—

- (a) where the net proceeds of the scheme are apportioned as provided by paragraph 3, to so much of the net proceeds of the scheme as are apportioned to the authority, and
- (b) otherwise, to the net proceeds of the scheme.

Commencement

Sch. 12 para. 4(a)-(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 4(a)-(b): England, Wales

Accounts and funds

 Partially In Force

5.

Regulations made by the appropriate national authority may make provision for—

- (a) the keeping of accounts relating to trunk road charging schemes, and
- (b) the preparation and publication of statements of such accounts.

Commencement

Sch. 12 para. 5(a)-(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 5(a)-(b): England, Wales

 Partially In Force

6.—

(1) An account relating to a relevant scheme which is not a trunk road charging scheme shall be kept for each financial year by the relevant authority or jointly by the relevant authorities.

(2) A statement of every such account shall be prepared for each financial year by the relevant authority or authorities and published in the annual accounts of the relevant authority, or of each of the relevant authorities, for the financial year.

(3) Regulations made by the appropriate national authority may make—

- (a) further provision relating to accounts required to be kept under this paragraph (including provision requiring or allowing the keeping of consolidated accounts relating to more than one relevant scheme), and
- (b) further provision relating to the preparation and publication of statements of such accounts.

Commencement

Sch. 12 para. 6(1)-(3)(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 6(1)-(3)(b): England, Wales

 Partially In Force

7.—

(1) At the end of each financial year any deficit in an account required to be kept under paragraph 6 shall be made good by the relevant authority or authorities.

(2) Any surplus in such an account may (so far as not made available for any purpose in accordance with this Schedule) be applied by the relevant authority or authorities towards making good any amount used to make good a deficit in respect of the account in the ten years immediately preceding the financial year.

(3) So much of any surplus as remains after the application of sub-paragraph (2) shall be carried forward in the account to the next financial year.

(4) A relevant scheme made by more than one authority must make provision specifying or for determining—

- (a) the proportion of any deficit which each authority shall make good, and
- (b) the proportion of any surplus which each authority may apply in accordance with sub-paragraph (2).

(5) Any deficit required to be made good shall be made good—

- (a) in the case of a Welsh county council or county borough council, from its general account,
- (b) in the case of Transport for London, from its gross income, and
- (c) in the case of any other non-metropolitan local traffic authority or London traffic authority, [or an Integrated Transport Authority [, combined authority or combined county authority]² ,]¹ from its general fund.

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.5 para.13(2) (April 1, 2009 as SI 2009/579)

² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(2) (December 26, 2023)

Commencement

Sch. 12 para. 7(1)-(5)(c): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 7(1)-(5)(c): England, Wales

Application of proceeds by non-metropolitan local traffic authorities

 Partially In Force

8.—

(1) This paragraph applies to a non-metropolitan local traffic authority's share of the net proceeds of [any relevant scheme]¹ .

- (2) The share of the net proceeds is available only—
- (a) for application by the authority for the purpose of directly or indirectly facilitating the achievement of [local transport policies of the authority]², or
 - (b) for application by any authority falling within sub-paragraph (3) selected by the authority whose share it is in accordance with sub-paragraph (4).
- (3) The authorities which fall within this sub-paragraph are—
- (a) other non-metropolitan local traffic authorities [;]³
[(aa) Integrated Transport Authorities [, combined authorities and combined county authorities]⁴;]³
 - (b) London traffic authorities and the Greater London Authority.
- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
- (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of [any of its local transport policies]², [...]³
[(aa) by an Integrated Transport Authority [, combined authority or combined county authority]⁵ for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or]³
 - (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999,
- in a way which will benefit the whole or any part of the area of the non-metropolitan local traffic authority whose share it is.

(5)-(7) [...]¹

Notes

- ¹ Amended by Local Transport Act 2008 c. 26 Sch.6(1) para.2 (April 1, 2009 as SI 2009/579)
- ² Substituted by Local Transport Act 2008 c. 26 Sch.1 para.8(2) (April 1, 2009 as SI 2009/579)
- ³ Amended by Local Transport Act 2008 c. 26 Sch.5 para.14 (April 1, 2009 as SI 2009/579)
- ⁴ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(3) (December 26, 2023)
- ⁵ Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(4) (December 26, 2023)

Commencement

Sch. 12 para. 8(1)-(7)(b): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 8(1)-(7)(b): England, Wales

The text of this provision varies depending on jurisdiction or other application. See parallel texts relating to:

[Wales](#) | [England](#)



Repealed

Wales

9.— [...] ¹

Notes

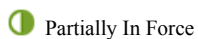
¹ Repealed by Local Transport Act 2008 c. 26 Sch.6(1) para.3 (April 1, 2009 as SI 2009/579)

England

[...] ¹

Notes

¹ Repealed by Local Transport Act 2008 c. 26 Sch.7(5) para.1 (February 9, 2009 as SI 2009/107)



Partially In Force

10.—

- (1) A relevant scheme made by one or more non-metropolitan local traffic authorities must include—
- (a) a general plan relating to the application of their shares of the net proceeds of the relevant scheme during the opening ten year period, and
 - (b) a detailed programme for the application of their shares of the net proceeds of the relevant scheme during [the opening five year period] ¹ .
- (2) In this Schedule—
- (a) “the opening ten year period” means the period which begins with the date on which the relevant scheme comes into force and ends with the tenth financial year that commences on or after that date, and
 - [(b) “the opening five year period” means the period which begins with that date and ends with the fifth financial year that commences on or after that date.] ¹
- (3) The order making a scheme [which relates to an area in Wales] ¹ shall not come into force unless and until the general plan and detailed programme required by sub-paragraph (1) have been approved by [the Welsh Ministers] ¹ .

Notes

¹ Amended by Local Transport Act 2008 c. 26 Sch.6(1) para.4 (April 1, 2009 as SI 2009/579)

Commencement

Sch. 12 para. 10(1)-(3): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 10(1)-(3): England, Wales

 Partially In Force

11.—

[(1) If a relevant scheme made by one or more non-metropolitan local traffic authorities remains in force after the end of the opening five year period, the authority or each of the authorities shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.]¹

(2) Any programme [prepared in accordance with sub-paragraph (1)]¹ in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 10(1)(a).

(3) Except with the consent of the appropriate national authority in any particular case, a non-metropolitan local traffic authority may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to the general fund or general account of the relevant authority which made the scheme) in any financial year beginning after the end of [the opening five year period]¹ unless it is complying with sub-paragraph (1).

Notes

¹ Amended by Local Transport Act 2008 c. 26 Sch.6(1) para.5 (April 1, 2009 as SI 2009/579)

Commencement

Sch. 12 para. 11(1)-(3): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 11(1)-(3): England, Wales

[Application of proceeds by Integrated Transport Authorities]¹

Notes

¹ Added by Local Transport Act 2008 c. 26 Sch.5 para.15 (February 9, 2009 as SI 2009/107)

 Law In Force

[11A

(1) This paragraph applies to an Integrated Transport Authority's [, combined authority's or combined county authority's]² share of the net proceeds of any relevant scheme.

- (2) The share of the net proceeds is available only—
- (a) for application by the Authority for the purpose of directly or indirectly facilitating the achievement of any of the Authority's local transport policies, or
 - (b) for application in accordance with sub-paragraph (4) by an authority falling within sub-paragraph (3) selected by the Authority.
- (3) The authorities which fall within this sub-paragraph are—
- (a) non-metropolitan local traffic authorities;
 - (b) London traffic authorities and the Greater London Authority.
- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
- (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or
 - (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999,
- in a way which will benefit the whole or any part of the [integrated transport area of the Integrated Transport Authority or (as the case may be) the area of the combined authority]³ [or combined county authority]⁴ . [...]⁵
-] ¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Sch.5 para.15 (February 9, 2009 as SI 2009/107)
- ² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(5)(a) (December 26, 2023)
- ³ Words substituted by Local Democracy, Economic Development and Construction Act 2009 c. 20 Sch.6 para.115(6)(b) (December 17, 2009)
- ⁴ Words inserted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(5)(b) (December 26, 2023)
- ⁵ Added by Local Transport Act 2008 c. 26 Sch.5 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 12 para. 11A(1)-(4)(b): England, Wales

 Law In Force

[11B

- (1) A relevant scheme made by an Integrated Transport Authority [, a combined authority or a combined county authority] ² must include—
- (a) a general plan relating to the application of its share of the net proceeds of the relevant scheme during the opening ten year period, and
 - (b) a detailed programme for the application of its share for the net proceeds of the relevant scheme during the opening five year period.
- (2) See paragraph 10(2) for the meaning of “the opening ten year period” and “the opening five year period”. [...]³
-] ¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Sch.5 para.15 (February 9, 2009 as SI 2009/107)
² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(6) (December 26, 2023)
³ Added by Local Transport Act 2008 c. 26 Sch.5 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 12 para. 11B(1)-(2): England, Wales

 Law In Force

[11C

(1) If a relevant scheme made by an Integrated Transport Authority [, a combined authority or a combined county authority] ² remains in force after the end of the opening five year period, the Authority shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.

(2) Any programme prepared in accordance with sub-paragraph (1) in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 11B(1)(a).

(3) Except with the consent of the Secretary of State in any particular case, an Integrated Transport Authority [, a combined authority or a combined county authority] ² may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to its general fund) in any financial year beginning after the end of the opening five year period unless it is complying with sub-paragraph (1). [...] ³

] ¹

Notes

- ¹ Added by Local Transport Act 2008 c. 26 Sch.5 para.15 (February 9, 2009 as SI 2009/107)
² Words substituted by Levelling-up and Regeneration Act 2023 c. 55 Sch.4 para.148(6) (December 26, 2023)
³ Added by Local Transport Act 2008 c. 26 Sch.5 para.15 (April 1, 2009 as SI 2009/579)

Extent

Sch. 12 para. 11C(1)-(3): England, Wales

Application of proceeds by London traffic authorities

 Partially In Force

12.—

(1) The share of the net proceeds of a relevant scheme of a London traffic authority is available [—]¹

[(a) in the case of a charging scheme under this Part, only for application for relevant transport purposes within the meaning of Schedule 23 to the Greater London Authority Act 1999;

(b) in the case of a licensing scheme under this Part, only for application in accordance with regulations made by the Secretary of State.]¹

[(1A) Paragraphs 19(1) and (2), 20(1) and (5), 23(1) and (3) and 24 of Schedule 23 to that Act apply in relation to a charging scheme under this Part as they apply in relation to a charging scheme under that Schedule.]¹

(2) Regulations under sub-paragraph (1) shall provide for—

(a) [...]¹

(b) paragraphs 22 to 30 of Schedule 24 to that Act, to apply in relation to [a licensing scheme]¹ with any such modifications as the Secretary of State considers appropriate.

(3) Before making regulations under sub-paragraph (1) the Secretary of State shall consult the Greater London Authority.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Sch.6(1) para.6 (April 1, 2009 as SI 2009/579)

Commencement

Sch. 12 para. 12(1)-(3): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 12(1)-(3): England, Wales

Application of proceeds by Secretary of State [...]¹

Notes

¹ Words repealed by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.4 (April 14, 2024)

 Partially In Force

13.—

(1) In the case of a trunk road charging scheme—

(a) which is made by virtue of paragraph (a) of subsection (2) of section 167, or

(b) which is made by virtue of paragraph (b) of that subsection [...] ¹, the [Secretary of State's] ² share of the net proceeds is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.

(2) [...] ¹

(3) [Sub-paragraph (1)(a)] ¹ applies during the period of ten years beginning with the coming into force of a scheme [made by virtue of section 167(2)(a)] ¹.

(4) The [Secretary of State] ³ may by regulations make provision as to circumstances in which—
 (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or

(b) a different scheme is, or is not, to be regarded as coming into force,
 for the purposes of determining when the period specified in sub-paragraph (3) begins or expires in the case of a scheme.

(5) Except where [sub-paragraph (1)(a)] ¹ applies, the [Secretary of State's] ⁴ share of the net proceeds of a trunk road charging scheme [made by virtue of section 167(2)(a)] ¹ is available to be applied only as may be specified in, or determined in accordance with, regulations made by the [Secretary of State] ⁵.

(6) The provision that may be made by regulations under sub-paragraph (5) includes provision for sub-paragraph (3) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten.

Notes

¹ Amended by Local Transport Act 2008 c. 26 Sch.6(1) para.7 (April 1, 2009 as SI 2009/579)

² Words substituted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.5(a) (April 14, 2024)

³ Words substituted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.5(b) (April 14, 2024)

⁴ Words substituted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.5(c)(i) (April 14, 2024)

⁵ Words substituted by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.5(c)(ii) (April 14, 2024)

Commencement

Sch. 12 para. 13(1)-(6): February 1, 2001 in relation to England; Not yet in force otherwise (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 12 para. 13(1)-(6): England, Wales

*[Application of proceeds by Welsh Ministers]*¹

Notes

¹ Added by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.6 (April 14, 2024)

 Law In Force

[14

(1) In the case of a trunk road charging scheme—

- (a) which is made by virtue of subsection (3) of section 167, and
- (b) which is made wholly or partly for the purpose of reducing or limiting air pollution, the Welsh Ministers must publish a statement and lay it before Senedd Cymru as soon as reasonably practicable after the scheme is made.

(2) The statement must—

- (a) state that the scheme is made wholly or partly for the purpose of limiting or reducing air pollution;
- (b) provide an estimate of the net proceeds of the scheme for at least the first five financial years in which the scheme will be in operation;
- (c) specify how the Welsh Ministers propose to apply their share of those net proceeds, and
- (d) provide an assessment of the expected effect of those proposals on air quality (if any).

¹

Notes

¹ Added by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.6 (April 14, 2024)

Extent

Sch. 12 para. 14(1)-(2)(d): United Kingdom

 Law In Force

[15

(1) In the case of a trunk road charging scheme—

- (a) which is made by virtue of subsection (3) of section 167, and
- (b) which is not made (either wholly or partly) for the purpose of reducing or limiting air pollution, the Welsh Ministers' share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.

(2) Where the scheme is made by virtue of paragraph (a) of subsection (3) of section 167, sub-paragraph (1) applies only during the period of ten years beginning with the coming into force of the scheme.

(3) The Welsh Ministers may by regulations make provision as to circumstances in which—

(a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
 (b) a different scheme is, or is not, to be regarded as coming into force,
 for the purposes of determining when the period specified in sub-paragraph (2) begins or expires in the case of a scheme.

(4) Where sub-paragraph (1) no longer applies to a scheme made by virtue of paragraph (a) of subsection (3) of section 167, the Welsh Ministers' share of the net proceeds of the scheme is available to be applied only as may be specified in, or determined in accordance with, regulations made by the Welsh Ministers.

(5) The provision that may be made by regulations under sub-paragraph (4) includes provision for sub-paragraph (2) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten.

]¹

Notes

¹ Added by Environment (Air Quality and Soundscapes) (Wales) Act 2024 asc. 2 Sch.2 para.6 (April 14, 2024)

Extent

Sch. 12 para. 15(1)-(5): United Kingdom

SCHEDULE 13

AMENDMENTS OF SCHEDULES 23 AND 24 TO GREATER LONDON AUTHORITY ACT

Section 199

Road user charging

 Law In Force

1.

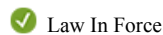
Schedule 23 to the Greater London Authority Act 1999 (road user charging in Greater London) has effect subject to the following amendments.

Commencement

Sch. 13 para. 1: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 1: England, Wales

**2.—**

(1) Paragraph 1 (interpretation) is amended as follows.

(2) In sub-paragraph (1), in the definition of “net proceeds”, for the words from “, means” to the end substitute

“and a financial year, means the amount (if any) by which—

(a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed

(b) the expenses incurred for or in connection with the scheme which are so attributable;”.

(3) In that sub-paragraph, after the definition of “prescribed”, insert—

““registered keeper”, in relation to a charge imposed in respect of a motor vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 at the time of the act, omission, event or circumstances in respect of which the charge is imposed;”.

(4) In that sub-paragraph, in the definition of “regulations”, after “means” insert “(except where otherwise provided)”.

(5) In that sub-paragraph, in the definition of “traffic sign”, for “same meaning as in the Road Traffic Regulation Act 1984 (see in particular section 64 of that Act)” substitute “meaning given by section 64 of the Road Traffic Regulation Act 1984 but also includes signposts and other signs and notices included in that term by section 71(2) of that Act”.

(6) For sub-paragraph (2) substitute—

“(2) For the purposes of this Schedule—

(a) the amounts received under or in connection with a charging scheme, and

(b) the expenses incurred for or in connection with such a scheme,

and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.”

Commencement

Sch. 13 para. 2(1)-(6): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 2(1)-(6): England, Wales

✓ Law In Force

3.—

(1) Paragraph 4 (making of charging scheme) is amended as follows.

(2) After paragraph (a) of sub-paragraph (3) insert—

“(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;”.

(3) After paragraph (d) of that sub-paragraph insert—

“(da) require the authority by whom any such order is made to publish notice of the order and of its effect;”.

(4) Omit paragraph (e) of that sub-paragraph.

(5) After that sub-paragraph insert—

“(4) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.

(5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a charging scheme—

- (a) the costs of the inquiry shall be paid by the charging authority; and
- (b) the parties at the inquiry shall bear their own costs.

(6) The charging authority may enter any land, and exercise any other powers which may be necessary, for placing and maintaining, or causing to be placed and maintained, traffic signs in connection with the charging scheme.”

Commencement

Sch. 13 para. 3(1)-(5): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 3(1)-(5): England, Wales

✓ Law In Force

4.

In sub-paragraph (2) of paragraph 11 (exemptions, reduced rates etc.), after “above” insert “and to paragraphs 4 and 6 above”.

Commencement

Sch. 13 para. 4: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 4: England, Wales

✓ Law In Force

5.

After that paragraph insert—

Documents and equipment

“11A.

A charging scheme may require—

- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed; or
- (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.”

Commencement

Sch. 13 para. 5: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 5: England, Wales

✓ Law In Force

6.—

(1) Paragraph 12 (penalty charges) is amended as follows.

(2) In sub-paragraph (1), for “, notification, payment, adjudication or enforcement” substitute “and payment”.

(3) After sub-paragraph (2) insert—

“(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.”

Commencement

Sch. 13 para. 6(1)-(3): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 6(1)-(3): England, Wales

✓ Law In Force

7.

For paragraph 13 substitute—

“13.

Charges imposed in respect of any motor vehicle by a charging scheme (including penalty charges imposed in respect of any motor vehicle) shall be paid—

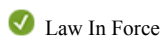
- (a) by the registered keeper of the motor vehicle; or
- (b) in prescribed circumstances, by such person as is prescribed.”

Commencement

Sch. 13 para. 7: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 7: England, Wales



Law In Force

8.

In paragraph 14 (installation of equipment), for the words from “install” to “used or” substitute—

- “(a) install and maintain, or authorise the installation and maintenance of, any equipment; or
 - (b) construct and maintain, or authorise the construction and maintenance of, buildings or other structures,
- used or”.

Commencement

Sch. 13 para. 8: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 8: England, Wales



Law In Force

9.—

(1) Paragraph 15 (accounts and funds) is amended as follows.

(2) In sub-paragraphs (1) and (2), for “of their income and expenditure in respect of” substitute “relating to”.

(3) In sub-paragraph (3)—

- (a) for the words from the beginning to “year, each” substitute “Each”, and
- (b) for “that year” substitute “each financial year”.

(4) After sub-paragraph (4) insert—

“(4A) Regulations may make further provision relating to—

- (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one charging scheme); and
- (b) the preparation and publication of statements of such accounts.”

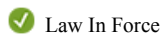
(5) In sub-paragraph (5)(b), after “account” insert “(after the application of any of the net proceeds in accordance with the following provisions)”.

Commencement

Sch. 13 para. 9(1)-(5): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 9(1)-(5): England, Wales



Law In Force

10.—

(1) Paragraph 25 (offences) is amended as follows.

(2) In sub-paragraph (1)—

- (a) insert “or” at the end of paragraph (a), and
- (b) omit paragraph (c) and the word “or” before it.

(3) After that sub-paragraph insert—

“(1A) A person who makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme or a penalty charge is guilty of an offence.”

(4) In sub-paragraph (2), after “sub-paragraph (1)” insert “or (1A)”.

(5) After that sub-paragraph insert—

“(3) A person is guilty of an offence if he removes a penalty charge notice which has been fixed to a motor vehicle in accordance with regulations under paragraph 12 above unless—

- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority; or
- (b) he does so under the authority of the registered keeper or such a person or of the charging authority.

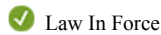
(4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.”

Commencement

Sch. 13 para. 10(1)-(5): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 10(1)-(5): England, Wales

**11.—**

(1) Paragraph 26 (examination of motor vehicles etc.) is amended as follows.

(2) In sub-paragraph (1)(b)(iii), for “unlawfully” substitute “with intent to avoid payment of, or being identified as having failed to pay, a charge”.

(3) For sub-paragraph (2) substitute—

“(2) Regulations may make provision conferring power on any person authorised in writing by the charging authority to enter a motor vehicle where he has reasonable grounds for suspecting, in relation to a motor vehicle which is on a road, that—

(a) any equipment required to be carried in or fitted to the motor vehicle while it is on a road in respect of which charges are imposed has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by the charging scheme; or

(b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a charge.”

(4) After that sub-paragraph insert—

“(3) A person who intentionally obstructs a person exercising any power conferred on him by virtue of sub-paragraph (2) above is guilty of an offence.

(4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to—

(a) a fine not exceeding level 5 on the standard scale, or

(b) imprisonment for a term not exceeding six months,
or to both.

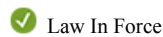
(5) Regulations may make provision conferring power on any person authorised in writing by the charging authority to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under paragraph 25 above.”

Commencement

Sch. 13 para. 11(1)-(4): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 11(1)-(4): England, Wales



Law In Force

12.—

(1) Paragraph 27 (removal or immobilisation of motor vehicles) shall be renumbered as sub-paragraph (1) of that paragraph and amended as follows.

(2) After paragraph (a) insert—

“(aa) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted;”.

(3) Insert at the end

“; and

(e) the sale or destruction of motor vehicles not released.

(2) A person who removes or interferes with an immobilisation notice in contravention of provision made by virtue of sub-paragraph (1) above is guilty of an offence.

(3) A person who removes or attempts to remove an immobilisation device fixed to a motor vehicle in accordance with provision made by virtue of sub-paragraph (1) above in contravention of such provision is guilty of an offence.

(4) A person who intentionally obstructs a person exercising any power conferred on him by provision made by virtue of sub-paragraph (1) above is guilty of an offence.

(5) A person guilty of an offence under sub-paragraph (2) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) A person guilty of an offence under sub-paragraph (3) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”

Commencement

Sch. 13 para. 12(1)-(3): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 12(1)-(3): England, Wales



Law In Force

13.

In paragraph 28 (determination of disputes and appeals), for “Regulations may” substitute “The Lord Chancellor may by regulations”.

Commencement

Sch. 13 para. 13: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 13: England, Wales

✓ Law In Force

14.

In paragraph 29(6) (approval of equipment), for the words after “regulations” substitute “under section 176(2) of the Transport Act 2000.”

Commencement

Sch. 13 para. 14: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 14: England, Wales

✓ Law In Force

15.

In paragraph 30 (evidence), for “Regulations may” substitute “The Lord Chancellor may by regulations”.

Commencement

Sch. 13 para. 15: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 15: England, Wales

✓ Law In Force

16.

In paragraph 34 (guidance), insert at the end—

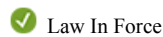
“(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.”

Commencement

Sch. 13 para. 16: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 16: England, Wales

**17.**

After that paragraph insert—

Information

“34A.—

(1) Information obtained by—

- (a) any Minister of the Crown or government department, or
- (b) any local authority or other statutory body,

may be disclosed to a charging authority for or in connection with the exercise of any of their functions with respect to a charging scheme.

(2) Information obtained by a charging authority for or in connection with any of their functions other than their functions with respect to a charging scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a charging scheme.

(3) Any information—

- (a) which has been or could be disclosed to a charging authority under sub-paragraph (1) above for or in connection with the exercise of any of their functions with respect to a charging scheme, or
- (b) which has been or could be used by an authority by virtue of sub-paragraph (2) above for or in connection with the exercise of any of those functions,

may be disclosed to any person with whom the authority has entered into arrangements under paragraph 32(b) above.

(4) Information disclosed to a person under sub-paragraph (3) above—

- (a) may be disclosed to any other person for or in connection with the charging scheme; but
- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the charging scheme.”

Commencement

Sch. 13 para. 17: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 17: England, Wales

**18.**

In paragraph 38 (variation and revocation of charging schemes)—

- (a) omit “, exercisable in the same manner, and subject to the same conditions and limitations,”, and

(b) insert at the end “, and paragraph 4 above (apart from sub-paragraphs (3)(f) and (6)) applies in relation to the variation or revocation of a charging scheme as to the making of a charging scheme.”

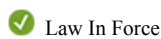
Commencement

Sch. 13 para. 18(a)-(b): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 18(a)-(b): England, Wales

Workplace parking levy



Law In Force

19.

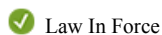
Schedule 24 to the Greater London Authority Act 1999 (workplace parking levy in Greater London) has effect subject to the following amendments.

Commencement

Sch. 13 para. 19: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 19: England, Wales



Law In Force

20.—

(1) Paragraph 1 (interpretation) is amended as follows.

(2) In sub-paragraph (1), in the definition of “licence”, omit “by the occupier of those premises”.

(3) In that sub-paragraph, in the definition of “net proceeds”, for the words from “, means” to the end substitute

“and a financial year, means the amount (if any) by which—

(a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed

(b) the expenses incurred for or in connection with the scheme which are so attributable;”.

(4) In that sub-paragraph, omit the definition of “occupier”.

(5) In that sub-paragraph, in the definition of “regulations”, after “means” insert “(except where otherwise provided)”.

(6) For sub-paragraph (2) substitute—

“(2) For the purposes of this Schedule—

- (a) the amounts received under or in connection with a licensing scheme, and
 - (b) the expenses incurred for or in connection with such a scheme,
- and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.”

Commencement

Sch. 13 para. 20(1)-(6): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 20(1)-(6): England, Wales

 Law In Force

21.

In paragraph 3(1) (provision of workplace parking places)—

- (a) for the words from “the cases” to “time being” substitute “a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time”, and
- (b) for paragraph (d) substitute—

“(d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,”.

Commencement

Sch. 13 para. 21(a)-(b): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 21(a)-(b): England, Wales

 Law In Force

22.—

(1) Paragraph 7 (making of licensing scheme) is amended as follows.

(2) After paragraph (a) of sub-paragraph (3) insert—

“(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;”.

(3) After paragraph (d) of that sub-paragraph insert—

“(da) require the authority by whom any such order is made to publish notice of the order and of its effect.”

(4) Omit paragraph (e) of that sub-paragraph.

(5) After that sub-paragraph insert—

“(4) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.

(5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a licensing scheme—

- (a) the costs of the inquiry shall be paid by the licensing authority; and
- (b) the parties at the inquiry shall bear their own costs.”

Commencement

Sch. 13 para. 22(1)-(5): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 22(1)-(5): England, Wales

✓ Law In Force

23.

For paragraph 15 substitute—

“15.

A licence may not be granted for a period of more than one year.”

Commencement

Sch. 13 para. 23: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 23: England, Wales

✓ Law In Force

24.

Renumber paragraph 16 (licensing: procedure) as sub-paragraph (1) of that paragraph and after that sub-paragraph insert—

“(2) A person who intentionally provides false or misleading information in or in connection with an application for a licence is guilty of an offence and liable—

- (a) on summary conviction, to a fine not exceeding the statutory maximum; or

(b) on conviction on indictment, to a fine.”

Commencement

Sch. 13 para. 24: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 24: England, Wales

✓ Law In Force

25.

In paragraph 17(3) and (4) (exemptions, reduced rates etc.), after “(2) above” insert “and to paragraphs 7 and 9 above”.

Commencement

Sch. 13 para. 25: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 25: England, Wales

✓ Law In Force

26.—

(1) Paragraph 18 (penalty charges) is amended as follows.

(2) In sub-paragraph (1), for “, notification, payment, adjudication or enforcement” substitute “and payment”.

(3) After sub-paragraph (2) insert—

“(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.”

Commencement

Sch. 13 para. 26(1)-(3): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 26(1)-(3): England, Wales

✓ Law In Force

27.

For paragraph 19 substitute—

“19.

Charges imposed in respect of any premises by a licensing scheme (including penalty charges imposed in respect of any premises) shall be paid—

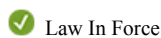
- (a) by the occupier of the premises; or
- (b) in prescribed circumstances, by such person as is prescribed.”

Commencement

Sch. 13 para. 27: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 27: England, Wales



Law In Force

28.

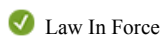
In paragraph 20 (determination of disputes and appeals), for “Regulations may” substitute “The Lord Chancellor may by regulations”.

Commencement

Sch. 13 para. 28: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 28: England, Wales



Law In Force

29.—

(1) Paragraph 21 (accounts and funds) is amended as follows.

(2) In sub-paragraphs (1) and (2), for “of their income and expenditure in respect of” substitute “relating to”.

(3) In sub-paragraph (3)—

- (a) for the words from the beginning to “year, each” substitute “Each”, and
- (b) for “that year” substitute “each financial year”.

(4) After sub-paragraph (4) insert—

“(4A) Regulations may make further provision relating to—

- (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one licensing scheme); and
- (b) the preparation and publication of statements of such accounts.”

(5) In sub-paragraph (5)(b), after “account” insert “(after the application of any of the net proceeds in accordance with the following provisions)”.

Commencement

Sch. 13 para. 29(1)-(5): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 29(1)-(5): England, Wales

✔ Law In Force

30.

In paragraph 31 (rights of entry)—

- (a) in sub-paragraph (4), for “wilfully” substitute “intentionally” and for “level 5 on the standard scale” substitute “the statutory maximum”, and
- (b) in sub-paragraph (6), for “(7)” substitute “(5)”.

Commencement

Sch. 13 para. 30(a)-(b): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 30(a)-(b): England, Wales

✔ Law In Force

31.

In paragraph 32 (evidence), for “Regulations may” substitute “The Lord Chancellor may by regulations”.

Commencement

Sch. 13 para. 31: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 31: England, Wales

✔ Law In Force

32.

In paragraph 35 (guidance), insert at the end—

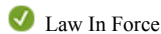
“(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.”

Commencement

Sch. 13 para. 32: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 32: England, Wales



Law In Force

33.

After that paragraph insert—

Information

“35A.—**(1) Information obtained by—**

- (a) any Minister of the Crown or government department, or
- (b) any local authority or other statutory body,

may be disclosed to a licensing authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.

(2) Information obtained by a licensing authority for or in connection with any of their functions other than their functions with respect to a licensing scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.

(3) Any information—

- (a) which has been or could be disclosed to a licensing authority under sub-paragraph (1) above for or in connection with the exercise of any of their functions with respect to a licensing scheme, or
- (b) which has been or could be used by an authority by virtue of sub-paragraph (2) above for or in connection with the exercise of any of those functions,

may be disclosed to any person with whom the authority has entered into arrangements under paragraph 33(b) above.

(4) Information disclosed to a person under sub-paragraph (3) above—

- (a) may be disclosed to any other person for or in connection with the licensing scheme; but
- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the licensing scheme.”

Commencement

Sch. 13 para. 33: February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 33: England, Wales

 Law In Force

34.

In paragraph 39 (variation and revocation of licensing schemes)—

(a) omit “, exercisable in the same manner, and subject to the same conditions and limitations,”, and

(b) insert at the end “; and paragraph 7 above applies in relation to the variation or revocation of a licensing scheme as to the making of a licensing scheme.”

Commencement

Sch. 13 para. 34(a)-(b): February 1, 2001 in relation to England (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 13 para. 34(a)-(b): England, Wales

SCHEDULE 14**STRATEGIC RAIL AUTHORITY****Section 204****PART I****MEMBERS AND STAFF***Tenure of members*

 Repealed

1.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Member appointed to chair Authority and deputy

 Repealed

2.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Remuneration, pension etc. for members

 Repealed

3.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Staff

 Repealed

4.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

5.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

6.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

PART II
FUNDING

Government grants

 Repealed

7. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Borrowing

 Repealed

8.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Terms of government loans

 Repealed

9.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Government guarantees

 Repealed

10.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Accounts and audit

 Repealed

11.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

12.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Direction requiring payment to Secretary of State

 Repealed

13.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Taxation

 Repealed

14.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Interpretation

 Repealed

15. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

PART III**FINANCIAL FRAMEWORK AND INFORMATION**

 Repealed

16.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

17. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

PART IV**PROCEDURE**

 Repealed

18. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

19.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

20.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

21.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

22. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

23.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

24.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

PART V**CONSEQUENTIAL AMENDMENTS**

 Repealed

25. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

26. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

27. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

28. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

29. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

30. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

SCHEDULE 15

FINANCIAL ASSISTANCE: TRANSFERS TO SRA

Section 211

Transfer schemes

 Repealed

1.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Contents of transfer scheme

 Repealed

2.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

3. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

4. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

5. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Effect of transfer scheme

 Repealed

6. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

7. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

8. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

9. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

10. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Transfer of employees

 Repealed

11.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Modification of transfer scheme

 Repealed

12.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Consultation

 Repealed

13. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

SCHEDULE 16**TRANSFER TO SRA OF FRANCHISING DIRECTOR'S FUNCTIONS****Section 215**

Transport Act 1968 (c.73)

 Law In Force

1.—

(1) Section 56 of the Transport Act 1968 (Ministerial grants and local authority payments towards capital expenditure incurred in provision, improvement or development of facilities for public passenger transport) is amended as follows.

(2) In subsection (2A), for “Franchising Director under which the Franchising Director undertakes to exercise franchising functions of his” substitute “Strategic Rail Authority under which the Authority undertakes to exercise any of its franchising functions”.

(3) In subsection (2B)—

(a) omit the definition of “the Franchising Director”, and

(b) in the definition of “franchising functions”, for “Franchising Director” substitute “Strategic Rail Authority” and for “him” substitute “it”.

Commencement

Sch. 16 para. 1(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 1(1)-(3)(b): England, Wales, Scotland

Insolvency Act 1986 (c.45)

 Repealed

2. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

3. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

4.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

5. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

6. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

7. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Railways Act 1993 (c.43)

 Law In Force

8.

The Railways Act 1993 has effect subject to the following amendments.

Commencement

Sch. 16 para. 8: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 8: England, Wales, Scotland

 Repealed

9. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

10. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

11.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

12. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

13.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

✓ Law In Force

14.—

(1) Section 23 (passenger services to be subject to franchise agreements) is amended as follows.

(2) [...]¹

(3) In subsection (2)—

(a) [...]¹

(b) for “his” substitute “its”.

(4) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

Commencement

Sch. 16 para. 14(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 14(1)-(4): England, Wales, Scotland

✗ Repealed

15. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

✓ Law In Force

16.—

(1) Section 26 (invitations to tender for franchises) is amended as follows.

(2) [...]¹

(3) In subsections (2) and (3)—

(a) [...]¹

(b) for “he” substitute “it”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

Commencement

Sch. 16 para. 16(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 16(1)-(3)(b): England, Wales, Scotland

✓ Law In Force

17.—

(1) Section 27 (transfer of franchise assets and shares) is amended as follows.

(2) In subsections (1) and (2)—

- (a) [...]¹
- (b) for “himself” substitute “itself”.

(3) [...]¹

(4) In subsection (9)—

- (a) [...]¹
- (b) for “his” substitute “its”, and
- (c) for “himself” substitute “itself”.

(5) In subsection (10)—

- (a) [...]¹
- (b) for “he” substitute “it”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

Commencement

Sch. 16 para. 17(1)-(5)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 17(1)-(5)(b): England, Wales, Scotland

✓ Law In Force

18.—

(1) Section 28 (fares and approved discount fare schemes) is amended as follows.

(2) In subsection (2)—

- (a) [...]¹
- (b) for “he” (in both places) substitute “it”, and
- (c) for “his” substitute “its”.

(3) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

Commencement

Sch. 16 para. 18(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 18(1)-(3): England, Wales, Scotland

 Repealed

19. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

 Law In Force With Amendments Pending

20.—

(1) Section 34 (Passenger Transport Authorities and Executives: franchising) is amended as follows.

(2) In subsection (4)—

- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “him” substitute “the Authority”.

(3) In subsection (5)—

- (a) for “Franchising Director” substitute “Authority”,
- (b) for “his” (in both places) substitute “the Authority's,” and
- (c) for “him” substitute “the Authority”.

(4) In subsection (6) and in subsection (7) (in both places), for “Franchising Director” substitute “Authority”.

(5) In subsection (8)—

- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “he” substitute “the Authority”.

(6) In subsections (10) and (12) and in subsection (13) (in both places), for “Franchising Director” substitute “Authority”.

(7) In subsection (14)—

- (a) for “Franchising Director” (in each place) substitute “Authority”,
- (b) for “him” substitute “the Authority”, and
- (c) for “he” (in both places) substitute “the Authority”.

(8) In subsection (15), for “Franchising Director” substitute “Authority”.

(9) In subsection (16)—

- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “his” substitute “its”.

(10) In subsection (17), for “Franchising Director” (in each place) substitute “Authority”.

(11) In subsection (18)—

- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “he may apply” substitute “the Authority may apply”.

(12) In subsection (19), for “Franchising Director” substitute “Authority”.

Amendments Pending

Sch. 16 para. 20: repealed by Railways Act 2005 c. 14, Sch. 13(1) para. 1 (date to be appointed)

Commencement

Sch. 16 para. 20(1)-(12): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 20(1)-(12): England, Wales, Scotland

 Law In Force With Amendments Pending

21.

In section 35 (termination and variation of section 20(2) agreements by Franchising Director), for “Franchising Director” (in each place, including the sidenote) substitute “Authority”.

Amendments Pending

Sch. 16 para. 21: repealed by Railways Act 2005 c. 14, Sch. 13(1) para. 1 (date to be appointed)

Commencement

Sch. 16 para. 21: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 21: England, Wales, Scotland

 Repealed

22.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

23.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

24.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

25.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

26.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

27.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

28.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

29. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

30. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

31. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

32.— [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

33. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force With Amendments Pending

34.—

(1) Section 54 (exercise of functions for purpose of encouraging investment in railways) is amended as follows.

(2) In subsection (1)—

- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “his, or (as the case may be) their,” substitute “their”.

(3) In subsection (2)—

- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “franchising functions of his” substitute “any of its franchising functions”.

(4) In subsection (3)—

- (a) for “Franchising Director” substitute “Authority”,
- (b) for “functions of his under” substitute “of the Authority's functions under”,
- (c) for “him” substitute “the Authority”, and

(d) for “his which” substitute “the Authority which”.

Amendments Pending

Sch. 16 para. 34(4)(a)-(c): repealed by Railways Act 2005 c. 14, Sch. 13(1) para. 1 (date to be appointed)

Sch. 16 para. 34(3): repealed by Railways Act 2005 c. 14, Sch. 13(1) para. 1 (date to be appointed)

Sch. 16 para. 34(2)(a): repealed by Railways Act 2005 c. 14, Sch. 13(1) para. 1 (date to be appointed)

Commencement

Sch. 16 para. 34(1)-(4)(d): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 34(1)-(4)(d): England, Wales, Scotland

 Law In Force

35.—

(1) Section 55 (orders for securing compliance) is amended as follows.

(2) In subsections (1) to (7)—

- (a) for “officer” (in each place) substitute “authority”, and
- (b) for “he” and “him” (in each place) substitute “it”.

(3) In subsection (10)—

- (a) for “officer” substitute “authority” [.]¹
- (b) [...] ¹

(4)-(5) [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 16 para. 35(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 35(1)-(5): England, Wales, Scotland

 Law In Force

36.

In section 56 (procedural requirements)—

- (a) for “officer” (in each place) substitute “authority”,
- (b) for “he” (in each place) substitute “it”, and
- (c) for “his” (in each place) substitute “its”.

Commencement

Sch. 16 para. 36(a)-(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 36(a)-(c): England, Wales, Scotland

 Law In Force

37.

In section 57(7) (validity and effect of orders), for “officer” substitute “authority”.

Commencement

Sch. 16 para. 37: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 37: England, Wales, Scotland

 Law In Force

38.—

(1) Section 58 (power to require information etc.) is amended as follows.

(2) In subsection (1)—

- (a) for “officer” (in both places) substitute “authority”, and
- (b) for “his” substitute “its”.

(3) In subsection (2) (in each place) and in subsection (6), for “officer” substitute “authority”.

Commencement

Sch. 16 para. 38(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 38(1)-(3): England, Wales, Scotland

 Repealed

39. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

 Repealed

40. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

41. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

42. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

43.

In subsection (9) of section 72 (keeping of register by Regulator)—

- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for “him” substitute “it”,

and in the heading preceding that section, for “Franchising Director” substitute “Authority”.

Commencement

Sch. 16 para. 43(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 43(a)-(b): England, Wales, Scotland

 Repealed

44.— [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

45.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

46. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

47. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

48.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Law In Force

49.—

(1) Section 118 (control of railways in time of hostilities, severe international tension or great national emergency) is amended as follows.

(2) [...]¹

(3) In subsection (3)—

(a) [...]¹

(b) for “him to carry out his” substitute “the carrying out of”.

(4)-(5) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 16 para. 49(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 49(1)-(5): England, Wales, Scotland

 Repealed

50.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

 Law In Force

51.—

(1) Section 136 (grants and subsidies) is amended as follows.

(2) [...]¹

(3) In subsection (6), for “Franchising Director may each, in his capacity” substitute “Authority may each,”.

(4)-(5) [...]²

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

² Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

Commencement

Sch. 16 para. 51(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 51(1)-(5): England, Wales, Scotland

 Repealed

52. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

53. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

54.—

(1) Paragraph 2 of Schedule 7 (transfer schemes in connection with railway administration orders) is amended as follows.

(2) In sub-paragraph (2), for “Franchising Director” substitute “Authority”.

(3) In sub-paragraph (3), for “Franchising Director, for his approval, he” substitute “Authority for approval, the Secretary of State or Authority”.

(4) In sub-paragraph (6)—

- (a) for “Franchising Director” substitute “Authority”, and
- (b) for “him” substitute “the Secretary of State or Authority”.

(5) In sub-paragraph (7)—

- (a) for “Franchising Director” substitute “Authority”,
- (b) for “he” substitute “the Secretary of State or Authority”, and
- (c) omit “on him”.

Commencement

Sch. 16 para. 54(1)-(5)(c): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 54(1)-(5)(c): England, Wales, Scotland

Railway Heritage Act 1996 (c.42)

 Law In Force

55.—

(1) Section 1 of the Railway Heritage Act 1996 (bodies to which Act applies) is amended as follows.

(2) For paragraph (f) substitute—

“(f) the Strategic Rail Authority (“the Authority”);”.

(3) In paragraph (g), for “that Director” substitute “the Authority”.

Commencement

Sch. 16 para. 55(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 55(1)-(3): England, Wales, Scotland

Channel Tunnel Rail Link Act 1996 (c.61)

 Law In Force

56.—

(1) Section 19 of the Channel Tunnel Rail Link Act 1996 (railway administration orders) is amended as follows.

(2) In subsections (2) and (5), for “Director of Passenger Rail Franchising” substitute “Strategic Rail Authority”.

(3) In subsection (6)—

- (a) for “Franchising Director” (in both places) substitute “Authority”, and
- (b) for ““Director”” substitute ““Authority””.

Commencement

Sch. 16 para. 56(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 56(1)-(3)(b): England, Wales, Scotland

Competition Act 1998 (c.41)

 Repealed

57. [...] ¹

Notes

- ¹ Repealed by Enterprise Act 2002 (Part 9 Restrictions on Disclosure of Information) (Amendment and Specification) Order 2003/1400 Sch.5 para.1 (June 20, 2003)
-

Greater London Authority Act 1999 (c.29)

 Law In Force

58.

The Greater London Authority Act 1999 has effect subject to the following amendments.

Commencement

Sch. 16 para. 58: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 58: England, Wales, Scotland

 Repealed

59.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Law In Force

60.

In section 177 (provision of extra passenger transport services and facilities), for “Franchising Director” (in both places) substitute “Strategic Rail Authority”.

Commencement

Sch. 16 para. 60: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 60: England, Wales, Scotland

 Repealed

61. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

62. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Law In Force

63.

In section 199(1) (licence exemptions and facility exemptions), for “Franchising Director” substitute “Strategic Rail Authority”.

Commencement

Sch. 16 para. 63: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 63: England, Wales, Scotland

 Repealed

64. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Law In Force

65.

In section 203 (closures: copy documents to Mayor of London), for “Franchising Director” (in both places, including the sidenote) substitute “Strategic Rail Authority”.

Commencement

Sch. 16 para. 65: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 65: England, Wales, Scotland

 Repealed

66.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

✓ Law In Force

67.—

(1) Section 240 (travel concessions on journeys in and around Greater London) is amended as follows.

(2) In subsection (2) (in both places), and in subsection (7), for “Franchising Director” substitute “Strategic Rail Authority”.

(3) In subsection (8), omit the definition of “the Franchising Director”.

Commencement

Sch. 16 para. 67(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 16 para. 67(1)-(3): England, Wales, Scotland

SCHEDULE 17

TRANSFERS TO SRA FROM [THE OFFICE OF RAIL AND ROAD]¹

Section 216

Notes

¹ Words substituted by Office of Rail Regulation (Change of Name) Regulations 2015/1682 Sch.1(1) para.4(p)(v) (October 16, 2015)

PART I

FUNCTIONS RELATING TO LICENCES

Introductory

✓ Law In Force

1.

The Railways Act 1993 has effect subject to the following amendments.

Commencement

Sch. 17(I) para. 1: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 1: England, Wales, Scotland

Exemptions

 Law In Force

2.—

(1) Section 7 (exemptions from requirement for operator of railway asset to be authorised by licence) is amended as follows.

(2)-(5) [...]¹

(6) In subsection (7), for “subsection (6) above” substitute “this section”.

(7)-(8) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 2(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 2(1)-(8): England, Wales, Scotland

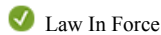
Consumer protection conditions

 Repealed

3. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Grant

Law In Force

4.—

(1) Section 8 (licences) is amended as follows.

(2) In subsection (1)—

(a) [...] ¹

(b) in paragraph (b) (grant by Regulator with consent of, or in accordance with general authority given by, Secretary of State), for the words after “consent” substitute “, or in accordance with a general authority, of the Secretary of State given after consultation with the Authority,”.

(3) In subsection (2) (general authority may require Regulator to consult, or obtain approval of, Secretary of State), for the words after “above” substitute—

“(a) shall include a requirement for the Regulator before granting a licence to consult the Authority about, or a requirement for him before doing so to obtain the approval of the Authority to, any conditions to be included in the licence which relate to consumer protection; and

(b) may include a requirement for the Regulator either to consult the Secretary of State, or a requirement to obtain his approval before granting a licence;

but a failure to comply with such a requirement shall not affect the validity of the licence.”

(4) In subsection (6) (certain licences not capable of being surrendered without consent of Regulator), for “without the consent of the Regulator” substitute “unless the Regulator and the Authority consent to the surrender”.

(5) In subsection (7) (grantor of licence to give copies)—

(a) [...] ¹

(b) in paragraph (b), after “Regulator,” insert “to the Authority and”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 4(1)-(5)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 4(1)-(5)(b): England, Wales, Scotland

Assignment

✓ Law In Force

5.—

(1) Section 11 (assignment of licences) is amended as follows.

(2) In subsection (2) (requirement of consent of whichever of the relevant authorities is specified), for the words after “consent of” substitute—

- “(a) the Secretary of State, if he is specified for the purpose in the licence; or
- (b) the Regulator and the Authority, in any other case.”

(3) Omit subsection (3) (definition of “relevant authorities”).

(4) In subsection (4) (consent may be given subject to conditions imposed by person giving consent), for “the person giving the consent thinks fit to impose” substitute “are imposed by the person or persons giving the consent”.

Commencement

Sch. 17(I) para. 5(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 5(1)-(4): England, Wales, Scotland

Modification

✓ Law In Force

6.—

(1) Section 12 (modification by agreement) is amended as follows.

(2) [...]¹

(3) In subsection (2) (notice by Regulator)—

(a) [...]¹

(b) after “and shall” insert “, before making the modifications,”.

(4)-(5) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 6(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 6(1)-(5): England, Wales, Scotland

✓ Law In Force

7.—

(1) Section 13 (modification references to Competition Commission) is amended as follows.

(2)-(4) [...]¹

(5) In subsection (3) (matters which may be specified in reference or variation)—

(a) [...]¹

(b) for “his” (in both places) substitute “its”.

(6) In subsection (4) (notice of reference or variation)—

(a) [...]¹

(b) for “he” substitute “it”.

(7) [...]¹

(8) In subsection (6) (assistance to Commission)—

(a) [...]¹

(b) for “his possession” substitute “the possession of the appropriate authority”,

(c) for “his opinion” substitute “the opinion of the appropriate authority”, and

(d) for “his power” substitute “the power of the appropriate authority”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 7(1)-(8)(d): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 7(1)-(8)(d): England, Wales, Scotland

✓ Law In Force

8.—

(1) Section 14 (reports on modification references) is amended as follows.

(2) [...]¹

(3) In subsection (5) (publication by Regulator)—

(a) [...]¹

(b) for “he” substitute “it”.

(4)-(5) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 8(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 8(1)-(5): England, Wales, Scotland

 Law In Force

9.—

(1) Section 15 (modification following report) is amended as follows.

(2) In subsection (1) (duty of Regulator to modify)—

- (a) for “Where” substitute “This section applies where”, and
- (b) omit the words following paragraph (d).

(3) After that subsection insert—

“(1A) Where the report is made to the Regulator he shall, subject to the following provisions of this section and to section 15A below, make such modifications of the conditions of the licence as appear to him requisite for the purpose of remedying or preventing the adverse effects specified in the report.

(1B) Where the report is made to the Authority it shall, subject to the following provisions of this section and to section 15A below, require the Regulator to make such modifications of the conditions of the licence as appear to it requisite for the purpose of remedying or preventing the adverse effects specified in the report.”

(4) In subsection (2) (Regulator to have regard to modifications specified in report)—

- (a) after “making” insert “, or requiring the making of,” and
- (b) [...]¹

(5) In subsection (3) (notice by Regulator), for “this section” substitute “subsection (1A) above”.

(6)-(8) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 9(1)-(8): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 9(1)-(8): England, Wales, Scotland

 Repealed

10. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Enforcement

✓ Law In Force

11.—

(1) Section 55 (orders for securing compliance) is amended as follows.

(2) After subsection (5) insert—

“(5ZA) The Authority shall not make a final order, or make or confirm a provisional order, in relation to a licence holder or person under closure restrictions unless—

- (a) it has given notice to the Regulator specifying a period within which he may give notice to it if he considers that the most appropriate way of proceeding is under the Competition Act 1998;
- (b) that period has expired; and
- (c) the Regulator has not given notice to the Authority within that period that he so considers (or, if he has, he has withdrawn it).”

(3) [...]¹

(4) In subsection (11), for “(5A)” substitute “(5ZA)”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 11(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 11(1)-(4): England, Wales, Scotland

✓ Law In Force

12.

In section 56 (procedural requirements), after subsection (2) insert—

“(2A) Where the Regulator serves a copy of a notice under subsection (1) above on a licence holder, he shall also serve a copy on the Authority; and where the Authority so serves a copy of such a notice, it shall also serve a copy on the Regulator.”

Commencement

Sch. 17(I) para. 12: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 12: England, Wales, Scotland

Investigation

 Repealed

13. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

14. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Registers

 Law In Force

15.

In section 72(2)(a) (matters about licences to be entered in register maintained by Regulator)—

- (a) in sub-paragraph (iii) (modifications and revocations of licences), insert at the end “and every requirement to modify conditions of a licence imposed on the Regulator by the Authority”,
- (b) in sub-paragraph (iv) (revocation of licence exemptions), insert at the end “and every requirement to revoke a licence exemption imposed on the Regulator by the Authority”,
- (c) in sub-paragraph (vii) (enforcement orders etc.), for “which relates” substitute “made by the Regulator in relation”, and
- (d) after that sub-paragraph insert—

“(viii) every scheme made by the Secretary of State under section 7A(4) above or paragraph 2 of Schedule 28 to the Transport Act 2000;”.

Commencement

Sch. 17(I) para. 15(a)-(d): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 15(a)-(d): England, Wales, Scotland

 Law In Force

16.

In section 73(2) (matters which Authority is to enter in register maintained by it)—

(a) in paragraph (e) (provisions of enforcement orders etc.), for “which relates to” substitute “made by the Authority in relation to a licence or”, and

(b) [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(I) para. 16(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(I) para. 16(a)-(b): England, Wales, Scotland

PART II**OTHER FUNCTIONS***Introductory*

 Law In Force

17.

The Railways Act 1993 has effect subject to the following further amendments.

Commencement

Sch. 17(II) para. 17: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(II) para. 17: England, Wales, Scotland

Rail users' consultative committees

 Repealed

18.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

19. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Law In Force

20.—

(1) Section 76 (general duties of Central Committee) is amended as follows.

(2) [...]¹

(3) In subsection (5), for the words from “refer the matter” to the end substitute “, unless representations about the matter have been made to the Authority by the Rail Passengers' Council, refer it to the Authority with a view to the Authority exercising such of its powers as it considers appropriate in the circumstances of the case.”

(4) After that subsection insert—

“(5A) But if the Authority considers that it would be more appropriate for a matter referred to it by the Rail Passengers' Council to be considered by the Regulator, the Authority shall refer it to him, with a view to his exercising such of his powers as he considers appropriate in the circumstances of the case.”

(5) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 17(II) para. 20(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(II) para. 20(1)-(5): England, Wales, Scotland

 Repealed

21.— [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

22. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

23.— [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

24.— [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Closures

 Repealed

25.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

26. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

27.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Code for protection of disabled rail users

 Law In Force

28.—

(1) After section 71A insert—

“71B.— Code of practice for protection of interests of rail users who are disabled.

(1) The Authority shall—

- (a) prepare and from time to time revise, and
 - (b) publish and otherwise promote the adoption and implementation of,
- a code of practice for protecting the interests of users of railway passenger services or station services who are disabled

(2) In preparing or revising the code of practice, the Authority shall consult the Disabled Persons Transport Advisory Committee established under section 125 of the Transport Act 1985.”

(2) Omit section 70 (existing obligation of Regulator in relation to code).

Commencement

Sch. 17(II) para. 28(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 17(II) para. 28(1)-(2): England, Wales, Scotland

Annual reports

 Repealed

29.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Penalty fares

 Repealed

30. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

PART III**ASSOCIATED PROPERTY, RIGHTS AND LIABILITIES***Transfer schemes*

 Repealed

31.— [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

Contents of transfer scheme

 Repealed

32.— [...] ¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

 Repealed

33. [...] ¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

 Repealed

34. [...] ¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

 Repealed

35. [...] ¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

Effect of transfer scheme

 Repealed

36. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

 Repealed

37. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

 Repealed

38. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

 Repealed

39. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

 Repealed

40. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

Transfer of employees

 Repealed

41.— [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

Modification of transfer scheme

 Repealed

42.— [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

Provision of information to Secretary of State

 Repealed

43. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

Consultation

 Repealed

44. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.3)
-

SCHEDULE 18**TRANSFER TO SRA OF BR'S FUNCTIONS RELATING TO TRANSPORT POLICE****Section 217****PART I****FUNCTIONS**

British Transport Commission Act 1949 (c.xxix)

 Repealed

1. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

2.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

3.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

British Transport Commission Act 1962 (c.xlii)

 Law In Force

4.—

(1) Section 43 of the British Transport Commission Act 1962 (constables) is amended as follows.

(2) Omit subsection (1).

(3) In subsection (2), for “the said section 53” substitute “section 53 (constables) of the Act of 1949”.

Commencement

Sch. 18(I) para. 4(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 18(I) para. 4(1)-(3): England, Wales, Scotland

Police and Criminal Evidence Act 1984 (c.60)

✓ Law In Force

5.

In section 6 of the Police and Criminal Evidence Act 1984 (stop and search powers: statutory undertakers etc.), in subsection (1A) (transport police), for “by the British Railways Board” substitute “by the Strategic Rail Authority”.

Commencement

Sch. 18(I) para. 5: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 18(I) para. 5: England, Wales, Scotland

Channel Tunnel Act 1987 (c. 53)

✓ Law In Force

6.—

(1) Section 14 of the Channel Tunnel Act 1987 (arrangements for policing of tunnel system) is amended as follows.

(2) [...]¹

(3) In subsection (5) (payments by Kent police authority)—

(a) [...]¹

(b) for “Board” substitute “Authority”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 18(I) para. 6(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 18(I) para. 6(1)-(3)(b): England, Wales, Scotland

Railways Act 1993 (c.43)

 Repealed

7. [...]¹**Notes**

¹ Repealed by Railways and Transport Safety Act 2003 c. 20 Sch.8 para.1 (July 1, 2004 as SI 2004/1572)

 Repealed

8. [...]¹**Notes**

¹ Repealed by Railways and Transport Safety Act 2003 c. 20 Sch.8 para.1 (July 1, 2004 as SI 2004/1572)

 Repealed

9. [...]¹**Notes**

¹ Repealed by Railways and Transport Safety Act 2003 c. 20 Sch.8 para.1 (July 1, 2004 as SI 2004/1572)

 Repealed

10. [...]¹**Notes**

¹ Repealed by Railways and Transport Safety Act 2003 c. 20 Sch.8 para.1 (July 1, 2004 as SI 2004/1572)

PART II

ASSOCIATED PROPERTY, RIGHTS AND LIABILITIES

 Repealed

11. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

12. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

13. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

14. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

15. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

16. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

17. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

SCHEDULE 19

TRANSFER TO SRA OF BR's PROPERTY ETC

Section 218

Transfer schemes

 Repealed

1.— [...]¹

Notes

¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

Contents of transfer scheme

 Repealed

2.— [...]¹

Notes

¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

 Repealed

3. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

4. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

5. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Functions under legislation

 Repealed

6.— [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Effect of transfer scheme

 Repealed

7. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

8. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

9. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

10. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

11. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Transfer of employees

 Repealed

12. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Foreign property, rights and liabilities

 Repealed

13.— [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Modification of transfer scheme

 Repealed

14.— [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Provision of information to Secretary of State

 Repealed

15. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Consultation

 Repealed

16. [...]¹**Notes**

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

SCHEDULE 20**SRA BYE-LAWS****Section 219***Introductory*

 Repealed

1. [...]¹**Notes**

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

Penalties

 Repealed

2. [...]¹**Notes**

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

Confirmation

 Repealed

3. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

4.— [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

5.— [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

6.— [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Evidence

 Repealed

7. [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Varying and revoking

 Repealed

8. [...]¹**Notes**

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

Stations

 Repealed

9. [...]¹**Notes**

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

 Repealed

10. [...]¹**Notes**

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005: repeal has effect subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

SCHEDULE 21**TRANSFER SCHEMES BY SRA****Section 220***Transfers from Authority and its subsidiaries*

 Repealed

1.— [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Transfers of franchise assets

 Repealed

2.— [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Contents of transfer scheme

 Repealed

3.— [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

4. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

5. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

6. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Functions under legislation

 Repealed

7.— [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Effect of transfer scheme

 Repealed

8. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

9. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

10. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

11. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

 Repealed

12. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Transfer of employees

 Repealed

13. [...]¹

Notes

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)
-

Provision of information to Authority

 Repealed

14.— [...]¹**Notes**

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

Modification of transfer scheme

 Repealed

15.— [...]¹**Notes**

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

Interpretation

 Repealed

16. [...]¹**Notes**

- ¹ Repealed subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4 by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006: repeal has effect as SI 2006/2911 subject to saving specified in 2005 c.14 Sch.13 Part 2 para.4)

SCHEDULE 22**RENAMING OF RAIL USERS' CONSULTATIVE COMMITTEES****Section 227**

PART I

AMENDMENTS OF RAILWAYS ACT 1993

 Law In Force

1.

The Railways Act 1993 has effect subject to the following amendments.

Commencement

Sch. 22(I) para. 1: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 22(I) para. 1: England, Wales, Scotland

 Repealed

2.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

3.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

4.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

5. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

6. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

7. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

8.— [...]¹

Notes

¹ Repealed by Passengers' Council (Non-Railway Functions) Order 2010/439 Sch.1(1) para.8(3) (February 25, 2010)

 Repealed

9.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

10.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

11.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

12.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

13.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

14. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

PART II

AMENDMENTS OF OTHER ENACTMENTS

Transport Act 1962 (c.46)

 Law In Force

15.—

(1) Section 56 of the Transport Act 1962 (functions of Central Committee and consultative committees) is amended as follows.

(2) In subsection (4)—

- (a) for the words from “duty” to “consider” substitute “duty of the Rail Passengers' Council and each Rail Passengers' Committee to consider”,
- (b) for “the committee” (in each place) substitute “the Rail Passengers' Council or Rail Passengers' Committee”,
- (c)-(e) [...]¹

(3) [...]¹

(4) In subsection (6ZA)—

(a) [...]¹

(b) for “that committee and the Central Committee” substitute “that Rail Passengers' Committee and the Rail Passengers' Council”.

(5)-(6) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 22(II) para. 15(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 22(II) para. 15(1)-(6): England, Wales, Scotland

Parliamentary Commissioner Act 1967 (c.13)

 Law In Force

16.

In Schedule 2 to the Parliamentary Commissioner Act 1967 (which lists the bodies subject to the jurisdiction of the Parliamentary Commissioner), insert (at the appropriate places in alphabetical order)—

“Rail Passengers' Committees.
Rail Passengers' Council.”

Commencement

Sch. 22(II) para. 16: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 22(II) para. 16: England, Wales, Scotland

Transport Act 1968 (c.73)

 Law In Force

17.

In section 55(1) of the Transport Act 1968 (exclusion of Waterways Board), for “the Central Committee and the consultative committees, within the meaning of that section,” substitute “the Rail Passengers' Council and the Rail Passengers' Committees”.

Commencement

Sch. 22(II) para. 17: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 22(II) para. 17: England, Wales, Scotland

Chronically Sick and Disabled Persons Act 1970 (c.44)

 Repealed

18. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

House of Commons Disqualification Act 1975 (c.24)

 Law In Force

19.

In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), insert (at the appropriate places in alphabetical order)—

“Member of a Rail Passengers' Committee in receipt of remuneration.

“Member of the Rail Passengers' Council in receipt of remuneration.”

Commencement

Sch. 22(II) para. 19: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 22(II) para. 19: England, Wales, Scotland

Channel Tunnel Act 1987 (c.53)

 Repealed

20. [...]¹

Notes

¹ Repealed by Passengers' Council (Non-Railway Functions) Order 2010/439 Sch.1(1) para.8(3) (February 25, 2010)

Greater London Authority Act 1999 (c.29)

 Law In Force

21.

The Greater London Authority Act 1999 has effect subject to the following amendments.

Commencement

Sch. 22(II) para. 21: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 22(II) para. 21: England, Wales, Scotland

 Repealed

22. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Law In Force

23.

In section 252 (London Transport Users' Committee as Rail Users' Consultative Committee)—

(a) [...] ¹

(b) in the sidenote, for “rail users' consultative committee” substitute “Rail Passengers' Committee”.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 22(II) para. 23(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 22(II) para. 23(a)-(b): England, Wales, Scotland

 Repealed

24. [...]¹

Notes

¹ Repealed by Passengers' Council (Non-Railway Functions) Order 2010/439 Sch.1(1) para.8(3) (February 25, 2010)

SCHEDULE 23

FINANCES AND PROCEDURES OF RAIL USERS' CONSULTATIVE COMMITTEES

Section 229

Introductory

 Repealed

1. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Remuneration of members

 Repealed

2.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

3.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Financial duties

 Repealed

4.— [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

5.— [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Procedures

 Repealed

6. [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

7. [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Sub-committees and committees

 Repealed

8. [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

 Repealed

9. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Public records

 Law In Force

10.

In the First Schedule to the Public Records Act 1958 (definition of public records), in Part II of the Table at the end of paragraph 3, insert (at the appropriate place in alphabetical order)—

“Rail Passengers' Committees.
Rail Passengers' Council.”

Commencement

Sch. 23 para. 10: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 23 para. 10: England, Wales, Scotland

SCHEDULE 24

REVIEW OF ACCESS CHARGES BY REGULATOR

Section 231

 Law In Force

The Schedule to be inserted after Schedule 4 to the Railways Act 1993 is as follows—

“SCHEDULE 4A**REVIEW OF ACCESS CHARGES BY REGULATOR**

Introductory

1.—

(1) For the purposes of this Schedule an access charges review is a review by the Regulator of the terms of an access agreement, or of the terms of an access agreement and the conditions of any linked licence, as to—

- (a) the amounts payable under the access agreement by one of the parties to the other; and
- (b) the times at which, and manner in which, those amounts are payable.

(2) In this Schedule “linked licence”, in relation to an access agreement, means a licence of which the holder is—

- (a) the facility owner, or installation owner, who is a party to the access agreement; or
- (b) any other person who has an estate or interest in, or right over, the railway facility or network installation to which the access agreement relates.

Main provisions

2.—

(1) The procedure for the implementation of an access charges review shall be as provided for by paragraphs 4 to 16 of this Schedule.

(2) And any procedure relating to the implementation of an access charges review for which the access agreement or any linked licence makes provision shall not apply.

3.

An access charges review may include a consideration of—

- (a) the time at which the next access charges review in relation to the access agreement may be undertaken; and
- (b) circumstances in which an access charges review in relation to the access agreement may be undertaken before that time.

Review notice

4.—

(1) The implementation of an access charges review shall be initiated by the Regulator giving notice (a “review notice”)—

- (a) stating his conclusions on the access charges review and the reasons why he reached those conclusions;
 - (b) specifying the relevant changes which he proposes to make for or in connection with giving effect to those conclusions;
 - (c) stating, in relation to each of the proposed relevant changes, the date on which he proposes that it should come into operation; and
 - (d) specifying the period (not being less than six weeks from the date of publication of the notice) within which objections with respect to any of the proposed relevant changes, or the date on which it is proposed that it should come into operation, may be made by a person within sub-paragraph (4)(a) or (b) below.
- (2) In this Schedule “relevant changes”, in relation to an access agreement, means—
- (a) amendments of the access agreement;
 - (b) modifications of the conditions of any linked licence; or
 - (c) both such amendments and such modifications;
- and references to the making of relevant changes are, in the case of amendments of the access agreement, references to directing the parties to the access agreement to make the amendments to the access agreement.
- (3) The review notice shall be given—
- (a) by publishing it in such manner as the Regulator considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by the proposed relevant changes; and
 - (b) by serving a copy on the persons specified in sub-paragraph (4) below.
- (4) The persons referred to in sub-paragraph (3)(b) above are—
- (a) the facility owner, or installation owner, who is a party to the access agreement;
 - (b) any other person who has an estate or interest in, or right over, the railway facility or network installation to which the access agreement relates and who the Regulator considers ought to be given a copy; and
 - (c) the beneficiary.
- (5) In this Schedule “the beneficiary” —
- (a) in relation to an access contract, has the meaning given by section 17(7) of this Act; and
 - (b) in relation to an installation access contract, has the meaning given by section 19(10) of this Act.

Notice of agreement

5.—

- (1) If no objections are duly made by a person within paragraph 4(4)(a) or (b) above (or any that are so made are withdrawn), the Regulator shall give notice (a “notice of agreement”) stating that fact.
- (2) The notice of agreement shall be given—

- (a) by publishing it in such manner as the Regulator considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by the proposed relevant changes; and
- (b) by serving a copy on the beneficiary.

Termination notice

6.—

- (1) After a copy of a notice of agreement is served on the beneficiary, he may give notice (a “termination notice”) terminating the access agreement.
- (2) The termination notice shall specify the date on which the access agreement is to terminate.
- (3) The termination notice shall be given by serving a copy on—
 - (a) the facility owner or installation owner;
 - (b) any other person who has an estate or interest in, or right over, the railway facility or network installation and who received a copy of the review notice; and
 - (c) the Regulator.
- (4) The date specified by the termination notice as that on which the access agreement is to terminate shall be neither—
 - (a) less than six months, nor
 - (b) more than one year,after the copy of the termination notice is served on the facility owner or installation owner.
- (5) The termination notice may not be given after the end of the period of 28 days beginning with the day on which the copy of the notice of agreement is served on the beneficiary.

Review implementation notice

7.—

- (1) After a copy of a notice of agreement is served on the beneficiary and the time within which a termination notice may be given by him has expired—
 - (a) if he has not given a termination notice (or has withdrawn any notice which he has given), the Regulator shall (unless he acts under paragraph 8(2) below) give a review implementation notice; or
 - (b) if he has given (and not withdrawn) a termination notice, the Regulator may give such a notice.
- (2) A review implementation notice is a notice stating that the Regulator's conclusions on the access charges review are to be implemented as proposed in the review notice.
- (3) The review implementation notice shall—
 - (a) specify the relevant changes which the Regulator is making; and
 - (b) state, in relation to each of the relevant changes, the date on which it comes into operation.

- (4) The review implementation notice shall be given—
- (a) by publishing it in such manner as the Regulator considers appropriate for the purpose of bringing it to the attention of persons likely to be affected by the relevant changes; and
 - (b) by serving a copy on the persons on whom a copy of the review notice was served, the Authority and the Health and Safety Executive.

New review notice or Competition Commission reference

8.—

- (1) This paragraph applies if—
- (a) objections are duly made by a person within paragraph 4(4)(a) or (b) above (and not withdrawn); or
 - (b) although no objections are duly made by a person within paragraph 4(4)(a) or (b) above (or any that are so made are withdrawn), relevant objections are duly made (and not withdrawn) in relation to a similar review notice relating to another access agreement.
- (2) The Regulator may—
- (a) give a new review notice under paragraph 4 above; or
 - (b) make a reference to the Competition Commission under paragraph 9 below.
- (3) For the purposes of sub-paragraph (1) above—
- (a) “relevant objections”, in relation to another access agreement, means objections by a person who is within paragraph 4(4)(a) or (b) above in relation to that other access agreement; and
 - (b) one review notice is similar to another if they make provision which, in the opinion of the Regulator, is to broadly the same effect.
- (4) Before acting under sub-paragraph (1) above, the Regulator shall consider the objections referred to in that sub-paragraph.
- (5) If the Regulator gives a new review notice under paragraph 4 above by virtue of sub-paragraph (2)(a) above, the references in that paragraph and paragraph 7(2) above to his conclusions on the access charges review shall be read in relation to the new notice as references to those conclusions as modified since the previous review notice (in particular as the result of any objections or representations made in relation to it).

Reference to Competition Commission

9.—

- (1) A reference to the Competition Commission under this paragraph shall be so framed as to require them to investigate and report on the questions specified in sub-paragraph (2) below.
- (2) Those questions are—

- (a) whether the matters considered on the access charges review which are specified in the reference operate, or may be expected to operate, against the public interest; and
 - (b) if so, whether the effects adverse to the public interest which those matters have or may be expected to have could be remedied or prevented by the making of relevant changes.
- (3) The Regulator may, at any time, by notice given to the Competition Commission vary a reference under this paragraph—
 - (a) by adding to the matters specified in the reference; or
 - (b) by excluding from the reference some or all of the matters so specified.
- (4) On receipt of such a notice the Competition Commission shall give effect to the variation.
- (5) The Regulator may specify in a reference under this paragraph, or a variation of such a reference, for the purpose of assisting the Competition Commission in carrying out the investigation on the reference—
 - (a) any effects adverse to the public interest which, in his opinion, the matters specified in the reference or variation have or may be expected to have; and
 - (b) any relevant changes by which, in his opinion, those effects could be remedied or prevented.
- (6) As soon as practicable after making a reference under this paragraph, or a variation of such a reference, the Regulator—
 - (a) shall serve a copy of the reference or variation on the persons on whom a copy of the review notice was served; and
 - (b) shall publish particulars of the reference or variation in such manner as he considers appropriate for the purpose of bringing the reference or variation to the attention of persons likely to be affected by it.
- (7) For the purpose of assisting the Competition Commission in carrying out an investigation on a reference under this paragraph, the Regulator shall give to the Competition Commission any information in his possession which relates to matters falling within the scope of the investigation and—
 - (a) is requested by the Competition Commission for that purpose; or
 - (b) is information which, in his opinion, it would be appropriate for that purpose to give to the Competition Commission without any such request;
 and any other assistance which the Competition Commission may require, and which it is within his power to give, in relation to any such matters.
- (8) For the purpose of carrying out such an investigation, the Competition Commission shall take account of any information given to them for that purpose under sub-paragraph (7) above.
- (9) In determining for the purposes of this paragraph whether any particular matter operates, or may be expected to operate, against the public interest, the Competition Commission shall have regard to the matters as respects which duties are imposed on the Regulator by section 4 of this Act.

10.—

(1) The provisions mentioned in sub-paragraph (2) below are to apply in relation to references under paragraph 9 above as if—

- (a) the functions of the Competition Commission in relation to those references were functions under the 1973 Act;
- (b) the expression “merger reference” included a reference under that paragraph; and
- (c) in section 70 of the 1973 Act references to the Secretary of State were references to the Regulator and the reference to three months were a reference to six months.

(2) The provisions are—

- (a) sections 70 (time limit for report on merger), 85 (attendance of witnesses and production of documents) and 93B (false or misleading information) of the 1973 Act;
- (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission's general functions); and
- (c) section 24 of the 1980 Act (modification of provisions about performance of such functions).

Report on reference**11.—**

(1) In making a report on a reference under paragraph 9 above, the Competition Commission shall include in the report—

- (a) definite conclusions on the questions comprised in the reference; and
- (b) such an account of their reasons for those conclusions as in their opinion is expedient for facilitating a proper understanding of those questions and of their conclusions.

(2) Where they conclude that any of the matters specified in the reference operate, or may be expected to operate, against the public interest, they shall specify in the report the effects adverse to the public interest which those matters have or may be expected to have.

(3) Where they conclude that any adverse effects so specified could be remedied or prevented by the making of relevant changes, they shall in the report—

- (a) specify the relevant changes by which those effects could be remedied or prevented; and
- (b) state, in relation to each of the relevant changes, the date on which it should come into operation.

(4) A date stated in the report as that on which a relevant change should come into operation may be a date before the report is made, provided that it is not before the earliest date specified in the review notice for the coming into operation of a relevant change proposed in it.

(5) Section 82 of the 1973 Act (general provisions as to reports) shall apply in relation to reports of the Competition Commission on references under paragraph 9 above as it applies to reports of the Competition Commission under that Act.

- (6) A report of the Competition Commission on a reference under paragraph 9 above shall be made to the Regulator.
- (7) The Regulator shall, on receiving such a report, send a copy of it to the Secretary of State and the Authority.
- (8) Not less than 14 days after that copy is received by the Secretary of State, the Regulator shall send a copy to each of the persons on whom a copy of the review notice was served.
- (9) Not less than 24 hours after complying with sub-paragraph (8) above, the Regulator shall publish the report in such manner as he considers appropriate for bringing the report to the attention of persons likely to be affected by it.
- (10) If it appears to the Secretary of State that the publication of any matter in the report would be against the public interest or the commercial interests of any person, he may, before the end of the period of 14 days after he receives his copy of the report, direct the Regulator to exclude that matter from—
- (a) every copy of the report sent under sub-paragraph (8) above, and
 - (b) the version of the report published under sub-paragraph (9) above.

Changes following report

12.—

- (1) Where a report of the Competition Commission on a reference under paragraph 9 above—
- (a) includes conclusions to the effect that any of the matters specified in the reference operate, or may be expected to operate, against the public interest,
 - (b) specifies effects adverse to the public interest which those matters have or may be expected to have,
 - (c) includes conclusions to the effect that those effects could be remedied or prevented by the making of relevant changes, and
 - (d) specifies relevant changes by which those effects could be remedied or prevented,
- the Regulator shall, subject to the following provisions of this paragraph and paragraph 13 below, make such relevant changes as appear to him requisite for the purpose of remedying or preventing the adverse effects specified in the report.
- (2) Before making relevant changes under this paragraph, the Regulator shall have regard to the relevant changes specified in the report.
- (3) Before making relevant changes under this paragraph, the Regulator shall give notice—
- (a) stating that he proposes to make the relevant changes and setting out their effect,
 - (b) stating the reasons why he proposes to make the relevant changes,
 - (c) stating, in relation to each of the proposed relevant changes, the date on which he proposes that it should come into operation, and
 - (d) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections with respect to the proposed relevant changes may be made,
- and shall consider any representations or objections which are duly made and not withdrawn.
- (4) A notice under sub-paragraph (3) above shall be given—

- (a) by publishing the notice in such manner as the Regulator considers appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the making of the relevant changes; and
 - (b) by serving a copy of the notice on the persons on whom a copy of the review notice was served.
- (5) Where (after considering any representations or objections which are duly made and not withdrawn) the Regulator proposes to make relevant changes under this paragraph, he shall give notice to the Competition Commission—
 - (a) setting out the relevant changes he proposes to make;
 - (b) stating the reasons why he proposes to make the relevant changes; and
 - (c) stating, in relation to each of the proposed relevant changes, the date on which he proposes that it should come into operation.
- (6) The Regulator shall include with the notice under sub-paragraph (5) above a copy of any representations and objections which have been considered.
- (7) A date stated in a notice under sub-paragraph (3) or (5) above as that on which a relevant change should come into operation may be a date before the notice is given, provided that it is not before the earliest date specified in the review notice for the coming into operation of a relevant change proposed in it.
- (8) If the period within which a direction may be given by the Competition Commission under paragraph 13 below expires without such a direction being given, the Regulator shall make the relevant changes set out in the notice under sub-paragraph (5) above.
- (9) If a direction is given by the Competition Commission under paragraph 13(1)(b) below, the Regulator shall make such of those relevant changes as are not specified in the direction.
- (10) As soon as practicable after making relevant changes under this paragraph, the Regulator shall send a copy of the relevant changes to the Authority and the Health and Safety Executive.

Competition Commission's power to veto changes

13.—

- (1) The Competition Commission may, within the period of four weeks beginning with the day on which they are given notice under paragraph 12(5) above, give a direction to the Regulator—
 - (a) not to make the relevant changes set out in the notice; or
 - (b) not to make such of those relevant changes as are specified in the direction.
- (2) The Secretary of State may, if an application is made to him by the Competition Commission within that period of four weeks, extend the period within which a direction may be given under this paragraph to one of six weeks beginning with the day on which the Competition Commission are given notice under paragraph 12(5) above.
- (3) The Competition Commission may give a direction under this paragraph only if the relevant changes to which it relates do not appear to them requisite for the purpose of

remedying or preventing the adverse effects specified in their report on the reference under paragraph 9 above.

(4) If the Competition Commission give a direction under this paragraph, they shall give notice—

- (a) setting out the relevant changes contained in the notice given under paragraph 12(5) above;
- (b) setting out the direction; and
- (c) stating the reasons why they are giving the direction.

(5) A notice under sub-paragraph (4) above shall be given—

- (a) by publishing the notice in such manner as the Competition Commission consider appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the direction; and
- (b) by serving a copy of the notice on the persons on whom a copy of the review notice was served.

Making of changes by Competition Commission

14.—

(1) If the Competition Commission give a direction under paragraph 13 above, they shall themselves make such relevant changes as appear to them requisite for the purpose of remedying or preventing—

- (a) the adverse effects specified in their report on the reference under paragraph 9 above; or
- (b) such of those adverse effects as would not be remedied or prevented by the relevant changes made by the Regulator under paragraph 12(9) above.

(2) In exercising the function conferred by sub-paragraph (1) above, the Competition Commission shall have regard to the matters as respects which duties are imposed on the Regulator by section 4 of this Act.

(3) Before making relevant changes under this paragraph, the Competition Commission shall give notice—

- (a) stating that they propose to make the relevant changes and setting out their effect,
- (b) stating the reasons why they propose to make the relevant changes,
- (c) stating, in relation to each of the proposed relevant changes, the date on which they propose that it should come into operation, and
- (d) specifying the period (not being less than 28 days from the date of publication of the notice) within which representations or objections may be made,

and shall consider any representations or objections which are duly made and not withdrawn.

(4) A date stated in a notice under sub-paragraph (3) above as that on which a relevant change should come into operation may be a date before the notice is given, provided that it is not before the earliest date specified in the review notice for the coming into operation of a relevant change proposed in it.

(5) A notice under sub-paragraph (3) above shall be given—

- (a) by publishing the notice in such manner as the Competition Commission consider appropriate for the purpose of bringing the matters to which the notice relates to the attention of persons likely to be affected by the making of the relevant changes; and
- (b) by serving a copy of the notice on the persons on whom a copy of the review notice was served.

(5) As soon as practicable after making any relevant changes under this paragraph, the Competition Commission shall send a copy of those relevant changes to the Regulator, the Authority and the Health and Safety Executive.

Paragraphs 13 and 14: supplementary

15.—

(1) The provisions mentioned in sub-paragraph (2) below are to apply in relation to the exercise by the Competition Commission of their functions under paragraphs 13 and 14 above as if—

- (a) in section 82(1) and (2) of the 1973 Act references to a report of the Competition Commission under that Act were references to a notice under paragraph 13(4) or 14(3) above;
- (b) in section 85 of that Act references to an investigation on a reference made to the Competition Commission were references to an investigation by the Competition Commission for the purposes of the exercise of their functions under those paragraphs; and
- (c) in section 93B of that Act references to the functions of the Competition Commission under that Act were references to their functions under those paragraphs.

(2) The provisions are—

- (a) sections 82(1) and (2) (general provisions as to reports), 85 (attendance of witnesses and production of documents) and 93B (false or misleading information) of the 1973 Act;
- (b) Part II of Schedule 7 to the Competition Act 1998 (performance of the Competition Commission's general functions); and
- (c) section 24 of the 1980 Act (modification of provisions about performance of such functions).

(3) For the purpose of assisting the Competition Commission in exercising their functions under paragraphs 13 and 14 above, the Regulator shall give to the Competition Commission any information in his possession which relates to matters relevant to the exercise of those functions and—

- (a) is requested by the Competition Commission for that purpose; or
- (b) is information which, in his opinion, it would be appropriate for that purpose to give to the Competition Commission without any such request;

and any other assistance which the Competition Commission may require, and which it is within his power to give, in relation to any such matters.

(4) For the purpose of exercising those functions, the Competition Commission shall take account of any information given to them for that purpose under sub-paragraph (3) above.

Termination notice in response to proposals after reference

16.—

- (1) Where a notice is served on the beneficiary under paragraph 12(3) or 14(3) above, he may give notice (a “post-reference termination notice”) terminating the access agreement.
- (2) The post-reference termination notice shall specify the date on which the access agreement is to terminate.
- (3) The post-reference termination notice shall be given by serving a copy on—
- (a) the facility owner or installation owner;
 - (b) any other person who has an estate or interest in, or right over, the railway facility or network installation and who received a copy of the review notice; and
 - (c) the Regulator.
- (4) The date specified by the post-reference termination notice as that on which the access agreement is to terminate shall be neither—
- (a) less than six months, nor
 - (b) more than one year,
- after the copy of the post-reference termination notice is served on the facility owner or installation owner.
- (5) The post-reference termination notice may not be given after the end of the period of 28 days beginning with the day on which the copy of the notice under paragraph 12(3) or 14(3) above is served on the beneficiary.”

Commencement

Sch. 24 para. 1: November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Sch. 24 para. 1: England, Wales, Scotland

SCHEDULE 25**TRANSFER OF BR'S PROPERTY ETC. TO SECRETARY OF STATE****Section 240***Transfer schemes*

✓ Law In Force

1.—

(1) The Secretary of State may make one or more schemes for the transfer to him of any property, rights and liabilities of the Board, other than the property, rights and liabilities relating to the transport police transferred under Schedule 18.

(2) In this Schedule “transfer scheme” means a scheme under this paragraph.

Commencement

Sch. 25 para. 1(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 1(1)-(2): England, Wales, Scotland

Contents of transfer scheme

✓ Law In Force

2.—

(1) The property, rights and liabilities which may be transferred by a transfer scheme include property, rights and liabilities that would not otherwise be capable of being transferred or assigned.

(2) The transfers authorised by sub-paragraph (1) include transfers which are to take effect as if there were no such contravention, liability or interference with any interest or right as there would otherwise be by reason of any provision having effect (whether under any enactment or agreement or otherwise) in relation to the terms on which the transferor is entitled to the property or right, or subject to the liability, in question.

Commencement

Sch. 25 para. 2(1)-(2): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 2(1)-(2): England, Wales, Scotland

✓ Law In Force

3.

A transfer scheme may define the property, rights and liabilities to be transferred to the Secretary of State by specifying them or describing them or by referring to all (or all except anything specified or described) of the property, rights and liabilities comprised in a specified part of the undertaking of the Board (or partly in one way and partly in the other).

Commencement

Sch. 25 para. 3: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 3: England, Wales, Scotland

✓ Law In Force

4.

A transfer scheme may contain provision—

- (a) for the creation, in relation to property which the scheme transfers, of an interest in or right over the property in favour of the Board,
- (b) for the creation in favour of the Secretary of State of an interest in or right over, property retained by the Board,
- (c) for the creation of rights and liabilities as between the Secretary of State and the Board, or
- (d) for any rights or liabilities specified or described in the scheme to be, or to be to any extent, enforceable by or against the Secretary of State.

Commencement

Sch. 25 para. 4(a)-(d): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 4(a)-(d): England, Wales, Scotland

✓ Law In Force

5.

A transfer scheme may make such supplementary, incidental and consequential provision as the Secretary of State considers appropriate.

Commencement

Sch. 25 para. 5: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 5: England, Wales, Scotland

Functions under legislation

✓ Law In Force

6.—

(1) A transfer scheme may provide that any functions of the Board under a statutory provision shall be transferred to the Secretary of State.

(2) Sub-paragraph (1) applies in relation to any function under a statutory provision if and to the extent that the statutory provision—

- (a) relates to any property which is to be transferred by the scheme, or
- (b) authorises the carrying out of works designed to be used in connection with any such property or the acquisition of land for the purpose of carrying out any such works.

(3) In this paragraph “statutory provision” means a provision whether of a general or of a special nature contained in, or in any document made or issued under, any Act (whether of a general or a special nature) other than the Railways Act 1993 or this Part.

Commencement

Sch. 25 para. 6(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 6(1)-(3): England, Wales, Scotland

Effect of transfer scheme

✓ Law In Force

7.

On the date appointed by a transfer scheme, the property, rights and liabilities which are the subject of the scheme shall, by virtue of this paragraph, be transferred in accordance with the provisions of the scheme.

Commencement

Sch. 25 para. 7: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 7: England, Wales, Scotland

✓ Law In Force

8.

Nothing in this Act affects the validity of anything done by or in relation to the Board in connection with anything transferred by a transfer scheme.

Commencement

Sch. 25 para. 8: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 8: England, Wales, Scotland

✓ Law In Force

9.

There may be continued by or in relation to the Secretary of State anything (including legal proceedings) relating to anything transferred by a transfer scheme which is in the process of being done by or in relation to the Board immediately before it is transferred.

Commencement

Sch. 25 para. 9: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 9: England, Wales, Scotland

✓ Law In Force

10.

Anything done by the Board for the purpose of or in connection with anything transferred by a transfer scheme which is in effect immediately before it is transferred shall be treated as if done by the Secretary of State.

Commencement

Sch. 25 para. 10: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 10: England, Wales, Scotland

✓ Law In Force

11.

The Secretary of State shall be substituted for the Board in documents and legal proceedings relating to anything transferred by a transfer scheme.

Commencement

Sch. 25 para. 11: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 11: England, Wales, Scotland

Transfer of employees

✓ Law In Force

12.

Where a person employed by the Board becomes employed in the civil service of the state by virtue of a transfer scheme—

- (a) for the purposes of Part XI of the Employment Rights Act 1996, he shall not be regarded as having been dismissed by virtue of the transfer, and
- (b) for the purposes of that Act, his period of employment with the Board counts as a period of employment in the civil service of the state and the change of employment does not break the continuity of the period of employment.

Commencement

Sch. 25 para. 12(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 12(a)-(b): England, Wales, Scotland

[Duties in relation to foreign property]¹

Notes

¹ Added by Railways Act 2005 c. 14 Sch.12 para.17(8) (July 24, 2005)

✓ Law In Force

[12A

- (1) Where there is a transfer in accordance with a transfer scheme of—
- (a) foreign property, or
 - (b) a foreign right or liability,

the Board and the Secretary of State must take all requisite steps to secure that the vesting of the foreign property, right or liability in the Secretary of State by this Act is effective under the relevant foreign law.

(2) Until the vesting of the foreign property, right or liability in the Secretary of State in accordance with the transfer scheme is effective under the relevant foreign law, the Board must—

- (a) hold the property or right for the benefit of the Secretary of State; or
- (b) discharge the liability on behalf of the Secretary of State.

(3) Nothing in sub-paragraph (1) or (2) prejudices the effect under the law of a part of the United Kingdom of the vesting of any foreign property, right or liability in the Secretary of State in accordance with a transfer scheme.

(4) References in this paragraph to foreign property, or to a foreign right or liability, are references to any property, right or liability as respects which an issue arising in any proceedings would be determined (in accordance with the rules of private international law) by reference to the law of a country or territory outside the United Kingdom.

(5) An obligation imposed under this paragraph in relation to property, rights or liabilities shall be enforceable as if contained in a contract between the Board and the Secretary of State.

]¹

Notes

- ¹ Added by Railways Act 2005 c. 14 Sch.12 para.17(8) (July 24, 2005)

Extent

Sch. 25 para. 12A(1)-(5): England, Wales, Scotland

Modification of transfer scheme

 Law In Force

13.—

(1) If at any time after a transfer scheme has come into force the Secretary of State considers it appropriate to do so, he may by order provide that the scheme shall for all purposes be deemed to have come into force with such modifications, other than modifications relating to the transfer of rights and liabilities under a contract of employment, as may be specified in the order.

(2) An order under sub-paragraph (1) may make, with effect from the coming into force of the scheme, such provision as could have been made by the scheme, and in connection with giving effect to that provision from that time may contain such supplemental, consequential and transitional provision as the Secretary of State considers appropriate.

(3) An order under sub-paragraph (1) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Commencement

Sch. 25 para. 13(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 13(1)-(3): England, Wales, Scotland

Provision of information to Secretary of State

✓ Law In Force

14.

The Board shall provide the Secretary of State with all such information and other assistance as he may reasonably require for the purposes of or in connection with the exercise of any of the powers conferred on him by this Part of this Schedule.

Commencement

Sch. 25 para. 14: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 14: England, Wales, Scotland

Consultation

✓ Law In Force

15.

Before making a transfer scheme, or an order modifying such a scheme, the Secretary of State shall consult the Board [...] ¹.

Notes

¹ Words repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 25 para. 15: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 25 para. 15: England, Wales, Scotland

SCHEDULE 26
TRANSFERS: TAX

Section 250

PART I
INTERPRETATION

 Law In Force

1.—

(1) In this Schedule—

“the 1988 Act” means the Income and Corporation Taxes Act 1988,

[...] ¹

“the 1992 Act” means the Taxation of Chargeable Gains Act 1992,

[“the Capital Allowances Act” means the Capital Allowances Act 2001 and includes, where the context admits, enactments which under the 1988 Act are to be treated as contained in the Capital Allowances Act 2001,] ²

“fixture” has the same meaning as in [Chapter 14 of Part 2 of the Capital Allowances Act] ³,

“franchise company” means any body corporate which is, or is to be, the franchisee or the franchise operator under a franchise agreement, and

“qualifying transfer” means a transfer which is a relevant transfer for the purposes of any of Parts II to VI of this Schedule.

(2) So far as it relates to corporation tax, this Schedule is to be construed as one with the Corporation Tax Acts.

(3) So far as it relates to capital allowances, this Schedule is to be construed as one with [the Capital Allowances Act] ⁴ .

Notes

¹ Repealed by Capital Allowances Act 2001 c. 2 Sch.4 para.1 (April 1, 2001: repeal has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

² Substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(1)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

³ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(1)(c) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

- ⁴ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(2) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

Commencement

Sch. 26(I) para. 1(1)-(3): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(I) para. 1(1)-(3): United Kingdom

PART II**TRANSFERS TO SRA FROM FRANCHISING DIRECTOR, SECRETARY OF STATE
AND [OFFICE OF RAIL AND ROAD] ¹****Notes**

- ¹ Words substituted by Office of Rail Regulation (Change of Name) Regulations 2015/1682 Sch.1(1) para.4(p)(vi) (October 16, 2015)
-

 Law In Force

Interpretation**2.**

In this Part of this Schedule—

“relevant transfer” means a transfer of property, rights or liabilities by virtue of—

- (a) section 215,
- (b) a scheme under paragraph 1 of Schedule 15, or
- (c) a scheme under paragraph 31 of Schedule 17,

“transferee”, in relation to a relevant transfer, means the Authority, and

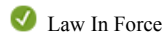
“transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

Commencement

Sch. 26(II) para. 2 definition of "relevant transfer"- definition of "transferor": January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(II) para. 2 definition of "relevant transfer"- definition of "transferor": United Kingdom



Law In Force

Chargeable gains: no gain no loss

3.

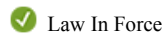
For the purposes of the 1992 Act a disposal by virtue of provision made under paragraph 34(a) of Schedule 17 is to be taken to be for a consideration such that no gain or loss accrues to the person making the disposal.

Commencement

Sch. 26(II) para. 3: January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(II) para. 3: United Kingdom



Law In Force

Chargeable gains: disposal of debts

4.—

(1) Sub-paragraph (2) applies if in the case of a relevant transfer—

- (a) a debt owed to the transferor is transferred to the transferee, and
- (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).

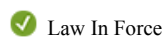
(2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

Commencement

Sch. 26(II) para. 4(1)-(2): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(II) para. 4(1)-(2): United Kingdom



Law In Force

Capital allowances for plant and machinery

5.—

(1) This paragraph applies in relation to property if—

- (a) the property is plant or machinery to which a relevant transfer relates,

- (b) the property would have been treated for the purposes of [the Capital Allowances Act] ¹ (had the transferor incurred expenditure qualifying for allowances under [Part 2 of that Act] ¹ on the provision of the property) as disposed of by the transferor to the transferee on the transfer taking effect, and
 - (c) the relevant order or scheme contains provision for the transferee to be taken for the purposes of [that Act] ² to have incurred capital expenditure of an amount specified in or determined in accordance with the order or scheme on the provision of the property.
- (2) For the purposes of [the Capital Allowances Act] ³ —
- (a) the transferee is to be taken to have incurred capital expenditure of that amount on the provision of the property for the purposes for which it is used by the transferee on and after the taking effect of the transfer,
 - (b) the property is to be taken as belonging to the transferee in consequence of the transferee having incurred that expenditure, and
 - (c) in the case of a fixture, the expenditure which falls to be treated as incurred by the transferee is to be taken for the purposes of [sections 181(1) and 182(1) of that Act] ⁴ to be incurred by the giving of a consideration consisting in a capital sum of that amount.
- (3) In sub-paragraph (1)(c) “the relevant order or scheme” means—
- (a) in the case of a transfer by virtue of section 215, an order made by the Secretary of State by statutory instrument, or
 - (b) in the case of a transfer by virtue of a scheme under paragraph 1 of Schedule 15 or paragraph 31 of Schedule 17, the scheme concerned.
- (4) A provision mentioned in sub-paragraph (1)(c) for the determination of an amount may include provision—
- (a) for a determination to be made by the Secretary of State in a manner described in the order or scheme,
 - (b) for a determination to be made by reference to factors so described or to the opinion of a person so described, and
 - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (5) The Treasury's consent is required for the making or modification of a determination under a provision mentioned in sub-paragraph (1)(c).
- (6) The transferee's consent is also required for such a modification after the relevant transfer takes effect.
- (7) If there is a determination or a modification of a determination under a provision mentioned in sub-paragraph (1)(c) all necessary adjustments—
- (a) must be made by making assessments or by repayment or discharge of tax, and
 - (b) must be made despite any limitation on the time within which assessments may be made.

Notes

¹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(3) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

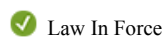
- ² Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(4) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ³ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(5)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁴ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(5)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

Commencement

Sch. 26(II) para. 5(1)-(7)(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(II) para. 5(1)-(7)(b): United Kingdom



Law In Force

Capital allowances for plant and machinery: connected persons

6.

For the purposes of [Part 2 of the Capital Allowances Act] ¹ references in that Part to a transaction (however described) between connected persons [(see section 575 of that Act)] ² are not to include references to a relevant transfer.

Notes

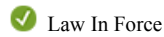
- ¹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(6) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ² Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.322(2) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

Commencement

Sch. 26(II) para. 6: January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(II) para. 6: United Kingdom



Law In Force

Loan relationships

7.—

(1) Sub-paragraph (2) applies if as a result of a relevant transfer the transferee replaces, or (if the transferor had been a company) would have replaced, the transferor as a party to a loan relationship.

(2) [Part 5 of the Corporation Tax Act 2009]¹ is to have effect in relation to the time when the relevant transfer takes effect and any later time as if—

(a) the transferee had been a party to the loan relationship at the time the transferor became; or (if the transferor had been a company) would have become, a party to the loan relationship and at all times since that time, and

(b) the loan relationship to which the transferee is a party after the time the transfer takes effect is the same loan relationship as that to which, by virtue of paragraph (a), it is treated as having been a party before that time.

(3) For the purposes of sub-paragraph (2) the transferor (and accordingly the transferee) is to be taken to have accounted for the loan relationship in accordance with [a basis of accounting]² corresponding to that in accordance with which the transferee accounts for the loan relationship in the accounting period in which the transfer takes effect.

(4) Expressions used in this paragraph and in [Part 5 of the Corporation Tax Act 2009]³ have the same meanings in this paragraph as in [that Part]³.

Notes

¹ Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(2)(a) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

² Words substituted by Finance Act 2004 c. 12 Sch.10(1) para.46 (January 1, 2005: substitution has effect in relation to periods of account beginning on or after January 1, 2005)

³ Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(2)(b) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

Commencement

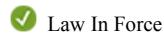
Sch. 26(II) para. 7(1)-(4): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(II) para. 7(1)-(4): United Kingdom

PART III

TRANSFERS FROM BR TO SRA



Law In Force

Interpretation

8.

In this Part of this Schedule—

“relevant transfer” means a transfer of property, rights or liabilities by virtue of—

(a) paragraph 11 of Schedule 18, or

(b) a scheme under paragraph 1 of Schedule 19,

“transferee”, in relation to a relevant transfer, means the Authority, and

“transferor”, in relation to a relevant transfer, means the Board.

Commencement

Sch. 26(III) para. 8 definition of "relevant transfer"- definition of "transferor": January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 8 definition of "relevant transfer"- definition of "transferor": United Kingdom



Law In Force

Chargeable gains: general

9.

For the purposes of the 1992 Act a disposal—

(a) constituted by a relevant transfer, or

(b) by virtue of provision made under paragraph 4 of Schedule 19,

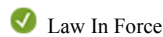
is to be taken (in relation to the person to whom the disposal is made as well as the person making the disposal) to be for a consideration such that no gain or loss accrues to the person making the disposal.

Commencement

Sch. 26(III) para. 9(a)-(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 9(a)-(b): United Kingdom



Law In Force

Chargeable gains: restriction of losses

10.—

(1) If there has been a disposal of an asset—

- (a) constituted by a relevant transfer, or
- (b) by virtue of provision made under paragraph 4 of Schedule 19,

subsection (8) of section 41 of the 1992 Act (which applies that section to cases where assets have been acquired without gain or loss) is to have effect as if the asset had been disposed of and acquired in circumstances mentioned in that subsection.

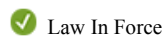
(2) This paragraph is not to prejudice paragraph 9.

Commencement

Sch. 26(III) para. 10(1)-(2): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 10(1)-(2): United Kingdom



Law In Force

Chargeable gains: groups

11.—

(1) Sub-paragraph (2) applies if a company (“the degrouped company”)—

- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
- (b) ceases by virtue of a relevant transfer to be a member of the old group.

(2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.

(3) If sub-paragraph (2) applies to an asset, that section is to have effect on and after the first subsequent occasion on which the degrouped company ceases to be a member of a group of companies (“the new group”), otherwise than by virtue of a qualifying transfer, as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.

(4) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a qualifying transfer, it is to be regarded for those purposes as so doing by virtue of the qualifying transfer and not by virtue of any preparatory transactions.

(5) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the qualifying transfer in question.

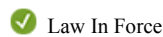
(6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

Commencement

Sch. 26(III) para. 11(1)-(6): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 11(1)-(6): United Kingdom



Law In Force

Chargeable gains: disposal of debts

12.—

(1) Sub-paragraph (2) applies if in the case of a relevant transfer—

- (a) a debt owed to the transferor is transferred to the transferee, and
- (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).

(2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

Commencement

Sch. 26(III) para. 12(1)-(2): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 12(1)-(2): United Kingdom



Law In Force

Continuity in relation to capital allowances etc. where trade transferred

13.—

[(1) Sub-paragraphs (2) to (4) apply if—

- (a) the transferor ceased to carry on a trade by virtue of a relevant transfer taking effect, and
 - (b) on the taking effect of that transfer, the transferee began to carry on the trade.
- This sub-paragraph is to be read with sub-paragraph (8).

]¹

(2) Subject to sub-paragraphs (3) and (4), in a case falling within sub-paragraph (1)—

- (a) there are to be made to or on the transferee in accordance with [the Capital Allowances Act]² all such allowances and charges as would, if the transferor had continued to carry on the trade, have fallen to be made to or on the transferor, and
 - (b) the amount of any such allowance or charge is to be computed as if—
 - (i) the transferee had been carrying on the trade since the transferor began to do so, and
 - (ii) everything done to or by the transferor had been done to or by the transferee (but so that the relevant transfer itself, so far as it relates to any assets in use for the purpose of the trade, shall not be treated as giving rise to any such allowance or charge).
- (3) For the purposes of the Corporation Tax Acts, only such amounts (if any) as may be specified in or determined in accordance with an order made by the Secretary of State by statutory instrument are to be allocated to the transferee in respect of expenditure by reference to which capital allowances may be made by virtue of sub-paragraph (2) in relation to anything to which the transfer relates.
- (4) Sub-paragraph (2) is to affect the amounts falling to be taken into account in relation to the transferor as expenditure by reference to which capital allowances may be made only so far as necessary to give effect to a reduction of any such amount by a sum equal to so much of that amount as is allocated to the transferee as mentioned in sub-paragraph (3).
- (5) An order under sub-paragraph (3) may include provision—
- (a) for a determination to be made by the Secretary of State in a manner described in the order,
 - (b) for a determination to be made by reference to factors so described or to the opinion of a person so described, and
 - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (6) The Treasury's consent is required for the making or modification of a determination of any such amount as is mentioned in sub-paragraph (3).
- (7) The transferee's consent is also required for such a modification after the relevant transfer takes effect.
- (8) In determining whether sub-paragraph (1) has effect in relation to a relevant transfer in a case where—
- (a) the transferor continues to carry on any trade or part of a trade after the transfer takes effect, or
 - (b) the transferee was carrying on any trade before the transfer takes effect,
- the trade or part of a trade which is continued, or was being carried on, shall for the purposes of that sub-paragraph be treated in relation to any trade or part of a trade which is transferred by virtue of the transfer as a separate trade and shall accordingly be disregarded.
- (9) If there is a determination or a modification of a determination for any purposes of this paragraph, all necessary adjustments—
- (a) must be made by making assessments or by repayment or discharge of tax, and
 - (b) must be made despite any limitation on the time within which assessments may be made.

Notes

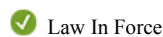
- ¹ Substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(3) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)
- ² Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(7) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

Commencement

Sch. 26(III) para. 13(1)-(9)(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 13(1)-(9)(b): United Kingdom



Law In Force

Capital allowances for plant and machinery

14.—

(1) This paragraph applies in relation to property if—

- (a) the property is plant or machinery to which a relevant transfer relates,
- (b) paragraph 13 does not apply in relation to the transfer of the property to the transferee,
- (c) the property would be treated for the purposes of [the Capital Allowances Act]¹ as disposed of by the transferor to the transferee on the transfer taking effect, and
- (d) the scheme concerned contains provision for the disposal value of the property to be taken for the purposes of [that Act]² to be of an amount specified in or determined in accordance with the scheme.

(2) For the purposes of [the Capital Allowances Act]³ —

- (a) the provision mentioned in sub-paragraph (1)(d) is to have effect (instead of [section 61(2) to (4), 72(3) to (5), 171, 196 or 423 of that Act]⁴) for determining an amount as the disposal value of the property or the price at which a fixture is to be treated as sold,
- (b) the transferee is to be taken to have incurred capital expenditure of that amount on the provision of the property for the purposes for which it is used by the transferee on and after the taking effect of the transfer,
- (c) the property is to be taken as belonging to the transferee in consequence of the transferee having incurred that expenditure, and
- (d) in the case of a fixture, the expenditure which falls to be treated as incurred by the transferee is to be taken for the purposes of [sections 181(1) and 182(1) of that Act]⁵ to be incurred by the giving of a consideration consisting in a capital sum of that amount.

(3) A provision mentioned in sub-paragraph (1)(d) for the determination of an amount may include provision—

- (a) for a determination to be made by the Secretary of State in a manner described in the scheme,

- (b) for a determination to be made by reference to factors so described or to the opinion of a person so described, and
 - (c) for a determination to be capable of being modified (on one or more occasions) in a manner and in circumstances so described.
- (4) The Treasury's consent is required for the making or modification of a determination under a provision mentioned in sub-paragraph (1)(d).
- (5) The transferee's consent is also required for such a modification after the relevant transfer takes effect.
- (6) If there is a determination or a modification of a determination under a provision mentioned in sub-paragraph (1)(d) all necessary adjustments—
 - (a) must be made by making assessments or by repayment or discharge of tax, and
 - (b) must be made despite any limitation on the time within which assessments may be made.

Notes

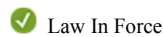
- ¹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(8) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ² Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(9) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ³ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(10)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁴ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(10)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁵ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(10)(c) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

Commencement

Sch. 26(III) para. 14(1)-(6)(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 14(1)-(6)(b): United Kingdom



Law In Force

Capital allowances for plant and machinery: connected persons

15.

For the purposes of [Part 2 of the Capital Allowances Act]¹ references in that Part to a transaction (however described) between connected persons [(see section 575 of that Act)]² are not to include references to a relevant transfer.

Notes

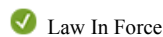
- ¹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(11) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ² Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.322(3) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

Commencement

Sch. 26(III) para. 15: January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 15: United Kingdom



Law In Force

Leased assets

16.—

(1) Sub-paragraphs (2) and (3) apply for the purposes of section 781 of the 1988 Act (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.

(2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor; and this is so despite section 783(4) of that Act.

(3) If the interest is an interest under a lease, payments made by the transferor under the lease before the transfer takes effect are to be treated as if they had been made under that lease by the transferee.

(4) Sub-paragraph (5) applies for the purposes of section 781 of the 1988 Act if a lease, or any other interest in an asset, is granted by virtue of provision made under paragraph 4 of Schedule 19.

(5) The grant is to be treated as made without any capital sum having been obtained in respect of the lease, or interest, by the grantor; and this is so despite section 783(4) of that Act.

(6) No charge is to arise under section 781(1) of the 1988 Act by virtue of section 783(2) of that Act in a case where the capital sum mentioned in section 781(1)(b)(i) or (ii) of that Act is or forms

part of the consideration obtained (or treated by section 783(4) of that Act as obtained) by the transferor on a disposal by virtue of a relevant transfer of securities of a subsidiary of the transferor.

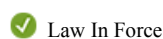
(7) Expressions used in this paragraph and in sections 781 to 785 of the 1988 Act have the same meanings in this paragraph as in those sections.

Commencement

Sch. 26(III) para. 16(1)-(7): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 16(1)-(7): United Kingdom



Law In Force

Loan relationships

17.—

(1) Sub-paragraph (2) applies if, as a result of a relevant transfer, the transferee replaces the transferor as a party to a loan relationship.

(2) [Part 5 of the Corporation Tax Act 2009]¹ is to have effect in relation to the time when the relevant transfer takes effect and any later time as if—

- (a) the transferee had been a party to the loan relationship at the time the transferor became a party to the loan relationship and at all times since that time, and
- (b) the loan relationship to which the transferee is a party after the time the transfer takes effect is the same loan relationship as that to which, by virtue of paragraph (a), it is treated as having been a party before that time.

(3) Expressions used in this paragraph and in [Part 5 of the Corporation Tax Act 2009]² have the same meanings in this paragraph as in [that Part]².

Notes

¹ Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(4)(a) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

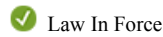
² Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(4)(b) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

Commencement

Sch. 26(III) para. 17(1)-(3): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 17(1)-(3): United Kingdom



Law In Force

Charge to tax under Case I of Schedule D

18.—

- (1) This paragraph applies for the purpose of computing the profits or losses of the transferor and the transferee under Case I of Schedule D in respect of any trade or part of a trade transferred by a relevant transfer in relation to the time when the transfer takes effect and any later time.
- (2) The trade or part of a trade transferred is to be treated as having been, at the time of its commencement and at all times since that time, a separate trade carried on by the transferee.
- (3) The trade carried on by the transferee after the time the transfer takes effect is to be treated as the same trade as that which, by virtue of sub-paragraph (2), it is treated as having carried on before that time.
- (4) This paragraph is subject to paragraphs 13 and 17.

Commencement

Sch. 26(III) para. 18(1)-(4): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(III) para. 18(1)-(4): United Kingdom

PART IV

TRANSFERS TO SECRETARY OF STATE FROM SRA AND BR



Law In Force

Interpretation

19.

In this Part of this Schedule—

“relevant transfer” means a transfer of property, rights or liabilities by virtue of—

- (a) a scheme under paragraph 1 of Schedule 21 under which the property, rights or liabilities are transferred to the Secretary of State, or
- (b) a scheme under paragraph 1 of Schedule 25,

“transferee”, in relation to a relevant transfer, means the Secretary of State, and

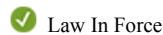
“transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

Commencement

Sch. 26(IV) para. 19 definition of "relevant transfer"- definition of "transferor": January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(IV) para. 19 definition of "relevant transfer"- definition of "transferor": United Kingdom

**Chargeable gains: groups****20.—**

(1) Sub-paragraph (2) applies if a company (“the degrouped company”)—

- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
- (b) ceases by virtue of a relevant transfer to be a member of the old group.

(2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.

(3) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a relevant transfer, it is to be regarded for those purposes as so doing by virtue of the relevant transfer and not by virtue of any preparatory transactions.

(4) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the relevant transfer in question.

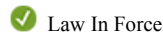
(5) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

Commencement

Sch. 26(IV) para. 20(1)-(5): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(IV) para. 20(1)-(5): United Kingdom



Law In Force

Capital allowances: actual consideration to be the disposal value

21.—

(1) Sub-paragraphs (2) to (4) apply for the purposes of [Part 3 of the Capital Allowances Act]¹ , and the other provisions of that Act which are relevant to that Part, if there is a disposal by virtue of a relevant transfer of the relevant interest in—

- (a) an industrial building or structure, or
- (b) a qualifying hotel or a commercial building or structure.

(2) The disposal is to be treated as a sale of that relevant interest.

(3) The sale moneys in respect of that sale are to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
- (b) if no such capital sum is received, to be nil.

(4) [Sections 567 to 570 of that Act (sales treated as being for alternative amount)]² are not to have effect in relation to that sale.

(5) Sub-paragraph (6) applies for determining, in the case of [plant or machinery]³ which is treated for the purposes of [the Capital Allowances Act]⁴ as disposed of by virtue of a relevant transfer, the amount which (in consequence of that disposal) is to be brought into account as the disposal value of that [plant or machinery]³ for the purposes of [section 60 of that Act (meaning of “disposal value” and “disposal event”)]⁵ .

(6) The amount is, subject to [section 62 of that Act (general limit on amount of disposal value)]⁶ to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
- (b) if no such capital sum is received, to be nil.

(7) Sub-paragraph (8) applies if, in consequence of a disposal by virtue of a relevant transfer, [a person is treated by section 188 of the Capital Allowances Act as ceasing to own a fixture]⁷ at any time.

(8) The amount which, in consequence of that disposal, is to be brought into account as the disposal value of the fixture for the purposes of [section 60 of the Capital Allowances Act is, subject to section 62 of that Act]⁸ , to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that portion of that capital sum which falls (or, if the person to whom the disposal is made were entitled to an allowance, would fall) to be treated for the purposes of [Part 2 of that Act]⁹ as expenditure incurred by that person on the provision of the fixture, or
- (b) if no such capital sum is received, to be nil.

(9) Sub-paragraphs (3), (6) and (8) have effect despite any other provision of the Capital Allowances Acts.

Notes

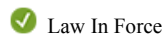
- ¹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(12) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ² Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(13) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ³ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(14)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁴ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(14)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁵ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(14)(c) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁶ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(15) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁷ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(16) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁸ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(17)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(17)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

Commencement

Sch. 26(IV) para. 21(1)-(9): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(IV) para. 21(1)-(9): United Kingdom



Law In Force

Leased assets

22.—

(1) Sub-paragraphs (2) and (3) apply for the purposes of section 781 of the 1988 Act (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.

(2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor; and this is so despite section 783(4) of that Act.

(3) If the interest is an interest under a lease, payments made by the transferor under the lease before the transfer takes effect are to be treated as if they had been made under that lease by the transferee.

(4) Sub-paragraph (5) applies for the purposes of section 781 of the 1988 Act if a lease, or any other interest in an asset, is granted by the transferor by virtue of provision made under paragraph 5 of Schedule 21 or paragraph 4 of Schedule 25.

(5) The grant is to be treated as made without any capital sum having been obtained in respect of the lease, or interest, by the transferor; and this is so despite section 783(4) of that Act.

(6) No charge is to arise under section 781(1) of the 1988 Act by virtue of section 783(2) of that Act in a case where the capital sum mentioned in section 781(1)(b)(i) or (ii) of that Act is or forms part of the consideration obtained (or treated by section 783(4) of that Act as obtained) by the transferor on a disposal by virtue of a relevant transfer of securities of a subsidiary of the transferor.

(7) Expressions used in this paragraph and in sections 781 to 785 of the 1988 Act have the same meanings in this paragraph as in those sections.

Commencement

Sch. 26(IV) para. 22(1)-(7): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(IV) para. 22(1)-(7): United Kingdom

PART V

TRANSFERS FROM SRA TO FRANCHISE COMPANY



Law In Force

Interpretation

23.

In this Part of this Schedule—

“relevant transfer” means a transfer of property, rights or liabilities by virtue of a scheme under paragraph 1 of Schedule 21 under which the property, rights or liabilities are transferred to a franchise company,

“transferee”, in relation to a relevant transfer, means the franchise company to whom the property, rights or liabilities are transferred, and

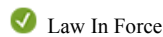
“transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

Commencement

Sch. 26(V) para. 23 definition of "relevant transfer"- definition of "transferor": January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(V) para. 23 definition of "relevant transfer"- definition of "transferor": United Kingdom



Law In Force

Chargeable gains: disposals not to be treated as made at market value

24.—

(1) Section 17 of the 1992 Act (disposals and acquisitions treated as made at market value) is not to have effect in relation to—

(a) a disposal constituted by a relevant transfer or a disposal by virtue of provision made under paragraph 5 of Schedule 21, or

(b) the acquisition made by the person to whom the disposal is made.

(2) But sub-paragraph (1) does not apply—

(a) if the person making the disposal is connected with the person making the acquisition, or

(b) in the case of a disposal by virtue of provision made under paragraph 5 of Schedule 21, if the disposal is made by or to a person other than the transferor or the transferee.

(3) If sub-paragraph (1) applies to the disposal of an asset, the disposal is to be taken (in relation to the person making the acquisition as well as the person making the disposal) to be—

(a) in a case where consideration in money or money's worth is given by the person making the acquisition or on his behalf in respect of the vesting of the asset in him, for a consideration equal to the amount or value of that consideration, or

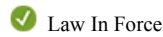
(b) in a case where no such consideration is given, for a consideration of nil.

Commencement

Sch. 26(V) para. 24(1)-(3)(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(V) para. 24(1)-(3)(b): United Kingdom



Law In Force

Chargeable gains: groups

25.—

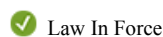
- (1) Sub-paragraph (2) applies if a company (“the degrouped company”)—
- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
 - (b) ceases by virtue of a relevant transfer to be a member of the old group.
- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) If sub-paragraph (2) applies to an asset, that section is to have effect on and after the first subsequent occasion on which the degrouped company ceases to be a member of a group of companies (“the new group”), otherwise than by virtue of a qualifying transfer, as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.
- (4) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a qualifying transfer, it is to be regarded for those purposes as so doing by virtue of the qualifying transfer and not by virtue of any preparatory transactions.
- (5) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the qualifying transfer in question.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

Commencement

Sch. 26(V) para. 25(1)-(6): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(V) para. 25(1)-(6): United Kingdom



Law In Force

Chargeable gains: disposal of debts

26.—

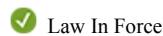
- (1) Sub-paragraph (2) applies if in the case of a relevant transfer—
- (a) a debt owed to the transferor is transferred to the transferee, and
 - (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).
- (2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

Commencement

Sch. 26(V) para. 26(1)-(2): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(V) para. 26(1)-(2): United Kingdom



Law In Force

Capital allowances: actual consideration to be the disposal value

27.—

(1) Sub-paragraphs (2) to (4) apply for the purposes of [Part 3 of the Capital Allowances Act]¹, and the other provisions of that Act which are relevant to that Part, if there is a disposal by virtue of a relevant transfer of the relevant interest in—

- (a) an industrial building or structure, or
- (b) a qualifying hotel or a commercial building or structure.

(2) The disposal is to be treated as a sale of that relevant interest.

(3) The sale moneys in respect of that sale are to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
- (b) if no such capital sum is received, to be nil.

(4) [Sections 567 to 570 of that Act (sales treated as being for alternative amount)]² are not to have effect in relation to that sale.

(5) Sub-paragraph (6) applies for determining, in the case of [plant or machinery]³ which is treated for the purposes of [the Capital Allowances Act]⁴ as disposed of by virtue of a relevant transfer, the amount which (in consequence of that disposal) is to be brought into account as the disposal value of that [plant or machinery]³ for the purposes of [section 60 of that Act (meaning of “disposal value” and “disposal event”)]⁵.

(6) The amount is, subject to [section 62 of that Act (general limit on amount of disposal value)]⁶ to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
- (b) if no such capital sum is received, to be nil.

(7) Sub-paragraph (8) applies if, in consequence of a disposal by virtue of a relevant transfer, [a person is treated by section 188 of the Capital Allowances Act as ceasing to own a fixture]⁷ at any time.

(8) The amount which, in consequence of that disposal, is to be brought into account as the disposal value of the fixture for the purposes of [section 60 of the Capital Allowances Act is, subject to section 62 of that Act]⁸, to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that portion of that capital sum which falls (or, if the person to whom the disposal is made were entitled to an allowance, would fall) to be treated for the purposes of [Part 2 of that Act]⁹ as expenditure incurred by that person on the provision of the fixture, or
- (b) if no such capital sum is received, to be nil.

(9) Sub-paragraphs (3), (6) and (8) have effect despite any other provision of [the Capital Allowances Act]¹⁰.

Notes

- ¹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(19) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ² Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(20) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ³ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(21)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁴ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(21)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁵ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(21)(c) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁶ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(22) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁷ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(23) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁸ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(24)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(24)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ¹⁰ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(25) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending

on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

Commencement

Sch. 26(V) para. 27(1)-(9): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(V) para. 27(1)-(9): United Kingdom

 Law In Force

Leased assets**28.—**

(1) Sub-paragraphs (2) and (3) apply for the purposes of section 781 of the 1988 Act (assets leased to traders and others) if the interest of the lessor or the lessee under a lease, or any other interest in an asset, is transferred to a person under a relevant transfer.

(2) The transfer is to be treated as made without any capital sum having been obtained in respect of the interest by the transferor; and this is so despite section 783(4) of that Act.

(3) If the interest is an interest under a lease, payments made by the transferor under the lease before the transfer takes effect are to be treated as if they had been made under that lease by the transferee.

(4) Sub-paragraph (5) applies for the purposes of section 781 of the 1988 Act if a lease, or any other interest in an asset, is granted by the transferor by virtue of provision made under paragraph 5 of Schedule 21.

(5) The grant is to be treated as made without any capital sum having been obtained in respect of the lease, or interest, by the transferor; and this is so despite section 783(4) of that Act.

(6) No charge is to arise under section 781(1) of the 1988 Act by virtue of section 783(2) of that Act in a case where the capital sum mentioned in section 781(1)(b)(i) or (ii) of that Act is or forms part of the consideration obtained (or treated by section 783(4) of that Act as obtained) by the transferor on a disposal by virtue of a relevant transfer of securities of a subsidiary of the transferor.

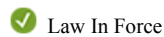
(7) Expressions used in this paragraph and in sections 781 to 785 of the 1988 Act have the same meanings in this paragraph as in those sections.

Commencement

Sch. 26(V) para. 28(1)-(7): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(V) para. 28(1)-(7): United Kingdom



Law In Force

Loan relationships

29.—

(1) Sub-paragraph (2) applies if, as a result of a relevant transfer, the transferee replaces the transferor as a party to a loan relationship.

(2) [Part 5 of the Corporation Tax Act 2009]¹ is to have effect in relation to the time when the relevant transfer takes effect and any later time as if—

(a) the transferee had been a party to the loan relationship at the time the transferor became a party to the loan relationship and at all times since that time, and

(b) the loan relationship to which the transferee is a party after the time the transfer takes effect is the same loan relationship as that to which, by virtue of paragraph (a), it is treated as having been a party before that time.

(3) Expressions used in this paragraph and in [Part 5 of the Corporation Tax Act 2009]² have the same meanings in this paragraph as in [that Part]².

Notes

¹ Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(5)(a) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

² Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(5)(b) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

Commencement

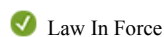
Sch. 26(V) para. 29(1)-(3): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(V) para. 29(1)-(3): United Kingdom

PART VI

TRANSFERS OF FRANCHISE ASSETS



Law In Force

Interpretation

30.

In this Part of this Schedule—

“relevant transfer” means a transfer of property, rights or liabilities by virtue of a scheme under paragraph 2 of Schedule 21 under which the property, rights or liabilities are transferred from a person which is, or has been, a franchise company,

“transferee”, in relation to a relevant transfer, means the person to whom the property, rights or liabilities are transferred, and

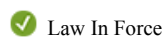
“transferor”, in relation to a relevant transfer, means the person from whom the property, rights or liabilities are transferred.

Commencement

Sch. 26(VI) para. 30 definition of "relevant transfer"- definition of "transferor": January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VI) para. 30 definition of "relevant transfer"- definition of "transferor": United Kingdom



Law In Force

Chargeable gains: disposals not to be treated as made at market value

31.—

(1) Section 17 of the 1992 Act (disposals and acquisitions treated as made at market value) is not to have effect in relation to—

- (a) a disposal constituted by a relevant transfer or a disposal by virtue of provision made under paragraph 5 of Schedule 21, or
- (b) the acquisition made by the person to whom the disposal is made.

(2) But sub-paragraph (1) does not apply—

- (a) if the person making the disposal is connected with the person making the acquisition, or
- (b) in the case of a disposal by virtue of provision made under paragraph 5 of Schedule 21, if the disposal is made by or to a person other than the transferor or the transferee.

(3) If sub-paragraph (1) applies to the disposal of an asset, the disposal is to be taken (in relation to the person making the acquisition as well as the person making the disposal) to be—

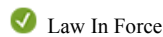
- (a) in a case where consideration in money or money's worth is given by the person making the acquisition or on his behalf in respect of the vesting of the asset in him, for a consideration equal to the amount or value of that consideration, or
- (b) in a case where no such consideration is given, for a consideration of nil.

Commencement

Sch. 26(VI) para. 31(1)-(3)(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VI) para. 31(1)-(3)(b): United Kingdom



Law In Force

Chargeable gains: groups

32.—

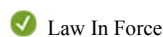
- (1) Sub-paragraph (2) applies if a company (“the degrouped company”)—
- (a) acquired an asset from another company at any time when both were members of the same group of companies (“the old group”), and
 - (b) ceases by virtue of a relevant transfer to be a member of the old group.
- (2) Section 179 of the 1992 Act (company ceasing to be member of group) is not to treat the degrouped company as having by virtue of the transfer sold and immediately reacquired the asset.
- (3) If sub-paragraph (2) applies to an asset, that section is to have effect on and after the first subsequent occasion on which the degrouped company ceases to be a member of a group of companies (“the new group”), otherwise than by virtue of a qualifying transfer, as if the degrouped company and the company from which it acquired the asset had been members of the new group at the time of acquisition.
- (4) If, disregarding any preparatory transactions, a company would be regarded for the purposes of section 179 of the 1992 Act (and, accordingly, of this paragraph) as ceasing to be a member of a group of companies by virtue of a qualifying transfer, it is to be regarded for those purposes as so doing by virtue of the qualifying transfer and not by virtue of any preparatory transactions.
- (5) In this paragraph “preparatory transaction” means anything done under or by virtue of this Part of this Act for the purpose of initiating, advancing or facilitating the qualifying transfer in question.
- (6) Expressions used in this paragraph and in section 179 of the 1992 Act have the same meanings in this paragraph as in that section.

Commencement

Sch. 26(VI) para. 32(1)-(6): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VI) para. 32(1)-(6): United Kingdom



Law In Force

Chargeable gains: disposal of debts

33.—

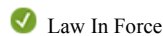
- (1) Sub-paragraph (2) applies if in the case of a relevant transfer—
- (a) a debt owed to the transferor is transferred to the transferee, and
 - (b) the transferor would, apart from this paragraph, be the original creditor in relation to that debt for the purposes of section 251 of the 1992 Act (disposal of debts).
- (2) The 1992 Act is to have effect as if the transferee (and not the transferor) were the original creditor for those purposes.

Commencement

Sch. 26(VI) para. 33(1)-(2): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VI) para. 33(1)-(2): United Kingdom



Law In Force

Capital allowances: actual consideration to be the disposal value

34.—

(1) Sub-paragraphs (2) to (5) apply for the purposes of [Part 3 of the Capital Allowances Act]¹, and the other provisions of that Act which are relevant to that Part, if there is a disposal by virtue of a relevant transfer of the relevant interest in—

- (a) an industrial building or structure, or
- (b) a qualifying hotel or a commercial building or structure.

(2) The disposal is to be treated as a sale of that relevant interest.

(3) The sale moneys in respect of that sale are to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
- (b) if no such capital sum is received, to be nil.

(4) The sale moneys in respect of that sale are to be taken, as respects the transferee only, to include in addition an amount equal to any capital sum received by a person other than the transferor or a person connected with the transferor by way of consideration or compensation in respect of the acquisition of the relevant interest by the transferee.

(5) [Sections 567 to 570 of that Act (sales treated as being for alternative amount)]² are not to have effect in relation to that sale.

(6) Sub-paragraph (7) applies for determining, in the case of [plant or machinery]³ which is treated for the purposes of [the Capital Allowances Act]⁴ as disposed of by virtue of a relevant transfer, the amount which (in consequence of that disposal) is to be brought into account as the disposal value of that [plant or machinery]³ for the purposes of [sections 60 of that Act (meaning of “disposal value” and “disposal event”)]⁵.

(7) The amount is, subject to [section 62 of that Act (general limit on amount of disposal value)]⁶ to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that capital sum, or
- (b) if no such capital sum is received, to be nil.

(8) Sub-paragraph (9) applies if, in consequence of a disposal by virtue of a relevant transfer, [a person is treated by section 188 of the Capital Allowances Act as ceasing to own a fixture] ⁷ at any time.

(9) The amount which, in consequence of that disposal, is to be brought into account as the disposal value of the fixture for the purposes of [section 60 of the Capital Allowances Act is, subject to section 62 of that Act] ⁸ , to be taken—

- (a) if a capital sum is received by the transferor or a person connected with the transferor by way of consideration or compensation in respect of the disposal, to be an amount equal to that portion of that capital sum which falls (or, if the person to whom the disposal is made were entitled to an allowance, would fall) to be treated for the purposes of [Part 2 of that Act] ⁹ as expenditure incurred by that person on the provision of the fixture, or
- (b) if no such capital sum is received, to be nil.

(10) Sub-paragraphs (3), (4), (7) and (9) have effect despite any other provision of [the Capital Allowances Act] ¹⁰ .

Notes

- ¹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(26) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ² Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(27) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ³ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(28)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁴ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(28)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁵ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(28)(c) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁶ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(29) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁷ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(30) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁸ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(31)(a) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)
- ⁹ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(31)(b) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods

ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

- ¹⁰ Words substituted by Capital Allowances Act 2001 c. 2 Sch.2 para.109(32) (April 1, 2001: substitution has effect for the purposes of income tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 6, 2001 and, for the purposes of corporation tax, as respects allowances and charges falling to be made for chargeable periods ending on or after April 1, 2001)

Commencement

Sch. 26(VI) para. 34(1)-(10): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VI) para. 34(1)-(10): United Kingdom

 Law In Force

Loan relationships

35.—

(1) [section 444 of the Corporation Tax Act 2009]¹ is not to have effect in a case where, as a result of a relevant transfer, the transferee replaces the transferor as a party to a loan relationship.

(2) Expressions used in this paragraph and in [Part 5 of the Corporation Tax Act 2009]² have the same meanings in this paragraph as in [that Part]².

Notes

¹ Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(6)(a) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

² Words substituted by Corporation Tax Act 2009 c. 4 Sch.1(2) para.473(6)(b) (April 1, 2009: substitution has effect subject to savings and transitional provisions specified in 2009 c.4 Sch.2)

Commencement

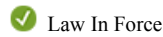
Sch. 26(VI) para. 35(1)-(2): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VI) para. 35(1)-(2): United Kingdom

PART VII

OTHER PROVISIONS CONCERNING TRANSFERS



Law In Force

Chargeable gains: value shifting

36.

Nothing in this Part of this Act and nothing done under it is to be regarded as a scheme or arrangement for the purposes of section 30 of the 1992 Act (tax-free benefits).

Commencement

Sch. 26(VII) para. 36: January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VII) para. 36: United Kingdom



Repealed

37. [...] ¹

Notes

- ¹ Repealed by Finance Act 2008 c. 9 Sch.2 para.70(e)(ii) (July 21, 2008: repeal has effect in relation to disposals on or after April 6, 2008)
-



Law In Force

Group relief

38.

The existence of the powers of the Secretary of State or the Authority under this Part of this Act is not to be regarded (and nothing else in that Part is to be regarded) as—

- (a) constituting arrangements falling within [section 154(3) or 155(3) of the Corporation Tax Act 2010] ¹ (arrangements for transfer of company to another group or consortium), or
- (b) constituting option arrangements for the purposes of [section 173 of that Act] ².

Notes

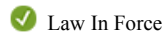
- ¹ Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.322(4)(a) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)
- ² Words substituted by Corporation Tax Act 2010 c. 4 Sch.1(2) para.322(4)(b) (April 1, 2010 and has effect for corporation tax purposes for accounting periods ending on or after that day, and for income tax and capital gains tax purposes, for the tax year 2010-11 and subsequent tax years, subject to transitional provisions and savings specified in 2010 c.4 Sch.2)

Commencement

Sch. 26(VII) para. 38(a)-(b): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VII) para. 38(a)-(b): United Kingdom



Law In Force

Modifications of transfer schemes**39.—**

(1) Sub-paragraph (2) applies if—

- (a) the effect of a scheme under paragraph 1 of Schedule 15, paragraph 31 of Schedule 17, paragraph 1 of Schedule 19 or paragraph 1 of Schedule 25 is modified by an order made by the Secretary of State, or
- (b) the effect of a scheme under paragraph 1 of Schedule 21 under which the property, rights or liabilities are transferred to the Secretary of State or a franchise company is modified by an agreement made under paragraph 15 of that Schedule.

(2) The Corporation Tax Acts (including this Schedule) are to have effect as if—

- (a) the scheme had been made as modified, and
- (b) anything done by or in relation to the preceding holder had (so far as relating to the property, rights or liabilities affected by the modification) been done by or in relation to the subsequent holder.

(3) For the purposes of sub-paragraph (2) the preceding holder is the person who without the modification—

- (a) became (under the scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification, or
- (b) remained (despite the scheme concerned) entitled or subject to the property, rights or liabilities affected by the modification,

as the case may be.

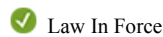
(4) For the purposes of sub-paragraph (2) the subsequent holder is the person who (in consequence of the modification) becomes, or resumes being, entitled or subject to the property, rights or liabilities affected by the modification.

Commencement

Sch. 26(VII) para. 39(1)-(4): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VII) para. 39(1)-(4): United Kingdom



Law In Force

Stamp duty and stamp duty reserve tax

40.—

(1) Stamp duty is not to be chargeable on—

- (a) a scheme under paragraph 1 of Schedule 15, paragraph 31 of Schedule 17 or paragraph 1 of Schedule 19, 21 or 25, or
- (b) an instrument or agreement which is certified to the Commissioners of Inland Revenue by the Secretary of State as made in pursuance of such a scheme.

(2) No such scheme, and no instrument or agreement which is certified as mentioned in sub-paragraph (1)(b), is to be taken to be duly stamped unless—

- (a) it has, in accordance with section 12 of the Stamp Act 1891, been stamped with a particular stamp denoting that it is not chargeable with that duty or that it is duly stamped, or
- (b) it is stamped with the duty to which it would be liable, apart from this paragraph.

(3) Section 12 of the Finance Act 1895 is not to operate to require—

- (a) the delivery to the Inland Revenue of a copy of this Act, or
- (b) the payment of stamp duty under that section on any copy of this Act,

and is not to apply in relation to an instrument on which, by virtue of sub-paragraph (1), stamp duty is not chargeable.

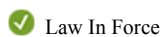
(4) An agreement to transfer chargeable securities, as defined in section 99 of the Finance Act 1986, to a person specified in sub-paragraph (2)(a) to (c) of paragraph 1 of Schedule 21 is not to give rise to a charge to stamp duty reserve tax if the agreement is made for the purposes of, or for purposes connected with, a scheme under that paragraph.

Commencement

Sch. 26(VII) para. 40(1)-(4): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 26(VII) para. 40(1)-(4): United Kingdom



Law In Force

[40A.— Stamp duty land tax

(1) For the purposes of stamp duty land tax, a land transaction which is effected by, or in pursuance of a scheme under paragraph 1 of Schedule 15, paragraph 31 of Schedule 17 or paragraph 1 of Schedule 19, 21 or 25 is exempt from charge.

(2) Relief under this paragraph must be claimed in a land transaction return or an amendment of such a return.

(3) In this paragraph—

- “land transaction” has the meaning given by section 43(1) of the Finance Act 2003;
- “land transaction return” has the meaning given by section 76(1) of that Act.

]¹

Notes

- ¹ Added by Stamp Duty Land Tax (Consequential Amendment of Enactments) Regulations 2003/2867 Sch.1(1) para.32 (December 1, 2003)

Extent

Sch. 26(VII) para. 40A(1)-(3) definition of "land transaction return": United Kingdom

SCHEDULE 27**MINOR AND CONSEQUENTIAL AMENDMENTS ABOUT RAILWAYS****Section 252**

Transport Act 1962 (c.46)

✓ Law In Force

1.—

(1) Section 43 of the Transport Act 1962 (charges and facilities) is amended as follows.

(2) In subsections (1) and (2), for “Boards” substitute “British Waterways Board or the Strategic Rail Authority”.

(3) In subsection (3), for “Boards” substitute “British Waterways Board and the Strategic Rail Authority”.

(4)-(6) [...]¹

Notes

- ¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 27 para. 1(1)-(6): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 1(1)-(6): England, Wales, Scotland

Transport Act 1968 (c. 73)

 Repealed

2. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

3.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

4. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

5.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

British Railways Act 1969 (c.xliii)

 Law In Force

6.

In section 22 of the British Railways Act 1969 (misuse of telephones at level crossings)—

- (a) for “Board” substitute “a successor of the Board”, and
- (b) insert at the end “; and in this section “successor of the Board” has the same meaning as “successor of the British Railways Board” has in the Railways Act 1993 (Consequential Modifications) (No.2) Order 1999.”

Commencement

Sch. 27 para. 6(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 6(a)-(b): England, Wales, Scotland

House of Commons Disqualification Act 1975 (c.24)

✓ Law In Force

7.

In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 (other disqualifying offices), insert (at the appropriate place in alphabetical order)—

“Member of the London Transport Users' Committee in receipt of remuneration.”

Commencement

Sch. 27 para. 7: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 7: England, Wales, Scotland

British Railways Act 1977 (c.xvii)

✓ Law In Force

8.—

(1) Section 13 of the British Railways Act 1977 (fines and penalties) is amended as follows.

(2) In subsection (1), for “the Board, to any railway of the Board” substitute “a successor of the Board, to any railway of a successor of the Board”.

(3) After that subsection insert—

“(1A) In subsection (1) of this section “successor of the Board” has the same meaning as “successor of the British Railways Board” has in the Railways Act 1993 (Consequential Modifications) (No.2) Order 1999.”

Commencement

Sch. 27 para. 8(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 8(1)-(3): England, Wales, Scotland

Transport Act 1980 (c.34)

✓ Law In Force

9.

Part III of the Transport Act 1980 (railway pensions) has effect subject to the following amendments.

Commencement

Sch. 27 para. 9: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 9: England, Wales, Scotland

✓ Law In Force

10.

In section 52A(13) (provisions for final discharge of Secretary of State not to affect liability of Board in respect of relevant pension obligations), for “Board” substitute “Authority”.

Commencement

Sch. 27 para. 10: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 10: England, Wales, Scotland

✓ Law In Force

11.

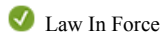
In section 52B(10) (provisions for substitution order not to affect liability of Board in respect of relevant pension obligations), for “Board” substitute “Authority”.

Commencement

Sch. 27 para. 11: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 11: England, Wales, Scotland



Law In Force

12.—

(1) Section 53 (meaning of “relevant pension obligations”) is amended as follows.

(2) In subsection (1)—

- (a) for “Board which were owed” substitute “Authority which were owed by the Board”, and
- (b) for “Board arising after the operative date” (in both places) substitute “Authority which arose as an obligation of the Board after the operative date or was never an obligation of the Board”.

(3) In subsection (4), for “Board” (in each place) substitute “Authority”.

Commencement

Sch. 27 para. 12(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 12(1)-(3): England, Wales, Scotland



Law In Force

13.

In section 60(1) (interpretation), before the definition of “the Board” insert—

““the Authority” means the Strategic Rail Authority;”.

Commencement

Sch. 27 para. 13: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 13: England, Wales, Scotland

 Repealed

14. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Channel Tunnel Act 1987 (c.53)

 Law In Force

15.

In paragraph 5 of Schedule 6 to the Channel Tunnel Act 1987 (application of offence provisions), for “the Railways Board” substitute “a successor of the British Railways Board within the meaning of the Railways Act 1993 (Consequential Modifications) (No.2) Order 1999”.

Commencement

Sch. 27 para. 15: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 15: England, Wales, Scotland

Heathrow Express Railway Act 1991 (c.vii)

 Not Yet In Force

16.

In section 41(1) of the Heathrow Express Railway Act 1991 (provisions which do not apply to services and facilities provided on Heathrow Express lines or at Heathrow Express stations), after “1968” insert “and sections 76 and 77 of the Railways Act 1993”.

Commencement

Sch. 27 para. 16: Date to be appointed (not yet in force)

Extent

Sch. 27 para. 16: England, Wales, Scotland

Railways Act 1993 (c.43)

✓ Law In Force

17.

The Railways Act 1993 has effect subject to the following amendments.

Commencement

Sch. 27 para. 17: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 17: England, Wales, Scotland

✓ Law In Force

18.

In section 7 (licence exemptions), omit subsection (10) (limit on grant of licence exemption by Secretary of State).

Commencement

Sch. 27 para. 18: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 18: England, Wales, Scotland

✓ Law In Force

19.

In section 9 (licence conditions), after subsection (3) insert—

“(3A) Conditions included in a licence by virtue of subsection (1)(a) above may include provision about any matter which is dealt with (whether in the same or a different manner) by an access agreement.”

Commencement

Sch. 27 para. 19: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 19: England, Wales, Scotland

✓ Law In Force

20.—

(1) Section 13 (modification references to Competition Commission) is amended as follows.

(2) In subsection (8)(c)(i), for “Director” substitute “Regulator”.

(3) In subsection (8A)(a)—

(a) for “and 85” substitute “, 85”, and

(b) after “documents)” insert “and 93B (false or misleading information)”.

Commencement

Sch. 27 para. 20(1)-(3)(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 20(1)-(3)(b): England, Wales, Scotland

✓ Law In Force

21.

In section 17 (directions requiring facility owners to enter into contracts for use of their railway facilities), after subsection (7) insert—

“(7A) Any reference in this section to obtaining permission to use a railway facility includes, where the facility is track, permission to connect other track to it.”

Commencement

Sch. 27 para. 21: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 21: England, Wales, Scotland

✓ Law In Force

22.

In section 18(9) (access contracts requiring approval of Regulator), after paragraph (a) insert—

“(aa) subsection (7A),”.

Commencement

Sch. 27 para. 22: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 22: England, Wales, Scotland

 Law In Force

23.—

- (1) Section 20 (exemption of railway facilities from sections 17 and 18) is amended as follows.
- (2) In subsections (1), (3) and (13), after “above” insert “and section 22A below”.
- (3) In subsection (2), omit the words following paragraph (b).
- (4) In the sidenote, for “and 18” substitute “, 18 and 22A”.

Commencement

Sch. 27 para. 23(1)-(4): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 23(1)-(4): England, Wales, Scotland

 Law In Force

24.—

- (1) Section 27 (transfer of franchise assets and shares) is amended as follows.
- (2) In subsection (8), for “transfer scheme” substitute “a scheme under Schedule 21 to the Transport Act 2000”.
- (3) [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 27 para. 24(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 24(1)-(3): England, Wales, Scotland

 Repealed

25.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

26.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

27. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

28.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

29. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

30.—

(1) Section 55 (orders for securing compliance) is amended as follows.

(2) [...]¹

(3) In subsections (2) and (4), for “subsection (5)” substitute “subsections (5) to (5B)”.

(4) In subsection (5)(a), for “or, as the case may be, section 5 above” substitute “above or, as the case may be, section 207 of the Transport Act 2000”.

(5) Omit subsection (12).

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 27 para. 30(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 30(1)-(5): England, Wales, Scotland

✓ Law In Force

31.

In the sidenote for section 56 insert at the end “for section 55 orders”.

Commencement

Sch. 27 para. 31: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 31: England, Wales, Scotland

✓ Law In Force

32.—

(1) In section 57 (validity and effect of orders) is amended as follows.

(2) In subsection (2), omit paragraph (b).

(3) After that subsection insert—

“(2A) If such an application is made in relation to a provision of an order requiring the payment of a sum in the event of a contravention and the sum would be payable before the time when the application is determined, it need not be paid until that time.

(2B) Where such an application is so made the court, if satisfied as mentioned in subsection (2) above, may (instead of quashing the order or the provision of the order) make provision under either or both of paragraphs (a) and (b) of subsection (2C) below.

(2C) The provision referred to in subsection (2B) above is—

- (a) provision substituting for the sum, or provision for determining a sum, specified in the order such lesser sum, or such other provision for determining a sum, as the court considers appropriate in all the circumstances of the case; and
- (b) provision substituting for the date by which the sum is to be paid specified in or determined in accordance with the order such later date as the court considers appropriate in all the circumstances of the case.

(2D) Where the court substitutes a lesser sum, or different provision for determining a sum, it may require the payment of interest on the new sum at such rate, and from such date, as it determines; and where it specifies as the date by which the sum is to be paid a date before the determination of the application it may require the payment of interest on the sum from that date at such rate as it determines.”

(4) In subsection (9), for “section 58” substitute “sections 57F and 58”.

(5) In the sidenote, after “of” insert “section 55”.

Commencement

Sch. 27 para. 32(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 32(1)-(5): England, Wales, Scotland

 Law In Force

33.—

(1) Section 58 (power to require information) is amended as follows.

(2) In subsection (1)—

(a) for the words from “may be” to “requirement, the” substitute

“may have contravened or be contravening—

(a) a relevant condition or requirement, or

(b) a final or provisional order made by the appropriate authority,

the”

, and

(b) after “55” insert “or 57A”.

(3) In the sidenote insert at the end “for purposes of sections 55 and 57A”.

Commencement

Sch. 27 para. 33(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 33(1)-(3): England, Wales, Scotland

 Law In Force

34.

In section 60(5)(c) (effect of petition for railway administration order), after “55” insert “or 57A”.

Commencement

Sch. 27 para. 34: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 34: England, Wales, Scotland

 Repealed

35. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

36.—

(1) Section 72(2) (matters to be entered in register maintained by Regulator) is amended as follows.

(2) In paragraph (a) (provisions about licences), after sub-paragraph (viii) (inserted by Schedule 17) insert—

“(ix) every penalty imposed by the Regulator under section 57A above;
(x) every statement of policy published by the Regulator under that section;”.

(3) In paragraph (b) (provisions about access agreements), after sub-paragraph (v) insert—

“(va) every direction under section 22A above;
(vb) every notice given by or to the Regulator or the Competition Commission under Schedule 4A to this Act;”.

Commencement

Sch. 27 para. 36(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 36(1)-(3): England, Wales, Scotland

 Law In Force

37.—

(1) Section 73(2) (matters to be entered in register by Authority) is amended as follows.

(2) In paragraph (d) (amendments of franchise agreements), insert at the end “other than any which are not likely to have a material effect on the provision of services under the agreement or on any sums payable under the agreement.”

(3) After paragraph (e) insert—

“(f) every penalty imposed by the Authority under section 57A above;
(g) every statement of policy published by the Authority under that section;”.

Commencement

Sch. 27 para. 37(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 37(1)-(3): England, Wales, Scotland

✓ Law In Force

38.

In section 80 (furnishing of information to Authority)—

- (a) in subsection (1), for the words from the beginning to the end of paragraph (c) substitute “Licence holders” and insert at the end “or the Transport Act 2000”, and
- (b) omit subsection (6).

Commencement

Sch. 27 para. 38(a)-(b): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 38(a)-(b): England, Wales, Scotland

✓ Law In Force

39.—

(1) Section 83 (interpretation) is amended as follows.

(2) For the definition of “appropriate officer” in subsection (1) substitute—

““appropriate authority” has the meaning given by section 55(10) above;”.

(3) [...]¹

(4) After the definition of “station services” in that subsection insert—

““through ticket” means—

- (a) a ticket which is valid for a journey which involves use of the services of more than one passenger service operator; or
- (b) a combination of two or more tickets issued at the same time which are between them valid for such a journey;

and “through ticketing” shall be construed accordingly;”.

(5) [...]²

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

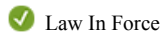
² Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 27 para. 39(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 39(1)-(5): England, Wales, Scotland



Law In Force

40.—

(1) Section 135 (concessionary travel) is amended as follows.

(2) In subsection (6)(a), for “(5)” substitute “(4)”.

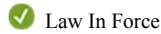
(3) In subsection (9), for “subsections (4) and (5) above are” substitute “subsection (4) above is”.

Commencement

Sch. 27 para. 40(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 40(1)-(3): England, Wales, Scotland



Law In Force

41.—

(1) Section 145 (restrictions on disclosure of information) is amended as follows.

(2) [...]¹

(3) After subsection (5) insert—

“(5A) Subsection (1) above does not prevent the transfer of records in accordance with section 3(4) of the Public Records Act 1958.”

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (June 8, 2005 as SI 2005/1444)

Commencement

Sch. 27 para. 41(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 41(1)-(3): England, Wales, Scotland

✓ Law In Force

42.—

(1) Section 150(1) (Crown application) is amended as follows.

(2) In paragraph (a), for “22” substitute “22C”.

(3) In paragraph (b), for “55 to 58, except sections 55(8) and 58(4) and (5);” substitute “55(1) to (7) and (9) to (11), sections 56 and 57 and section 58(1) to (3), (6) and (7);”.

Commencement

Sch. 27 para. 42(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 42(1)-(3): England, Wales, Scotland

✗ Repealed

43. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

✓ Law In Force

44.—

(1) Section 154(3) (extent) is amended as follows.

(2) For paragraph (a) substitute—

“(a) section 36(1), (4) and (5);”.

(3) For paragraph (c) substitute—

“(c) sections 124 and 129(3);”.

Commencement

Sch. 27 para. 44(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 44(1)-(3): England, Wales, Scotland

✗ Repealed

45. [...]¹

Notes

¹ Repealed by Railways and Transport Safety Act 2003 c. 20 Sch.8 para.1 (July 5, 2004 as SI 2004/827)

 Repealed

46. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

47. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

48.

In paragraph 2 of Schedule 6 (effect of administration order), after “55” insert “or 57A”.

Commencement

Sch. 27 para. 48: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 48: England, Wales, Scotland

 Law In Force

49.—

(1) Schedule 11 (pensions) is amended as follows.

(2) In paragraph 1(1) (interpretation), in paragraph (a) of the definition of “eligible persons”—
(a) after “of the Board,” insert—

“(ia) the Authority or any subsidiary of the Authority,”

and

(b) for “franchise company” substitute “body corporate which is, or is to be, the franchise or the franchise operator under a franchise agreement”.

(3) In paragraphs 3(4) and 4(5), for “after consultation with” substitute “with the consent of”.

(4) In paragraph 10(15), for “Board” (in both places) substitute “Authority”.

(5) In paragraph 11(10), in the definition of “relevant employer” insert at the end—

- “(d) the Authority; or
- (e) a wholly owned subsidiary of the Authority.”

Commencement

Sch. 27 para. 49(1)-(5): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 49(1)-(5): England, Wales, Scotland

Finance Act 1994 (c.9)

 Law In Force

50.—

(1) Schedule 24 to the Finance Act 1994 is amended as follows.

(2) In paragraph 15(11) (trading losses), after paragraph (b) insert—

- “(ba) a wholly owned subsidiary of the Strategic Rail Authority;”.

(3) In paragraph 19(5) (leased assets: special cases), after paragraph (b) insert—

- “(ba) the Strategic Rail Authority,
- (bb) a wholly owned subsidiary of the Strategic Rail Authority;”.

Commencement

Sch. 27 para. 50(1)-(3): January 15, 2001 (SI 2000/3376 art. 2)

Extent

Sch. 27 para. 50(1)-(3): England, Wales, Scotland

Railway Heritage Act 1996 (c.42)

 Law In Force

51.

The Railway Heritage Act 1996 has effect subject to the following amendments.

Commencement

Sch. 27 para. 51: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 51: England, Wales, Scotland

 Law In Force

52.

In section 2 (establishment of committee), for “Board” (in each place) substitute “Authority”.

Commencement

Sch. 27 para. 52: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 52: England, Wales, Scotland

 Law In Force

53.

In section 4(6)(b) (notice of proposed disposal), for “Part II of the Railways Act 1993” substitute “the Transport Act 2000”.

Commencement

Sch. 27 para. 53: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 53: England, Wales, Scotland

Channel Tunnel Rail Link Act 1996 (c.61)

 Law In Force

54.

The Channel Tunnel Rail Link Act 1996 has effect subject to the following amendments.

Commencement

Sch. 27 para. 54: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 54: England, Wales, Scotland

 Repealed

55. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

56.—

(1) Paragraph 7 of Schedule 9 (application of offence provisions) is amended as follows.

(2) In sub-paragraphs (2) and (3), for “the British Railways Board” substitute “a successor of the British Railways Board”.

(3) At the end insert—

“(4) In this paragraph “successor of the British Railways Board” has the same meaning as in the Railways Act 1993 (Consequential Modifications) (No.2) Order 1999.”

Commencement

Sch. 27 para. 56(1)-(3): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 56(1)-(3): England, Wales, Scotland

Greater London Authority Act 1999 (c.29)

 Law In Force

57.

The Greater London Authority Act 1999 has effect subject to the following amendments.

Commencement

Sch. 27 para. 57: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 57: England, Wales, Scotland

 Repealed

58. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

59.

In section 209(1) (amendments about the Croydon Tramlink), for “(9)” substitute “(10)”.

Commencement

Sch. 27 para. 59: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 59: England, Wales, Scotland

 Repealed

60. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

61. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

✓ Law In Force

62.—

(1) Schedule 18 (London Transport Users' Committee) is amended as follows.

(2) In paragraph 1, after “chairman” insert “and other members” and, in the heading preceding that paragraph, after “*Chairman*” insert “*and other members*”.

(3) In paragraph 2, for “above,” substitute “above as chairman,”.

(4) In paragraph 3, after “chairman” insert “or another member”.

(5)-(6) [...]¹

(7) Omit paragraph 17.

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 27 para. 62(1)-(7): February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 62(1)-(7): England, Wales, Scotland

Railways Act 1993 (Consequential Modifications) (No.2) Order 1999 (S.I.1999/1998)

✓ Law In Force

63.

In article 3(1) of the Railways Act 1993 (Consequential Modifications) (No.2) Order 1999 (amendment of British Transport Commission Act 1949), for “include” substitute “have effect as”.

Commencement

Sch. 27 para. 63: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 27 para. 63: England, Wales, Scotland

SCHEDULE 28

TRANSITIONALS AND SAVINGS ABOUT RAILWAYS

Section 253

First appointments to Authority

 Repealed

1.— [...] ¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Consumer protection conditions

 Law In Force

2.—

(1) The Secretary of State may make in relation to a licence or licence exemption granted before the coming into force of Part I of Schedule 17 a scheme making such provision as appears to him to be appropriate in consequence of the amendments made by that Part of that Schedule.

(2) The scheme may include modifications of—

(a) the licence or licence exemption, and

(b) any agreements or other arrangements or other documents relating to the person (or any of the persons) to whom it was granted,

(in particular so that references to the Regulator have effect as references to the Authority).

(3) The scheme may include provision for things done by the Regulator before the time when the scheme comes into force to be treated after that time as if done by the Authority.

(4) Before making a scheme under this paragraph the Secretary of State must consult—

(a) the Authority,

(b) the Regulator,

(c) the person or persons to whom the licence or licence exemption was granted, and

(d) any such other persons as the Secretary of State considers appropriate.

(5) The amendments made by Part I of Schedule 17 apply in relation to any licence or licence exemption granted before the coming into force of that Part of that Schedule only from the coming into force of a scheme made under this paragraph in relation to the licence or licence exemption.

Commencement

Sch. 28 para. 2(1)-(5): November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Sch. 28 para. 2(1)-(5): England, Wales, Scotland

Franchising

 Law In Force

3.—

(1) Any services which, immediately before the coming into force of section 212, are being provided under a franchise agreement shall be treated as having been designated under subsection (1) of section 23 of the Railways Act 1993 (as amended by subsection (1) of section 212) on the coming into force of section 212.

(2) The designation treated as made by sub-paragraph (1) may be varied or revoked as provided by subsection (2A) of section 23 (as inserted by subsection (2) of section 212) but is not required to be published by subsection (2B) of section 23 (as so inserted).

Commencement

Sch. 28 para. 3(1)-(2): November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Sch. 28 para. 3(1)-(2): England, Wales, Scotland

 Repealed

4. [...] ¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (October 16, 2005 as SI 2005/2812)

Bye-laws

 Law In Force

5.—

(1) The repeal of section 67 of the Transport Act 1962 does not affect that section, or any provision of that section, as applied by any other enactment.

(2) Any bye-laws made (or having effect as if made) under—

(a) section 67 of the Transport Act 1962, or

(b) section 129 of the Railways Act 1993,

which are in force immediately before the coming into force of the repeals of those sections shall continue in force [...] ¹ .

Notes

¹ Words repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Commencement

Sch. 28 para. 5(1)-(2)(b): November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Sch. 28 para. 5(1)-(2)(b): England, Wales, Scotland

Penalties

 Repealed

6.— [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Law In Force

7.—

(1) The fact that no order has been made under section 57A(3) of the Railways Act 1993[...]¹ does not affect the validity of any determination of the amount of a penalty under section 57A.

(2) The fact that no order has been made under section 55(7B) of the Railways Act 1993[...]¹ does not affect the validity of any determination of the amount of any sum payable in accordance with a final or provisional order.

Notes

¹ Words repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Commencement

Sch. 28 para. 7(1)-(2): November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Sch. 28 para. 7(1)-(2): England, Wales, Scotland

 Repealed

8. [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Compliance orders

 Repealed

9. [...]¹**Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Section 56 of the Transport Act 1962

 Law In Force

10.

Where provision is made for subsections (4) to (6) of section 56 of the Transport Act 1962 (functions of [Passengers' Council]¹ and [London Transport Users' Committee]²) to apply in relation to any services or any facilities connected with any services—

(a) [section 76 of the Railways Act 1993]³ shall not apply in relation to them unless the services are being provided under a franchise agreement, but

(b) [that subsection]⁴ shall not apply in relation to them if the services are being so provided.

Notes

¹ Words substituted by Passengers' Council (Non-Railway Functions) Order 2010/439 Sch.1(1) para.8(4) (February 25, 2010)

² Words substituted by Railways Act 2005 c. 14 Sch.12 para.17(9)(a) (July 24, 2005)

³ Words substituted by Railways Act 2005 c. 14 Sch.12 para.17(9)(b) (July 24, 2005)

⁴ Words substituted by Railways Act 2005 c. 14 Sch.12 para.17(9)(c) (July 24, 2005)

Commencement

Sch. 28 para. 10(a)-(b): November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Sch. 28 para. 10(a)-(b): England, Wales, Scotland

Review of access charges

 Repealed

11.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (January 29, 2007 as SI 2007/62)

Closures

 Repealed

12. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

 Repealed

13. [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Register

 Repealed

14.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (July 24, 2005 as SI 2005/1909)

Code for protection of disabled rail users

 Repealed

15.— [...]¹

Notes

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (June 26, 2005 as SI 2005/1444)

Penalty fares Repealed**16.— [...]¹****Notes**

¹ Repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (December 1, 2006 as SI 2006/2911)

Supplementary Law In Force**17.—**

(1) Nothing in this Schedule limits section 276.

(2) Nothing in this Schedule limits the operation of sections 16 and 17 of the Interpretation Act 1978 (effect of repeals).

Commencement

Sch. 28 para. 17(1)-(2): November 30, 2000 (2000 c. 38 Pt V s. 275(4))

Extent

Sch. 28 para. 17(1)-(2): England, Wales, Scotland

SCHEDULE 29**DRIVER TRAINING AND DRIVING INSTRUCTORS: MINOR AND CONSEQUENTIAL AMENDMENTS****Section 260***Introductory* Not Yet In Force**1.**

The Road Traffic Act 1988 has effect subject to the following amendments.

Commencement

Sch. 29 para. 1: Date to be appointed (not yet in force)

Extent

Sch. 29 para. 1: England, Wales, Scotland

Consequential amendments about driver training

 Not Yet In Force

2.

In section 89(6) (vehicles which may be driven by virtue of licence authorised by passing of test), for “For” substitute “Subject to regulations under section 99ZA of this Act, for”.

Commencement

Sch. 29 para. 2: Date to be appointed (not yet in force)

Extent

Sch. 29 para. 2: England, Wales, Scotland

 Not Yet In Force

3.

In section 97(1) (grant of licences), for “the following provisions of this section and section 92 of this Act” substitute “subsection (2) below, section 92 of this Act and regulations under section 99ZA of this Act”.

Commencement

Sch. 29 para. 3: Date to be appointed (not yet in force)

Extent

Sch. 29 para. 3: England, Wales, Scotland

 Not Yet In Force

4.

In section 98(2) (effect of full licence), after “below” insert “and to regulations under section 99ZA of this Act”.

Commencement

Sch. 29 para. 4: Date to be appointed (not yet in force)

Extent

Sch. 29 para. 4: England, Wales, Scotland

**5.—**

(1) Section 164 (power of constables to require production of evidence) is amended as follows.

(2) For subsection (4A) substitute—

“(4A) If regulations make provision for the evidencing of the successful completion of driver training courses or of a person's being within the exemption specified in subsection (2), or any exemption provided by virtue of subsection (3), of section 99ZA of this Act, a person driving on a road a motor vehicle which he—

(a) is not authorised so to drive without having successfully completed such a course,
or

(b) would not be authorised so to drive apart from the exemption,
may be required by a constable to produce prescribed evidence of the successful completion by him of such a course or of his being within the exemption.”

(3) In subsection (6), for “his certificate of completion of a training course for motor cyclists” substitute “prescribed evidence of the successful completion by him of a driver training course or of his being within an exemption”.

(4) In subsection (8A), for “a certificate of completion of a training course for motor cyclists” substitute “prescribed evidence of the successful completion of a driver training course or of being within an exemption”.

(5) In subsection (11), for the words from ““counterpart,”” to “completion”” substitute ““counterpart” and “provisional licence””.

Commencement

Sch. 29 para. 5(1)-(5): Date to be appointed (not yet in force)

Extent

Sch. 29 para. 5(1)-(5): England, Wales, Scotland

**6.**

In section 194 (index of expressions) insert at the appropriate place—

“Driver training course

| Section 99ZA”.

Commencement

Sch. 29 para. 6: Date to be appointed (not yet in force)

Extent

Sch. 29 para. 6: England, Wales, Scotland

Tests of continued ability and fitness to give driving instruction

**7.**

In section 125(5) (continuing registration conditional on undergoing tests of continued ability and fitness to give instruction), for the words from “undergo” to the end substitute “submit himself for such test of continued ability and fitness to give instruction in the driving of motor cars (which may consist of practical and other means of assessment) as may be prescribed by regulations.”

Amendments Pending

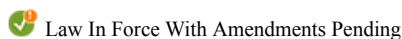
Sch. 29 para. 7: repealed by Road Safety Act 2006 c. 49, Sch. 7 para. 1 (date to be appointed)

Commencement

Sch. 29 para. 7: April 1, 2002 (SI 2002/658 art. 2(2), art. 3(3), Sch. 1(2) para. 1)

Extent

Sch. 29 para. 7: England, Wales, Scotland

**8.**

In section 125B(6)(b) (similar provision in relation to disabled instructors), after “cars” insert “(which may consist of practical and other means of assessment)”.

Amendments Pending

Sch. 29 para. 8: repealed by Road Safety Act 2006 c. 49, Sch. 7 para. 1 (date to be appointed)

Commencement

Sch. 29 para. 8: April 1, 2002 (SI 2002/658 art. 2(2), art. 3(3), Sch. 1(2) para. 1)

Extent

Sch. 29 para. 8: England, Wales, Scotland

 Law In Force With Amendments Pending

9.—

(1) Section 132 (regulations about examinations and tests) is amended as follows.

(2) In subsection (1), for “such instruction” substitute “instruction in the driving of motor cars (or appropriate motor cars)”.

(3) In subsection (2)—

(a) in paragraph (a) (obligation to provide vehicle)—

(i) for “to any” substitute “for any”,

(ii) for “such a test of continued ability and fitness” substitute “any part of such a test of continued ability and fitness which consists of practical assessment”, and

(iii) for “the test” substitute “the practical test or assessment”,

(b) in paragraph (b) (fees)—

(i) after “examination” insert “, or required to submit himself for such a test,”, and

(ii) after “that part” insert “or such tests,”, and

(c) in paragraph (c) (particulars), after “examination” insert “, or is required to submit himself for such a test”.

Amendments Pending

Sch. 29 para. 9: repealed by Road Safety Act 2006 c. 49, Sch. 7 para. 1 (date to be appointed)

Commencement

Sch. 29 para. 9(1)-(3)(c): April 1, 2002 (SI 2002/658 art. 2(2), art. 3(3), Sch. 1(2) para. 1)

Extent

Sch. 29 para. 9(1)-(3)(c): England, Wales, Scotland

Disabled instructors: emergency control assessments

 Law In Force

10.

In section 133A (assessments of disabled person's ability to control a motor car in an emergency), after subsection (4) insert—

“(4A) Regulations may require a person who applies to undergo an emergency control assessment (or a part of such an assessment), or is required to submit himself for such an assessment, to pay a fee to the Secretary of State.”

Commencement

Sch. 29 para. 10: April 1, 2002 (SI 2002/658 art. 2(2), art. 3(3), Sch. 1(2) para. 1)

Extent

Sch. 29 para. 10: England, Wales, Scotland

Review by magistrates' court of examinations of instructors

 Law In Force With Amendments Pending

11.—

(1) Section 133 (review of examinations) is amended as follows.

(2) In subsection (1) (application to magistrates' court)—

(a) for “submitted himself for any part of an examination of ability to give instruction in the driving of motor cars” substitute “undergone a relevant examination, or a part of such an examination”, and

(b) for “that part of the examination was properly conducted in accordance with regulations” substitute “the examination or part was properly conducted”.

(3) In subsection (2) (order for repayment of fees etc.)—

(a) for “that part of the examination was not so” substitute “the examination or part was not properly”, and

(b) for “that part” substitute “the examination or part”.

(4) After subsection (3) insert—

“(4) In this section “a relevant examination” means—

(a) an examination of ability to give instruction in the driving of motor cars,

(b) a test of continued ability and fitness to give instruction in the driving of motor cars (or appropriate motor cars), or

(c) an emergency control assessment.”

Amendments Pending

Sch. 29 para. 11: repealed by Road Safety Act 2006 c. 49, Sch. 7 para. 1 (date to be appointed)

Commencement

Sch. 29 para. 11(1)-(4): April 1, 2002 (SI 2002/658 art. 2(2), art. 3(3), Sch. 1(2) para. 1)

Extent

Sch. 29 para. 11(1)-(4): England, Wales, Scotland

Respondent in appeals about instructors

✓ Law In Force

12.

In section 131 (appeals against decisions of registrar), insert at the end—

“(4G) On an appeal under this section the respondent is the Registrar.”

Commencement

Sch. 29 para. 12: April 1, 2002 (SI 2002/658 art. 2(2), art. 3(3), Sch. 1(2) para. 1)

Extent

Sch. 29 para. 12: England, Wales, Scotland

SCHEDULE 30**DETENTION OF VEHICLES USED WITHOUT OPERATOR'S LICENCE****Section 262**

✓ Law In Force

The Schedule to be inserted after Schedule 1 to the Goods Vehicles (Licensing of Operators) Act 1995 is as follows—

“SCHEDULE 1A**DETENTION OF VEHICLES USED WITHOUT OPERATOR'S LICENCE****Interpretation****1.—**

(1) In this Schedule—

“authorised person” means—

(a) an examiner appointed by the Secretary of State under section 66A of the Road Traffic Act 1988, or

(b) a person acting under the direction of such an examiner;

“contents”, in relation to a goods vehicle, means any goods carried by that vehicle;

“immobilisation device” means any device or appliance which is an immobilisation device for the purposes of section 104 of the Road Traffic Regulation Act 1984.

- (2) Regulations may, for the purposes of regulations made by virtue of this Schedule, make provision as to the meaning of “owner” as regards a goods vehicle.
- (3) Regulations made by virtue of sub-paragraph (2) may, in particular, provide that the owner of a motor vehicle at a particular time shall be taken to be—
- (a) any person in whose name it is then registered by virtue of the Vehicle Excise and Registration Act 1994, or
 - (b) any person in whose operator's licence it is then specified.

Detention of property

2.—

- (1) Regulations may provide that where an authorised person has reason to believe that a goods vehicle is being, or has been, used on a road in contravention of section 2, he may detain the vehicle and its contents.
- (2) Regulations made by virtue of sub-paragraph (1) may not authorise a person other than a constable in uniform to stop a vehicle on any road.

3.

Regulations may make provision with respect to property detained by virtue of paragraph 2.

Immobilisation and removal

4.—

- (1) Regulations may provide that an authorised person may, before a goods vehicle is removed by virtue of paragraph 6—
- (a) fix an immobilisation device to the vehicle in the place where the vehicle has been detained, or
 - (b) move the vehicle, or require it to be moved, to a more convenient place and fix an immobilisation device to the vehicle in that other place.
- (2) Regulations may also provide—
- (a) that, on any occasion when an immobilisation device is fixed to a vehicle, the person fixing the device shall also fix to the vehicle a notice indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion and giving such other information as may be prescribed,
 - (b) that a vehicle to which an immobilisation device has been fixed may only be released from the device by or under the direction of an authorised person, and
 - (c) that an immobilisation notice shall not be removed or interfered with except by or on the authority of an authorised person.

5.—

(1) Regulations may provide that a person who, without being authorised to do so in accordance with paragraph 4(2)(b), removes or attempts to remove an immobilisation device fixed to a goods vehicle under regulations made by virtue of paragraph 4(1) is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(2) Regulations may provide that a person who removes or interferes with an immobilisation notice in contravention of regulations made by virtue of paragraph 4(2)(c) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

6.—

(1) Regulations may make provision for an authorised person to direct that any property detained by virtue of paragraph 2 be removed and delivered into the custody of a person specified in the direction.

(2) Regulations may provide that a person may be specified in a direction only if—

- (a) he is a person identified in accordance with prescribed rules, and
- (b) he has made arrangements with the Secretary of State and agreed to accept delivery of the property in accordance with those arrangements;

and the arrangements may include the payment of a sum to a person into whose custody any property is delivered.

(3) Regulations may also provide that, where an authorised person has given a direction by virtue of sub-paragraph (1) in respect of a goods vehicle, he may allow the driver of the vehicle to deliver its contents to their destination or some other suitable place before delivering the vehicle into the custody of the person specified in the direction.

7.—

(1) Regulations may make provision for informing persons who may be entitled to the property that it has been detained.

(2) Provision made by virtue of sub-paragraph (1) may, in particular, include provision requiring—

- (a) the publication by an authorised person of such notices as may be prescribed, and
- (b) the giving of notice by an authorised person to such persons as may be prescribed.

Return or disposal of vehicle**8.**

Regulations may make provision for a goods vehicle detained by virtue of paragraph 2 to be returned to the owner.

9.—

- (1) Regulations shall make provision enabling the owner of a goods vehicle detained by virtue of paragraph 2 to apply to the traffic commissioner for the area in which the vehicle was detained for the return of the vehicle.
- (2) Regulations may, in particular—
 - (a) require notice of an application to be given to the traffic commissioner within such period as may be determined in accordance with the regulations, and
 - (b) require notice of an application to be made in such form as may be prescribed.
- (3) Regulations shall make provision as to the grounds upon which the owner may apply for the return of the vehicle.
- (4) Those grounds may include the following grounds—
 - (a) that at the time the vehicle was detained the person using the vehicle held an operator's licence (whether or not authorising the use of the vehicle),
 - (b) that at the time the vehicle was detained the vehicle was not being, and had not been, used in contravention of section 2, or
 - (c) that, although at the time the vehicle was detained it was being, or had been, used in contravention of section 2, the owner did not know that it was being, or had been, so used.

10.—

- (1) Regulations shall make provision—
 - (a) enabling the traffic commissioner to hold a hearing before determining an application by virtue of paragraph 9,
 - (b) requiring him to hold a hearing if requested by a person who claims to be the owner,
 - (c) as to the time within which the hearing must be held, and
 - (d) subject to such provision as may be made by the regulations, for the hearing to be held in public.
- (2) Regulations shall also provide that, if no hearing is held, the traffic commissioner must determine the application within a prescribed time after receiving notice of the application.
- (3) Regulations shall provide that—
 - (a) if the traffic commissioner determines that one of the grounds prescribed by virtue of paragraph 9(3) is made out, he must order the person specified in a direction by virtue of paragraph 6(1) to return the goods vehicle to the owner;
 - (b) if the traffic commissioner determines that none of those grounds is made out, the vehicle may be sold or destroyed by the person specified, in such manner as may be prescribed.

11.—

- (1) Regulations shall provide for an appeal to the Transport Tribunal against the determination of the traffic commissioner.
- (2) Regulations—

- (a) may prescribe the period within which an appeal must be made, and
- (b) may make provision for notice of the appeal to be given to the Transport Tribunal, the traffic commissioner and such other persons as may be prescribed.

12.

Regulations may provide that, if no application is made to the traffic commissioner in accordance with regulations made by virtue of paragraph 9, any goods vehicle detained by virtue of paragraph 2 may be sold or destroyed in such manner as may be prescribed.

Return or disposal of contents of vehicle

13.—

(1) Regulations may provide that the person specified in a direction by virtue of paragraph 6(1) may retain custody of the contents of a goods vehicle until—

- (a) the contents are returned, in accordance with the regulations, to a person who establishes that he is entitled to them, or
- (b) the contents are sold or destroyed by the person specified in such manner as may be prescribed.

(2) Regulations may also make provision as to—

- (a) the period within which a person who claims to be entitled to the contents may make a claim for their return,
- (b) the requirements to be satisfied by a person who claims to be entitled to the contents (including requirements as to his entitlement), and
- (c) the manner in which entitlement to such contents is to be determined where there is more than one claim to them.

(3) The person specified in a direction by virtue of paragraph 6(1) may not sell or destroy the contents unless—

- (a) such steps as may be required by regulations made by virtue of paragraph 7(1) have been taken and no person has, before the expiry of the period referred to in sub-paragraph (2)(a), established an entitlement to the contents, or
- (b) the condition of the contents requires them to be disposed of without delay.

Custody of property

14.

Regulations shall provide that, subject to the powers of a person specified in a direction by virtue of paragraph 6(1) to sell or destroy any property by virtue of this Schedule, it shall be the duty of that person while any property is in his custody to take such steps as are necessary for the safe custody of that property.

Proceeds of sale

15.—

(1) Regulations shall provide for the proceeds of sale of any property sold under regulations made by virtue of paragraph 10(3)(b), 12 or 13(1)(b)—

- (a) to be applied towards meeting expenses incurred by any authorised person in exercising his functions by virtue of this Schedule, and
- (b) in so far as they are not so applied, to be applied in such other manner as may be prescribed.

(2) Regulations may in particular provide for a sum determined in accordance with the regulations to be paid to a person if—

- (a) he claims after the sale of property under regulations made by virtue of paragraph 10(3)(b), 12 or 13(1)(b) to be or to have been its owner,
- (b) the claim is made within a prescribed time of the sale, and
- (c) any other prescribed conditions are fulfilled.

Disputes

16.—

(1) Regulations may make provision about the proceedings to be followed where a dispute occurs as a result of regulations made by virtue of paragraph 13 or 15.

(2) Provision made by virtue of sub-paragraph (1) may in particular provide—

- (a) for an application to be made to a magistrates' court or (in the case of an application made in Scotland) the sheriff;
- (b) for a court or the sheriff to order a sum to be paid by the Secretary of State.

(3) Any application made to the sheriff in accordance with regulations made by virtue of sub-paragraph (2)(a) shall be made by way of summary application.

Obstruction of authorised person

17.

Regulations may provide that a person who intentionally obstructs an authorised person in the exercise of his powers under regulations made by virtue of paragraph 2 or 6 is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Offences as to securing possession of property

18.—

(1) Regulations may provide that where—

- (a) a person makes a declaration with a view to securing the return of a goods vehicle under regulations made by virtue of paragraph 10,
 - (b) the declaration is that the vehicle was not being, or had not been, used in contravention of section 2, and
 - (c) the declaration is to the person's knowledge either false or in any material respect misleading,
- he is guilty of an offence.
- (2) Regulations may provide that a person guilty of such an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, and
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.”

Commencement

Sch. 30 para. 1: February 1, 2001 (SI 2001/57 art. 3, Sch. 2(I) para. 1)

Extent

Sch. 30 para. 1: England, Wales, Scotland

SCHEDULE 31**REPEALS AND REVOCATIONS****Section 274****PART I****AIR TRAFFIC**

 Law In Force

(1)**AIR NAVIGATION SERVICES**

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	Section 72.

(2)

CHARGES

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	Sections 73 and 74. In Schedule 4, in paragraph 1(5) the definition of “record”. In Schedule 13, in Part II the entry relating to section 73.
1983 c. 11.	Civil Aviation (Eurocontrol) Act 1983.	Section 3(2).
1989 c. 9.	Civil Aviation (Air Navigation Charges) Act 1989.	The whole Act.

The repeal of section 3(2) of the Civil Aviation (Eurocontrol) Act 1983 does not affect the operation of the words in it from “and that subsection” onwards in relation to any time before the coming into force of the repeal.

(3)

HOSTILITIES ETC

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	In section 6, in subsections (1) and (2), the words from “and in so far” to the end. Sections 62 and 63.

(4)

LAND

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	In section 43(1) the word “or” after paragraph (a). In section 44, in subsection (6) the word “and” after paragraph (a) and in subsection (12) the word “and” after paragraph (b). In section 46(10) the word “and” after paragraph (c). In section 55(7), in paragraph (a) the word “and” after sub-paragraph (i). In Schedule 7, in paragraph 5(2) the word “and” after paragraph (a).

(5)

MISCELLANEOUS

Chapter	Short title	Extent of repeal
1982 c. 16.	Civil Aviation Act 1982.	In section 21(2)(a) the words “, 63(3) or 72(2)”.

Commencement

Sch. 31(I) para. 1: April 1, 2001 (SI 2001/869 art. 2)

Extent

Sch. 31(I) para. 1: United Kingdom

PART II**LOCAL TRANSPORT**
 Partially In Force

Reference	Short title or title	Extent of repeal or revocation
1965 c. 25.	Finance Act 1965.	Section 92.
1968 c. 73.	Transport Act 1968.	Section 9A(1) and (2). Section 9B. Section 33.
1974 c. 30.	Finance Act 1974.	Section 54.
1979 c. 8.	Excise Duties (Surcharges or Rebates) Act 1979.	In Schedule 1, paragraph 2.
1980 c. 43.	Magistrates' Courts Act 1980.	In Schedule 7, paragraph 53.
1981 c. 35.	Finance Act 1981.	In section 4(2)(b), the words “section 92(2) of the Finance Act 1965 and”.
1983 c. 10.	Transport Act 1983.	In section 2— in subsection (3), the words “in a plan prepared by them under section 3 below” and the words “under section 4 below”, and in subsection (4), the words between “functions” and “shall”. Sections 3 to 5. Section 6(1), (2), (5) and (6). In section 10— in subsection (1), paragraphs (b) and (c) and, in the words following those paragraphs, the words “to (c)”, and .

Reference	Short title or title	Extent of repeal or revocation
1985 c. 51.	Local Government Act 1985.	subsection (3) In Schedule 12, in paragraph 5, sub-paragraphs (3) and (4) and, in sub-paragraph (5), the words from “except that” to the end.
1985 c. 67.	Transport Act 1985.	In section 7(4), the word “or” at the end of paragraph (a). Section 58(3). In section 63— in subsection (1), paragraph (b) and the word “and” before it, and in subsection (3), the words “(1)(b) or” and the words “(1)(a) or”, in paragraph (a), the words “as a local education authority or (as the case may be)” and, in paragraph (b), the words “social services or (as the case may be)”. In section 64— in subsection (1), the words following paragraph (b), and in subsection (2), the words “under section 63(1)(a) or (as the case may be)”. Section 89(3). In section 94(4), paragraph (a) and in paragraph (b) the words “after that time,”. Section 102. In section 104(2), the word “or” at the end of paragraph (a). In section 108(1), the words “Wales or”. Section 109. Section 110. Section 111. Section 112(2). In Schedule 3, paragraph 31.
S.I. 1986/1385.	Transport Act 1985 (Extension of Eligibility for Travel Concessions) Order 1986.	In article 1, the definitions of “mental handicap” and “severe mental handicap”. Article 3.
S.I. 1989/2293.	Transport Act 1985 (Extension of Eligibility for Travel Concessions) (Amendment) Order 1989.	Article 4.
1996 c. ix.	London Local Authorities Act 1996.	Part II.
1999 c. 29.	Greater London Authority Act 1999.	In Schedule 16— in paragraph 2(1), the words “(persons who have attained pensionable age or whose ability to walk is seriously impaired)”, and paragraph 7.

Reference	Short title or title	Extent of repeal or revocation
2000 c. 00.	Transport Act 2000.	In section 146(1), in the definition of “eligible service”, paragraph (a) and in paragraph (b) the words “after that time,”. Section 158. In Schedule 11, paragraphs 1 and 22.
2000 c. vii.	London Local Authorities Act 2000.	Section 48. Schedule 2.

Commencement

Sch. 31(II) para. 1: February 1, 2001 in relation to England for repeals specified in SI 2001/57 art.3 and Sch.3 Part I; April 1, 2001 in relation to England for repeals specified in SI 2000/3229 art.2(3) and Sch.1 Part III; June 1, 2001 in relation to England for repeals specified in SI 2000/3229 art.2(4) and Sch.1 Part IV; October 26, 2001 in relation to England for the repeal specified in SI 2001/3342 art.2 and Sch.1; May 1, 2002 in relation to England for repeals specified in SI 2002/1014 Sch.1 Part I; August 14, 2002 in relation to Wales for repeals specified in SI 2002/2024 art.2(b); not yet in force otherwise (SI 2000/3229 art. 2, Sch. 1(III) para. 1, Sch. 1(IV) para. 1; SI 2001/57 Sch. 3(I) para. 1; SI 2001/3342 art. 2, Sch. 1 para. 1; SI 2002/1014 art. 2(1), Sch. 1(1) para. 1; SI 2002/2024 art. 2(b))

Extent

Sch. 31(II) para. 1: England, Wales

PART III

ROAD USER CHARGING AND WORKPLACE PARKING LEVY

 Law In Force

Chapter	Short title	Extent of repeal
1999 c. 29.	Greater London Authority Act 1999.	In Schedule 23— paragraph 4(3)(e), in paragraph 25(1), paragraph (c) and the word “or” before it, and in paragraph 38, the words “, exercisable in the same manner, and subject to the same conditions and limitations,”. In Schedule 24— in paragraph 1(1), in the definition of “licence”, the words “by the occupier of those premises” and the definition of “occupier”, paragraph 7(3)(e), and in paragraph 39, the words “, exercisable in the same manner, and subject to the same conditions and limitations,”.

Commencement

Sch. 31(III) para. 1: February 1, 2001 in relation to England for repeals specified in SI 2001/57 Sch.3 Part I (SI 2001/57 art. 3, Sch. 3(I) para. 1)

Extent

Sch. 31(III) para. 1: England, Wales

PART IV

RAILWAYS

 Partially In Force

Reference	Short title or title	Extent of repeal or revocation
12, 13 & 14 Geo.6 c. xxix.	British Transport Commission Act 1949.	In section 53(1), in its application to Scotland, in the definition of “the Boards”, the words “the British Railways Board”.
10 & 11 Eliz.2 c. 46.	Transport Act 1962.	<p>In section 1, in subsection (1), the words “the British Railways Board (in this Act referred to as the “Railways Board”);” and subsection (3).</p> <p>Sections 3 to 4A.</p> <p>In section 12(1), the words “, other than the Railways Board,”.</p> <p>In section 13, subsection (1A) and subsections (9) to (12).</p> <p>In section 14(4), the words “, except the Railways Board,”.</p> <p>In section 18(6), the words “the Railways Board and”.</p> <p>In section 19(6), the words “the Railways Board and”.</p> <p>Section 21A.</p> <p>Section 22.</p> <p>In section 27, in subsections (2) and (7), the words “(other than the Railways Board)” and, in subsection (8), the words “(other than the Railways Board)” and the words “or section 3 of the Transport Act 1982”.</p> <p>In section 31, subsection (2) and, in subsection (6), the words “the Railways Board,”.</p> <p>Section 32(6).</p> <p>In section 52(2), the words “, as those subsections apply to the Boards”.</p>

Reference	Short title or title	Extent of repeal or revocation
10 & 11 Eliz.2 c. xlii. 1964 c. 40.	British Transport Commission Act 1962. Harbours Act 1964.	In section 54(1), the words “the Railways Board or” (in both places) and the words “, as the case may be,”.
		In section 65, in subsection (1), in the definition of “the appropriate Board”, paragraph (b) and, in subsection (4), paragraph (b) and the words “the Railways Board or”.
		Section 67.
		In the First Schedule, in paragraph 3, the words from “Railways” to “other”.
1966 c. 28. 1967 c. 13.	Docks and Harbours Act 1966. Parliamentary Commissioner Act 1967.	In the Sixth Schedule, paragraph 1(5).
		In the Seventh Schedule, paragraphs 23 and 24.
		Section 43(1).
		In section 30(1)(b), the words “, the British Railways Board or”.
1968 c. 73.	Transport Act 1968.	In section 36(a), the words “, the British Railways Board or”.
		In section 57(1), in the definition of “the Boards”, the words “the British Railways Board and”.
		Section 47.
		In Schedule 2, the entries relating to— the Central Rail Users' Consultative Committee, the Director of Passenger Rail Franchising, the Rail Users' Consultative Committee for Eastern England, the Rail Users' Consultative Committee for North Western England, the Rail Users' Consultative Committee for Scotland, the Rail Users' Consultative Committee for Southern England, the Rail Users' Consultative Committee for the Midlands, the Rail Users' Consultative Committee for Wales, and the Rail Users' Consultative Committee for Western England.
		Section 38.
		Section 42.
		In section 44(1)(b)(iv), the words “the Railways Board or”.
		In section 49(4), the words “the Railways Board and”, the word “each”, paragraph (a), in paragraph (b), the words “in the case of the

Reference	Short title or title	Extent of repeal or revocation
		Waterways Board”, the words “will be so connected by rail or so situated in relation to a railway line or, as the case may be,” and the words “the rail services of the Railways Board can be directly used or, as the case may be,”.
		In section 50(1), the words “3(3)(e), 9(2)(c) or”, the words “Railways Board, and”, the words “each” and the words from “; and the said” to the end.
		In section 56(2B), the definition of “the Franchising Director”.
		In section 135(1)(b), the words “the Railways Board or”.
		In section 137(8), the words “the Railways Board,”.
		In section 159(1), in the definition of “the Boards”, the words “the British Railways Board,”.
1969 c. 48.	Post Office Act 1969.	In section 20(1)(c), the words “the British Railways Board and” and the word “other”.
1972 c. 15.	Transport (Grants) Act 1972.	The whole Act.
1974 c. 48.	Railways Act 1974.	The whole Act.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1— in Part II, the entry relating to the British Railways Board, and in Part III, the entries relating to the Chairman of the Central Rail Users' Consultative Committee appointed under section 3 of the Railways Act 1993, the Chairman in receipt of remuneration of the London Transport Users' Committee, the Chairman of a rail users' consultative committee appointed under section 2 of that Act and the Director of Passenger Rail Franchising.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the British Railways Board.
1978 c. 55.	Transport Act 1978.	Section 15(6) and (7). In section 21, the words “the British Railways Board and”.
		In section 24(2), the definition of “BR”.
1980 c. 34.	Transport Act 1980.	In Schedule 6, paragraph 10.
1981 c. 56.	Transport Act 1981.	In Schedule 3, in paragraph 31(4), the words “the British Railways Board,”.
		In Schedule 4, paragraph 1(3).
1982 c. 6.	Transport (Finance) Act 1982.	The whole Act.
1983 c. 44.	National Audit Act 1983.	In Part I of Schedule 4, the entry relating to the British Railways Board.
1985 c. 67.	Transport Act 1985.	Sections 118 to 124.

Reference	Short title or title	Extent of repeal or revocation
1987 c. 53.	Channel Tunnel Act 1987.	<p>In Schedule 7, paragraph 6.</p> <p>Section 22.</p> <p>Section 39.</p> <p>Section 40.</p> <p>In section 41—</p> <p>in subsection (1), the words from “as it applies” to the end,</p> <p>in subsection (2), the words “or the Railways Board or any subsidiary of theirs”, and subsection (4).</p> <p>Section 42.</p> <p>In Schedule 6, in paragraph 6, the words “or the Railways Board”.</p>
1991 c. 63.	British Railways Board (Finance) Act 1991.	The whole Act.
1991 c. vii.	Heathrow Express Railway Act 1991.	In section 41(2), the words “or the Board” and the words “and the Board”.
1992 c. 42.	Transport and Works Act 1992.	Section 20(3)(a).
1993 c. 43.	Railways Act 1993.	<p>In section 1—</p> <p>in subsection (1), paragraph (b) and the word “and” before it and the words “, or (as the case may be) the Franchising Director,”,</p> <p>in subsection (2), the words “or the Franchising Director”, the words “to either of those offices” and the words “(or for appointment to the other of them)”,</p> <p>in subsections (3) and (4), the words “or the Franchising Director”, subsection (5),</p> <p>in subsection (6), the words “and the Franchising Director”, and</p> <p>in the sidenote, the words “and the Director of Passenger Rail Franchising”.</p> <p>In section 4, in subsection (2) the words “the Secretary of State or, as the case may be,” and, in subsection (9), the definition of “through ticket”.</p> <p>Section 5.</p> <p>Section 7(10).</p> <p>Section 8(10).</p> <p>Section 11(3).</p> <p>In section 13(7), the words “the Secretary of State and”.</p> <p>In section 15(1), the words following paragraph (d).</p> <p>Section 17(11).</p> <p>In section 18, in subsection (1), the word “or” at the end of paragraph (a) and subsection (11).</p>

Reference	Short title or title	Extent of repeal or revocation
		<p>In section 19, in subsection (3), the word “or” at the end of paragraph (a) and subsection (13).</p> <p>In section 20, in subsection (2), the words following paragraph (b) and subsections (9) and (12).</p> <p>Section 22(6).</p> <p>Section 25(3) to (9).</p> <p>Section 27(14) and (15).</p> <p>In section 29—</p> <p>in subsection (1), paragraph (b) and the preceding “or”, and subsections (6) and (7).</p> <p>Section 32.</p> <p>Section 33.</p> <p>In section 34—</p> <p>in subsection (1), the words “as eligible for provision under a franchise agreement”,</p> <p>in subsection (12), the words “as eligible for provision under franchise agreements”,</p> <p>in subsection (14), the words “, or is empowered to secure the operation of any additional railway assets,”, in paragraph (a)(ii), the words “of the” and “in question”, in paragraph (b)(ii), the words “of the” and “in question” and paragraph (c) and the word “but” before it,</p> <p>in subsection (16), the words “pursuant to his power under that section”, and subsection (23).</p> <p>In section 35(1), the words “as eligible for provision under a franchise agreement”.</p> <p>In section 37—</p> <p>in subsection (9), in the definition of “minor closure”, the words “, in the opinion of the Regulator,”,</p> <p>in subsection (10), the words “or 44(2)”, and subsection (11).</p> <p>Section 38(9).</p> <p>In section 39—</p> <p>in subsection (10), in the definition of “minor closure” the words “, in the opinion of the Regulator,” (in both places) and the word “or” at the end of paragraph (a),</p> <p>in subsection (11), the words “or 44(2)” and the words “in pursuance of his power under section 30 above”, and subsection (12).</p> <p>Section 40(9).</p> <p>In section 41—</p>

Reference	Short title or title	Extent of repeal or revocation
		<p>in subsection (9), in the definition of “minor closure”, the words “, in the opinion of the Regulator,” (in both places),</p> <p>in subsection (10), the words “or 44(2)” and the words “in pursuance of his power under section 30 above”, and subsection (11).</p> <p>Section 42(8).</p> <p>In section 43, subsection (11) and, in subsection (12), the words following paragraph (d).</p> <p>Section 44.</p> <p>In section 46, in subsection (1), the words from “, other than” to the end and subsection (3).</p> <p>Section 50(1)(b).</p> <p>Sections 51 to 53.</p> <p>In section 54(3), in the definition of “franchising functions”, in paragraph (a), the words “, 52 and 53(3)”.</p> <p>In section 55—</p> <p>subsection (5)(b) and (c),</p> <p>in subsection (5A), the words “in relation to a licence holder or person under closure restrictions”,</p> <p>in subsection (10), in paragraph (a) of the definition of “the appropriate officer”, the words “or a person under closure restrictions,” and subsection (12).</p> <p>In section 57(2), paragraph (b) and the word “or” before it.</p> <p>In section 68(1), paragraph (b) and the word “or” before it.</p> <p>Section 70.</p> <p>Section 72(2)(c).</p> <p>Section 73(2)(c) and (8).</p> <p>In section 74(2), paragraph (b) and paragraph (d) and the word “and” before it.</p> <p>In section 75(4), the definition of “first relevant financial year” and the word “and” before it.</p> <p>In section 76(9), the words from “and in this” to the end.</p> <p>In section 77, in subsection (8), the words “, after consultation with the Regulator,” and, in subsection (11), the words from “and in this” to the end.</p> <p>Section 78(1) to (4), (6) and (7).</p> <p>In section 79(4), the definition of “committee”.</p> <p>Section 80(6).</p>

Reference	Short title or title	Extent of repeal or revocation
		<p>In section 83(1)—</p> <p>the definitions of “the Central Committee” and “consultative committee”, and</p> <p>in the definition of “closure consent”, the words “or 44”.</p> <p>Sections 84 to 116.</p> <p>In section 118—</p> <p>in subsection (5), the words “given to him” and the words “relating to him”,</p> <p>in subsection (11), the words “or II”, and subsection (12).</p> <p>Sections 126 to 129.</p> <p>In section 133(1), the words “continue to”.</p> <p>In section 135—</p> <p>subsection (5),</p> <p>in subsection (6), the words from “and subsections (2) and (3)” to the end,</p> <p>in subsection (8), paragraph (b) and the word “and” before it,</p> <p>in subsection (9)(b), the words “or in agreements or other arrangements under section 51 or 52 above”, and subsections (10) and (11).</p> <p>Section 137.</p> <p>Section 139.</p> <p>Section 141.</p> <p>In section 144(1), the words from “and, without” to “member of the subsidiary,” and the words “33 or”.</p> <p>Section 150, in subsection (1), paragraphs (d) and (n) and subsection (4).</p> <p>In section 151(1), the definitions of “the Franchising Director” and “transfer scheme”.</p> <p>Section 152(2).</p> <p>In Schedule 1—</p> <p>the words “or the Franchising Director” (in each place),</p> <p>the words “and the Franchising Director” (in each place, including the heading),</p> <p>paragraph 1(4),</p> <p>in paragraph 2(1), the word “each” and the words “, or (as the case may be) the Franchising Director,”,</p> <p>in the heading before paragraph 3, the words “, <i>the Franchising Director</i>” and the word “<i>their</i>”,</p> <p>in paragraph 4, the word “each”,</p>

Reference	Short title or title	Extent of repeal or revocation
		<p>in paragraph 5, the words “or, as the case may be, the Franchising Director” (in both places),</p> <p>in paragraph 6, the word “each” and the words “, the Franchising Director” (in both places),</p> <p>paragraph 7(a), and</p> <p>paragraph 8(a).</p> <p>In Schedule 2—</p> <p>paragraph 1,</p> <p>in paragraph 2, the words “, with the approval of the Treasury,”,</p> <p>paragraph 3,</p> <p>in paragraph 7(1), the words “, with the approval of the Regulator”,</p> <p>in paragraph 8(1), the word “, 3”, and</p> <p>paragraphs 9 and 10.</p> <p>In Schedule 3—</p> <p>paragraph 1,</p> <p>in paragraph 2, the words “, with the approval of the Treasury,”,</p> <p>paragraph 3,</p> <p>in paragraph 7(1), the words “, with the approval of the Regulator”,</p> <p>in paragraph 8(1), the word “, 3”, and</p> <p>paragraph 9.</p> <p>In Schedule 4, paragraph 7.</p> <p>In Schedule 7, in paragraph 2(7), the words “on him” and, in paragraph 7, sub-paragraph (3) and, in sub-paragraph (4), the words “(except those specified in sub-paragraph (3) above)”.</p> <p>Schedule 8.</p> <p>Schedule 9.</p> <p>In Schedule 11—</p> <p>in paragraph 1(4), the words “or II”,</p> <p>in paragraph 10(6)(b), the words “of the Board” (in both places), and</p> <p>in paragraph 11(10), in the definition of “relevant employer”, the word “or” at the end of paragraph (b) and, in paragraph (c), the words “, other than a company which is wholly owned by the Franchising Director”.</p> <p>In Schedule 12, paragraphs 5, 6(2) to (5), (6)(a) and (7) and 32.</p> <p>Schedule 13.</p>

Reference	Short title or title	Extent of repeal or revocation
S.I. 1994/1432.	Railway Pensions (Protection and Designation of Schemes) Order 1994.	In article 9(2), the words “, except to the extent specified in paragraph (3),” and the word “relevant” (in both places). Article 13. Article 14.
S.I. 1994/1649.	Railways Act 1993 (Consequential Modifications) (No. 2) Order 1994.	The whole order.
1996 c. 18.	Employment Rights Act 1996.	In Schedule 1, paragraph 60(2).
[...]	...	...] ¹
1998 c. 41.	Competition Act 1998.	In Schedule 10, paragraph 15(7)(a).
1999 c. 29.	Greater London Authority Act 1999.	Section 175(4). In section 199(1), the words “, notwithstanding anything in subsection (10) of that section” and the words “, notwithstanding anything in subsection (9) of that section”. Section 235(6). In section 240(8), the definition of “the Franchising Director”. In Schedule 18, paragraph 17. In Schedule 19, paragraphs 1, 3, 4 and 5(5) and (6).
S.I. 1999/277.	Parliamentary Commissioner Order 1999.	In Article 2, the entries relating to— the Central Rail Users' Consultative Committee, the Rail Users' Consultative Committee for Eastern England, the Rail Users' Consultative Committee for North Eastern England, the Rail Users' Consultative Committee for North Western England, the Rail Users' Consultative Committee for Scotland, the Rail Users' Consultative Committee for Southern England, the Rail Users' Consultative Committee for the Midlands, the Rail Users' Consultative Committee for Wales, and the Rail Users' Consultative Committee for Western England.
S.I. 1999/1750.	Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999.	In Schedule 2, in the entry relating to the Railways Act 1993, paragraphs (b) and (c).
2000 c. 00.	Freedom of Information Act 2000.	In Schedule 1, in Part VI, the entry relating to the British Railways Board.

Notes

¹ Entry repealed by Railways Act 2005 c. 14 Sch.13(1) para.1 (November 21, 2005 as SI 2005/2812)

Commencement

Sch. 31(IV) para. 1: January 15, 2001 for repeals specified in SI 2000/3376 art.2; February 1, 2001 in relation to the repeals specified in SI 2001/57 Sch.2 Part I; October 15, 2005 for repeal specified in SI 2005/2862 art.3; not yet in force otherwise (SI 2000/3376 art. 2; SI 2001/57 art. 3, Sch. 2(I) para. 1; SI 2005/2862 art. 3)

Extent

Sch. 31(IV) para. 1: England, Wales, Scotland

PART V

MISCELLANEOUS

 Partially In Force

(1)**DRIVER TRAINING AND DRIVING INSTRUCTORS**

Chapter	Short title	Extent of repeal
1988 c. 52.	Road Traffic Act 1988.	<p>Section 89(2A) and (5A).</p> <p>In section 97—</p> <p>in subsection (3), paragraph (e) and the word “and” before it, and</p> <p>subsections (3A) and (3B).</p> <p>In section 98(3), paragraph (c) and the word “or” before it.</p> <p>In section 108(1), the definitions of “approved training course for motor cyclists” and “prescribed certificate of completion”.</p> <p>In section 130—</p> <p>in subsection (3), the words “under this section”, and</p> <p>in subsection (5), the words “granted under this section”.</p> <p>Section 131(5).</p> <p>Schedule 3.</p>
1989 c. 22.	Road Traffic (Driver Licensing and Information Systems) Act 1989.	<p>Section 6.</p> <p>In Schedule 3—</p> <p>in paragraph 11(c), sub-paragraph (ii) and the word “and” before it,</p>

Chapter	Short title	Extent of repeal
		in paragraph 15, sub-paragraph (g) and the word “and” before it, and in paragraph 18, sub-paragraphs (b) and (d).

(2)

OTHER PROVISIONS

Chapter	Short title	Extent of repeal
1984 c. 27.	Road Traffic Regulation Act 1984.	In section 26(1), the words “during periods between the hours of eight in the morning and half-past five in the afternoon when children are so on their way,”. In section 28— in subsection (1), the words “between the hours of eight in the morning and half-past five in the afternoon”, and in subsection (5), paragraph (c) and the word “and” before it.
1985 c. 67.	Transport Act 1985.	In Schedule 7, paragraph 21(10).
1991 c. 22.	New Roads and Street Works Act 1991.	In section 74(4), the words “if he does so”.
1993 c. 43.	Railways Act 1993.	Section 140.

Commencement

Sch. 31(V) para. 1: April 1, 2002 for the repeals specified in SI 2002/658 art.2(2) and Sch.1 Part II; not yet in force otherwise (SI 2002/658 art. 2(2), Sch. 1(2) para. 1)

Extent

Sch. 31(V) para. 1: England, Wales, Scotland

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes relate to the Transport Act 2000. They have been prepared by the Department of the Environment, Transport and the Regions in order to assist the reader in understanding the Act. They do not form part of the Act, and have not been endorsed by Parliament.

2. The Notes need to be read in conjunction with the Act. They are not, and are not meant to be, a comprehensive description of the Act. So where a section or part of a section does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Act contains measures to create a more integrated transport system and provide for a public-private partnership for National Air Traffic Services Ltd (“NATS”). The Act aims to improve local passenger transport services, and reduce road congestion and pollution. The use of railways will be promoted through the Strategic Rail Authority.

Air Traffic Services

4. The provisions will enable the Government to establish a public-private partnership with a strategic partner from the private sector to deliver air traffic services provided by NATS.

5. The Act allows for the transfer of the ownership of NATS (the UK's major provider of air traffic services) from the Civil Aviation Authority (“the CAA”) to the ownership of the Secretary of State, the strategic partner and NATS employees. In doing so it will make possible a clear separation between the regulation of safety, which will remain the responsibility of the CAA, and the provision of the services.

6. The CAA will remain the single regulator for aviation with responsibility for safety regulation, economic regulation and air navigation. Air navigation is concerned, inter alia, with the safe and effective use of airspace by commercial, military and leisure users.

7. The Secretary of State for the Environment, Transport and the Regions (“the Secretary of State”) will have powers to issue directions to a licence holder in the interests of national security or international relations and in times of war or great national emergency. Provision is also made for a special administration regime in the event of a serious and sustained breach of one of the duties in section 8 or of a licence condition by a licensed provider, and in the event of its insolvency.

8. Section 3 will make it an offence for a person to provide air traffic services (as defined in section 98) unless he is authorised to do so by an exemption or by a licence granted either by the Secretary of State or by the CAA with the consent of the Secretary of State.

9. It is the Government's intention to grant a licence for the provision of “en route” air traffic services, that is to say instructions provided to aircraft, to guide them and to maintain safe separation from other aircraft, after they have left the control of the airport from which they have departed and prior to their coming under the control of their destination airport. The Government intends to grant exemptions to providers of other air traffic services, including air traffic control at airports.

Local Transport

10. The Act defines authorities which are to be local transport authorities and imposes a duty on those authorities to prepare and publish a local transport plan setting out their policies for the promotion of safe, integrated, efficient and economic transport facilities in their area, and to develop a bus strategy for carrying out their bus functions.

11. The Act provides for a statutory form of “Quality Partnerships schemes” between bus operators and local transport authorities in the interests of promoting quality public transport, helping limit traffic congestion and improving air quality. The Act will enable local transport authorities to require bus operators to co-operate in the provision of joint ticketing, and will place a duty on local transport authorities to secure the provision of bus passenger information in their area. Local

authorities will have the power (subject to the Secretary of State's consent) to enter into "Quality Contracts schemes", whereby they specify bus services in a particular area and let contracts for their provision to bus operators.

12. The Act introduces a national concessionary fare. Elderly and disabled people will have the right to half-price local bus fares upon production of a bus pass to be obtained free of charge from their local authority. The Act also gives a more flexible power for the traffic commissioners to impose a financial penalty on bus operators who run unreliably, and it makes various other financial provisions.

Road User Charging and Workplace Parking Levy

13. The Act enables local traffic authorities outside London to introduce road user charges and workplace parking levies to help tackle congestion as part of a local transport plan and requires spending of revenues on measures for improving local transport. It also allows for joint schemes, including ones involving London authorities. It also enables the Secretary of State, and the National Assembly for Wales ("NAW"), to introduce charges on trunk roads complementary to a local authority charging scheme, at the request of the local authority. The Secretary of State and the National Assembly for Wales also have the power to charge on trunk road bridges and tunnels of at least 600 metres in length.

Railways

14. The Act establishes the Strategic Rail Authority ("the Authority") and abolishes the Office of the Director of Passenger Rail Franchising and the British Railways Board. Provision is made for the transfer to the Authority of the functions, rights and liabilities of the Franchising Director and the residual functions, rights and liabilities of the British Railways Board (including responsibility for the British Transport Police). The Act sets out the objectives and functions of the Authority. The Act also makes provision for the better regulation of the railway industry.

BACKGROUND

15. The aim of the Act is to give effect to the Government's strategy for an integrated transport policy set out in the White Paper "A New Deal for Transport: Better for Everyone" (Cm 3950) published in July 1998. The White Paper also set out the principal reasons for a public private partnership for air traffic services.

16. Subsequent consultation and policy documents included "A Public Private Partnership for National Air Traffic Services Ltd (NATS)", which was published in October 1998. The Government's response to the consultation exercise was published on 27 July 1999. "A New Deal for the Railways" (Cm 4024) was published in July 1998. "From Workhorse to Thoroughbred: A better role for bus travel" was published in March 1999. "Breaking the Logjam: The Government's consultation paper on fighting traffic congestion and pollution through road user and workplace parking charges" was published in December 1998. The Government's response to "Breaking the Logjam" was published in February 2000.

THE ACT

17. The Act consists of five parts:

Part I — Air Traffic

Part II — Local Transport

Part III — Road User Charging and Workplace Parking Levy

Part IV — Railways

Part V — Miscellaneous and Supplementary.

COMMENTARY ON SECTIONS

PART I: AIR TRAFFIC

18. The Air Traffic provisions are in six Chapters. These are:

- Chapter I — Air Traffic Services
- Chapter II — Transfer Schemes
- Chapter III — Air Navigation
- Chapter IV — Charges for Air Traffic Services
- Chapter V — Competition
- Chapter VI — Miscellaneous and General.

CHAPTER I: AIR TRAFFIC SERVICES

19. Currently en route air traffic services, and air traffic services at some airports, are provided by NATS, a company which is wholly owned by the CAA. The air traffic provisions in this Act will enable NATS to be transferred to a company owned partly by the public sector, partly by the private sector and partly by NATS employees. This new company will continue to provide the services currently provided by NATS. En route services will be provided under a licence issued by the Secretary of State, and will be subject to statutory economic regulation by the CAA. All air traffic services, whether provided by NATS or other providers will remain subject to statutory safety regulation by the CAA, who will also have responsibility for airspace policy

Sections 1 and 2: General Duties

20. Sections 1 and 2 set out the general duties of the Secretary of State and the CAA. The Secretary of State must exercise his functions under Chapter 1 so as to maintain a high standard of safety in the provision of air traffic services. The safety duty has priority over any other function. The Secretary of State is also required to exercise his functions under chapter 1 in the manner he thinks best calculated to achieve the purposes set out in subsection 2. These purposes include furthering the interests of airlines, their passengers and freight customers, and airports, including furthering those interests through promoting competition, where appropriate. Section 2 imposes similar obligations on the CAA. In section 2, subsection (5) disapplies section 4 of the Civil Aviation Act 1982 (“the 1982 Act”) when the CAA is performing its functions under Chapter I. Section 4 of the 1982 Act makes it the duty of the CAA to perform its functions in a manner best calculated to achieve objectives which relate to air transport services and users. This duty is not limited to functions under the 1982 Act and, if not disapplied, would apply to functions under this Act.

Section 3: Restrictions on providing services

21. Section 3 makes it an offence for a person to provide air traffic services in respect of a managed area unless he is authorised to do so by a licence or an exemption. “Air traffic services” means:

- providing instructions, information or advice with a view to preventing aircraft colliding with other aircraft or with other obstructions;
- providing instructions, information or advice with a view to securing safe and efficient flying;
- managing the flow of air traffic with a view to ensuring the most efficient use of airspace;
- providing facilities for communicating with aircraft and for the navigation and surveillance of aircraft;

- and notifying organisations of aircraft needing search and rescue facilities and assisting organisations to provide such facilities.

22. “Managed areas” are the United Kingdom and any area which is outside the United Kingdom but in respect of which the United Kingdom has undertaken under international arrangements to provide air traffic services.

23. Air traffic services provided by or on behalf of the armed forces are not to require an exemption or a licence. Nor are air traffic services provided by the CAA in pursuance of directions under section 66(1).

Section 4: Exemptions

24. Section 4 allows the Secretary of State to grant an exemption enabling a person to provide air traffic services. It is proposed to grant exemptions to persons who are not en route air traffic service providers (eg companies which provide airport air traffic control).

Sections 5 to 7: Licences

25. Sections 5 to 7 make provision for the grant of a licence to provide air traffic services. The purpose of the licence will be to enable the CAA to carry out economic regulation of the licensed activities. A licence may be granted by the Secretary of State after consultation with the CAA, or by the CAA with the consent of the Secretary of State. It is envisaged that only the initial licence will be granted by the Secretary of State. Section 5 makes provision for the content of licences including what a licence may be granted for, as well as to whom it may be granted and the period it may remain in force. Section 6 deals with procedures for the application, grant and refusal of licences. Section 7 deals with provisions which may be included in a licence, including provisions for the payment of fees. A provision of a licence may be identified as a condition (see section 40(6)) in which case that provision can be modified and it can be enforced (sections 11 to 19 and 20 to 25).

Section 8: Duties of licence holders

26. Section 8 imposes general duties on a licence holder to ensure that a safe, efficient and co-ordinated system for the provision of the air traffic services authorised in his licence is provided, maintained and developed for the future and that the demand for authorised air traffic services in his licensed area is met. Section 9 allows the CAA to relieve a licence holder of his section 8 duties for services which he is not providing. Section 10 provides that no legal proceedings may be brought for a failure by a licence holder to perform a duty imposed by section 8 or a condition of a licence. This provision does not however affect a right of action in respect of an act or omission which takes place in the course of the provision of air traffic services and neither does it affect the enforcement mechanisms specifically provided in the Act.

Sections 11 to 19: Modification of licences

27. Sections 11 to 19 deal with circumstances where the conditions of licences may be modified. Various circumstances, including system developments and new technology may require or result in marked changes in the way in which air traffic services are provided, and there may be circumstances where licences need to be modified to reflect this. Section 11 allows the CAA to modify the conditions of the licence with the agreement of the licence holder, and allows the Secretary of State to veto any such modification. Sections 12 and 13 allow the CAA to refer to the Competition Commission matters relating to the provision of air traffic services by a licence holder which operate against the public interest. The Commission is required to investigate and report on

whether modifications to the conditions of the licence are necessary. Section 14 requires that where the Commission's report concludes that any matter specified in the reference operates, or is likely to operate, against the public interest and specifies modifications to the conditions of the licence, the CAA must make such modifications as it thinks are needed. Section 15 gives the Commission powers to direct the CAA not to make licence modifications proposed by the CAA in response to the Commission's recommendations where the Commission considers that those modifications would not provide a remedy. Sections 16–18, set out the procedure for the Commission to propose modifications of its own. Section 19 also allows the Secretary of State to modify the conditions of the licence to such extent as he thinks is necessary or expedient when he is, by order, exercising certain powers under the Fair Trading Act 1973 relating to monopolies and mergers.

Sections 20 to 25: **Enforcement**

28. These sections require the CAA to make orders that will be binding on a licence holder where the licence holder is contravening, or is likely to contravene, a duty under section 8 or a licence condition. Section 20 requires the CAA, subject to the exceptions in section 21, to make a provisional order when it appears to it that there is or is likely to be a contravention of a duty under section 8 or a licence condition, and to make a final order, or to confirm a provisional order, where it is satisfied that there is or is likely to be a contravention of a duty under section 8 or a licence condition. Section 21 gives the CAA a discretion to make or confirm a provisional order or confirm a final order, if it thinks appropriate in certain circumstances. Section 22 sets out the procedural requirements to be observed before making a final order or confirming a provisional order. If the licence holder wishes to question the validity of a final or provisional order relating to it, it may do so under section 23. Section 24 requires any licence holder to which a final or provisional order relates to comply with it. This duty to comply with the order is owed to any person who may be affected by a contravention of the order and breach of the duty is actionable by him.

29. Section 25 provides the CAA with a power to obtain information in cases where it appears to the CAA that a licence holder may have contravened, may be contravening, or is likely to contravene a licence condition.

Sections 26 to 33 and Schedules 1, 2 and 3: **Administration orders etc**

30. Sections 26 to 33 and schedules 1, 2 and 3 are concerned with the powers available and procedures to be followed where the continuity of a licence holder's air traffic services may be at risk. (In these sections and Schedules, a licence holder is referred to as a licence company.) Continuity of the services may be at risk as a result of a licence holder failing to comply with a condition of its licence or a section 8 duty, or becoming insolvent or otherwise being in a position where a winding up order would normally be made. Section 26 provides licence holders with certain protections as follows:

- they may not be wound up voluntarily;
- no administration order made under Part II of the Insolvency Act may be made against them; and
- no step may be taken by any person to take control over the property of a licence company without first giving 14 days' notice to the Secretary of State and the CAA.

31. Section 27 provides that if an application is made to a court for a winding up order in respect of a licence holder, the court must not make a winding up order or appoint a provisional liquidator. If, however, the court is satisfied that, but for this provision, it would be appropriate to make a winding up order, it must make an air traffic administration order instead. In those circumstances the Secretary of State and the CAA may nominate the person to manage the company whilst the

Order is in effect. Section 28 lists circumstances under which a court may make an air traffic administration order following an application by the Secretary of State or, with the consent of the Secretary of State, by the CAA. In summary these are:

- that the company is, or is likely to be, unable to pay its debts;
- that, if it were not for section 27, it would be just and equitable for the licence holder to be wound up;
- that there has been, or is likely to be, a serious contravention by the licence holder of a section 8 duty;
- that a final or provisional order has been made, which has not been challenged by the licence holder, and there has been or is likely to be a serious contravention of the order.

32. Section 29 describes the purpose and effect of an air traffic administration order. The main effect of the order is that whilst it is in force a person appointed by the court will manage the licence holder's affairs, business and property in a manner which protects the interests of its members and creditors and for the achievement of the following two purposes:

- to transfer as a going concern so much of its undertaking as is necessary to ensure the licensed activities are properly carried out (transfers of the undertaking may either be to a single company, or in parts to more than one company); and
- to ensure, pending such a transfer, the continuity of the licensed activities.

33. Section 30 and Schedule 1 apply various provisions of the Insolvency Act 1986 relating to administration orders to air traffic administration orders with certain modifications. Schedule 2 deals with the making of transfer schemes following the making of an air traffic administration order.

34. The Government may need to support the provision of services during the period in which an air traffic administration order is in force. Sections 31 and 32 provide a power and set out the procedures for the Secretary of State to make such grants, loans or other financial arrangements as he considers appropriate in respect of a company which is subject to an air traffic administration order.

35. Section 33 and Schedule 3 apply the air traffic administration provisions to Northern Ireland.

Sections 34 and 35: Investigations and register

36. Section 34 requires the CAA to investigate alleged or apprehended contraventions of licence conditions where these are reported to it by interested third parties (so long as the report does not appear to be frivolous or vexatious). Section 35 provides for a public register to be compiled and maintained by the CAA. The register will contain copies of all licences and related matters listed in subsection 35(3), and will be available for public inspection. Sections 35(5) and section 35(6) provide for material to be excluded from the register if, in the opinion of the CAA, it would prejudicially affect a person's interests or if the Secretary of State instructs the CAA not to enter information, because, in his opinion, it would be against the public interest or any person's commercial interests to enter it in the register.

Sections 36 and 37 and Schedules 4 and 5: Land and statutory undertakers

37. Section 36 gives effect to Schedule 4 which amends the 1982 Act to give licence holders powers in relation to land when they are carrying out activities authorised by their licences. Section 37 introduces schedule 5 which provides that licence holders are to be treated as statutory undertakers for certain purposes.

Section 38: Directions in interests of national security etc

38. Section 38 gives the Secretary of State powers to issue directions to licence holders (either individually or generally) of a general character in the interests of national security or in the interests of encouraging or maintaining the UK's relations with another country or territory. The Secretary of State may also give a licence holder specific direction in the interests of national security or a direction in connection with fulfilling an international obligation laid on the United Kingdom. Failure to comply with a direction is an offence. The penalties for committing an offence under this section range from a fine not exceeding the statutory maximum on summary conviction, to a fine or imprisonment on conviction on indictment.

Section 39: Directions relating to the environment

39. Section 39 allows the Secretary of State to give directions relating to the environment. The power of direction is essentially a replacement for section 6(2)(f) and, in part, section 72(2) of the 1982 Act as they currently operate. Directions currently given to the CAA are taken to extend to NATS. Post PPP it is to be possible for NATS to be a direct recipient of environmental directions, together with other licence holders as well as persons authorised by exemption to provide civil air traffic services. Persons authorised by exemption will include owners or operators of aerodromes and other companies, including NATS, which provide air traffic services on their behalf. It is considered that all air traffic service providers should be susceptible to direction since provision of such services affects the environment regardless of who is the provider.

Section 40 defines certain expressions for the purposes of chapter 1 of Part 1

CHAPTER II: TRANSFER SCHEMES**Sections 41 and 42: Introduction**

40. Transfer schemes are the means by which shares in the current air traffic services provider will be transferred out of the CAA's ownership and into Crown ownership, in readiness for partial sale. The transfer of ownership is the means by which the objective of separating the CAA's regulatory functions from the provision of services is achieved. The transfer scheme provisions also allow the corporate structure of the air traffic service provider's business to be reorganised in light of the new licensing regime and the proposed public private partnership.

41. Section 41 deals with the meaning of a transfer scheme, and describes the parties between whom transfers can be made. Section 42 contains supplementary provisions detailing what a transfer scheme may do.

Sections 43 and 44: CAA's schemes

42. Transfer schemes can be made by either the CAA or the Secretary of State. Sections 43 and 44 provide the Secretary of State with powers to approve and to control the content and timetable of transfer schemes made by the CAA; but no schemes can be made until a period of three months from the date of enactment has elapsed.

Sections 45 and 46: Secretary of State's schemes

43. Section 45 provides a power for the Secretary of State to make a transfer scheme where either the CAA fails to make a scheme, or the Secretary of State does not agree with the CAA's proposals. No scheme can be made until a period of three months from the date of enactment has elapsed. Where the Secretary of State does make a scheme, section 46 gives him the power to direct interested bodies (listed in subsections (2)(a) to (d)), to provide such information as he may require.

Sections 47 and 48: Accounting provisions

44. Section 47 deals with certain accounting and valuation matters with regard to transfer schemes. Its principal purpose is to specify rules to determine the value of any asset or liability transferred to a company under a scheme, for the purposes of the opening accounts of that company. Section 48 defines certain terms used in section 47.

Sections 49 to 51: Ownership of transferee companies

45. Section 49 applies where property, rights or liabilities are transferred by a transfer scheme and permits the Secretary of State to require certain companies receiving the property to issue securities to any person listed in section 49(5). The securities must be issued at such times and on such terms as the Secretary of State directs. Section 50 allows the Treasury (or the Secretary of State with the Treasury's consent), to acquire securities of a transferee company falling within section 50(1) and to acquire options to acquire or dispose of those securities.

46. Section 51 requires the Secretary of State not to dispose of more than 51% of the shares in the designated company, and to ensure that the Crown's holding in the company is not diluted below 25%. The Crown must also not dispose of any of its shares unless it is satisfied that plans are in place which will ensure the completion of certain major projects.

47. The section also requires the Crown to hold a special share in the designated company which is to be provided for in the company's articles of association. The Crown must not alter the special share arrangements without the consent of Parliament. The provisions of this section can only be amended or repealed by order with the approval of Parliament (see section 103(6)).

Sections 52 to 56: Transferee companies: other provisions

48. Section 52 enables the Secretary of State, with the Treasury's approval, to make loans from the National Loans Fund to transferee companies listed in section 52(3), while they are still owned by the CAA or the Crown. Loan repayments and accrued interest must be paid into the National Loans Fund (see section 278(3)). The Secretary of State must produce an account to the Comptroller and Auditor General of sums issued and received, and how he has disposed of them. Section 53 provides a power for the Treasury or the Secretary of State to guarantee the discharge of any financial obligation of a transferee provided that the guarantee is given when the transferee is a company falling within those listed under section 53(3). Section 54 provides a power for the Secretary of State, with the approval of the Treasury, to make grants to a transferee falling within subsection (3), of such amounts, at such times and in such a manner as he sees fit. These provisions will allow the Secretary of State to offer such a transferee a range of financial assistance while it is in public ownership.

49. Section 55 has the effect of disapplying certain provisions in the Trustee Investments Act 1961, which restrict a trustee's ability to invest in certain securities where dividends have not been paid in the five years prior to the proposed investment. The purpose of disapplying these provisions is to ensure that if any shares of a transferee company listed in subsection (2) are included in the Official List of The Stock Exchange, they are not subject to the investment restrictions imposed by the Trustee Investments Act 1961.

50. Section 56 provides that for the purposes of specified sections of the Companies Act 1985 or the Companies (Northern Ireland) Order 1986, Ministers of the Crown, Northern Ireland Minister, their nominees and Northern Ireland Departments are not to be regarded as shadow directors of

certain transferees or of any company associated with such transferee at a time when the condition set out in section 56(3) is satisfied.

Sections 57 to 59: Extinguishment of liabilities

51. Section 57 enables the Secretary of State, with the Treasury's consent, to extinguish the debts to the CAA of a company wholly owned by the CAA. The Secretary of State may direct the CAA to release such a company from its debt to the CAA. He may also, by order, extinguish the CAA's corresponding liability to him in respect of this debt, and the assets of the National Loans Fund would be reduced accordingly by a corresponding amount.

52. Section 58 provides for the issue, at the direction of the Secretary of State, of new equity or debt securities by the specified companies to the persons set out in subsection (4). The purpose of this section is to enable the Government to alter the ratio of equity capital to debt of companies in the air traffic service provider group as part of the reorganisation. Section 59 provides for certain accounting and valuation principles to be applied to securities and debentures issued under sections 49 or 58.

Sections 60 to 64: Miscellaneous

53. Section 60 provides that where a transferor or transferee is required by a transfer scheme to execute an instrument or enter into an agreement, a person in whose favour such an instrument or agreement is made can ensure that obligations created by it are enforceable in the courts. Section 61 provides that certain specified rights affecting land are not to operate or become exercisable as a result of a transfer of land under a transfer scheme and provides for compensation to be paid (determined, if necessary, by arbitration) to a person whose rights are, as a result, made ineffective. Section 62 permits the Treasury, or the Secretary of State with the Treasury's consent, to appoint a person to act as its nominee for the purposes of sections 49, 50 or 58. A person holding any securities as a nominee of the Treasury or the Secretary of State must hold and deal with them as directed by the Treasury or the Secretary of State.

54. Section 63 introduces Schedule 6 which contains detailed provisions about transfer schemes, including the identification and allocation of property, rights and liabilities to be transferred, the discharge of functions by parties and transfers by agreement. It also includes provision as to documents of title, foreign properties, rights and liabilities, certificates, restrictions on dealings with land, the construction of agreements, proceedings and third parties.

55. Section 64 introduces Schedule 7 which contains provisions regulating the tax treatment of transfers which take place under transfer schemes. The main purpose of the Schedule is to ensure that the reorganisation of business operations and capital structure which takes place prior to the establishment of the public-private partnership will be largely tax neutral.

CHAPTER III: AIR NAVIGATION

Sections 66 to 72: Air navigation directions

56. Section 66 allows the Secretary of State to give the CAA duties and powers in connection with air navigation- essentially those functions currently carried out by the Director of Airspace Policy and which are to be transferred to the CAA. Directions will require the CAA among other things to develop and implement a policy for the use of airspace which meets, so far as practicable, the needs of all users; to promote and facilitate the continued operation of an integrated air traffic service provision; to establish a consultative forum inter alia for the reconciliation of civil and

military interests in airspace use; and to meet relevant objectives, for example in relation to the environment.

57. Section 67 gives the right of appeal on national security issues to a member of the CAA to be nominated by the Secretary of State for Defence.

58. Section 68 provides broad guidelines on the areas which Directions under section 66(1) may cover, such as consultation and provision for referring matters to the Secretary of State or seeking his approval.

59. Section 69 contains supplementary provisions relating to the directions and provides that these directions take precedence over all other enactment or instruments with the exception of directions under section 93 (Hostilities) or an order under section 94 (Orders for possessions of aerodromes etc,) made in times of actual or imminent hostilities, or of severe international tension or great national emergency.

60. Section 70 details the CAA's general duties when exercising its air navigation functions and specifies how any possible conflict in the application of these provisions is to be resolved. The section disapplies the CAA's general objectives under section 4 of the 1982 Act from the CAA's performance of its functions under this Chapter. These relate to the provision of air transport services by British airlines and furthering the interests of users of air transport services and are not appropriate here.

61. Section 71 allows the CAA in connection with its air navigation functions to serve a notice, on a person who provides air traffic services, specifying documents or information to be produced. A person commits an offence if they fail to provide the documents or information without reasonable excuse as defined in subsection (3). Penalties for these offences are set out in subsections (4) and (5). If a person makes default in complying with a notice the CAA may apply to a court for an order requiring the default to be made good. Section 72 defines terms used for the purposes of the Chapter.

CHAPTER IV: CHARGES FOR AIR SERVICES

Sections 73 to 80: Charges

62. Under section 73(1) of the Civil Aviation Act 1982, the Secretary of State currently makes regulations, requiring the payment to him or specified others of amounts calculated by reference to tariffs specified in those regulations. A regulation, once made, is the source of the obligation to pay, in addition to being the means of identifying by and to whom the charges are payable, at what rate and in respect of what airspace.

63. A similar system of charging and charge recovery is to be retained under the PPP but the CAA, as part of its responsibilities as the economic regulator, will in future specify the charges in a published notice. Section 73(3) imposes a duty to pay the specified charges. The CAA will continue to have statutory powers to detain and sell aircraft in respect of unpaid charges.

64. Section 73 allows for the CAA to specify the charges payable for chargeable air services and to stipulate conditions in relation to the payment of those specified charges. Section 74 places a duty on the CAA to publish notices containing the charges specified under section 73 and any stipulation to those charges and similarly to publish notice of any amendment to, or revocation of, those specifications or stipulations. The CAA is obliged to exercise its powers under this section in the manner it thinks best calculated to take account of international agreements to which the UK is party.

65. Section 75 allows the CAA to specify different charges in respect of different descriptions of services, aircraft or circumstances of their use. The section also requires the CAA to take account of tariffs approved or likely to be approved under international agreements when specifying the charges.

66. Section 76 establishes the liability to pay charges required to be paid under section 73(3). The liability arises regardless of the place of registration of the aircraft, its location and from where the service is provided. This section also provides that section 73 charges are recoverable in the UK and that a court in any part of the UK has jurisdiction to hear a claim. Section 77 defines chargeable air services for the purposes of this Chapter and as well as providing for the Secretary of State to amend the definition by order, allows a designation of aerodromes whereby air traffic services provided on behalf of the owner or manager thereof are not to be excepted from the definition of “chargeable air services”. Section 78 allows the CAA to recover the costs of specification and publishing of charges in the amount of the charge in certain circumstances

Sections 81 to 84: **Miscellaneous**

67. Section 81 provides a power for the Secretary of State to make regulations in order to facilitate the assessment and collection of charges payable under section 73. The regulations may require records of aircraft movements to be kept by operators or owners of aircraft and aerodromes and to be produced on request. These requirements may be imposed regardless of whether or not an aircraft is registered in the UK, is in the UK when the service is provided, or whether or not the relevant services are provided from a place in the UK.

68. Section 82 provides that a person commits an offence if he fails to comply with regulations made under section 82, including where he gives false information. A person also commits an offence if he is in possession of information obtained under the regulations and he discloses it other than in the ways described in subsection (2). Penalties for these offences are set out in subsections (4), (5) and (6) and range from a fine not exceeding the statutory maximum to both a fine and imprisonment of up to two years.

69. Section 83 provides that the Secretary of State may make regulations containing provisions which authorise the detention of, or the sale of detained, aircraft. Where there is default in paying a charge payable under section 73, regulations can provide for the detention and sale of any aircraft in respect of which the charge was incurred or any aircraft operated by the defaulter. Where there is default in complying with a requirement imposed by regulations under section 81, regulations can provide for the detention and sale of any aircraft by the defaulter. Section 84 contains definitions for the purpose of this Chapter.

CHAPTER V: **COMPETITION**

Sections 85 to 89: **Competition**

70. These sections give the CAA, as economic regulator, concurrent powers with the Director General of Fair Trading (“the DGFT”) under competition legislation in relation to the supply of air traffic services. This is consistent with the powers granted to other utility regulators (telecoms, gas, electricity, water and railway services). Section 85 contains definitions. Section 86 empowers the CAA to exercise concurrently the listed functions exercised by the DGFT under the Fair Trading Act 1973 (so far as they relate to monopoly situations in relation to the supply of air traffic services) and the Competition Act 1998 (so far as they relate to agreements or conduct relating to the supply of air traffic services). Section 87 requires the CAA to have regard to its general duties under this Act when exercising concurrent functions under the Fair Trading Act 1973 and disappplies its general

duties under section 4 of the Civil Aviation Act 1982. Section 88 allows the CAA to have regard to its general duties under this Act when exercising concurrent functions under the Competition Act 1998.

71. Section 89 creates procedures for the exercise of concurrent powers by the CAA and DGFT. This is to avoid duplication of regulatory activity. These procedures are also designed to ensure that any action is taken by the most appropriate authority. If the CAA makes a reference to the Competition Commission it must help the Commission with its investigations by providing any relevant information that it has in its possession.

CHAPTER VI: MISCELLANEOUS AND GENERAL

Sections 90 to 97: **Miscellaneous**

72. Sections 90 to 97 deal with the collection and publication of information by the CAA under these provisions, the Secretary of State's general powers to issue directions to the CAA, control in time of hostilities and the Civil Aviation Authority Pension Scheme.

73. Section 90 provides for the CAA to publish information which it thinks could be useful or appropriate to users or potential users of air traffic services in the UK. Section 91 requires the CAA to keep the provision of all air traffic services (in the UK and elsewhere) under review, and collect information about them. And in reviewing the provision of services it is to take account of the Secretary of State's directions as to what considerations are to affect priorities under this duty.

74. Section 92 gives the Secretary of State a general power to direct the CAA as to whether and how it should exercise its various functions under Part I of this Act.

75. Section 93 gives the Secretary of State the power to give directions to a wide range of persons engaged in aviation and related activities (including the holder of a licence under Chapter I) in times of severe international tension, great national emergency or actual or imminent hostilities (whether or not there has been a formal declaration of war). These powers are broadly similar to those in the 1982 Act which this Act repeals. It is an offence to contravene or fail to comply with a direction. Compensation is payable by the Secretary of State for direct injury or loss arising from compliance with a direction. The penalties for committing an offence under this section range from a fine not exceeding the statutory maximum on summary conviction, to up to two years imprisonment and a fine on conviction on indictment.

76. Section 94 is a provision that enables the Secretary of State, by order made by statutory instrument (but not subject to Parliamentary procedure), to provide for the taking into possession of and use by or for the purposes of the armed forces of the Crown, any aerodrome, or any aircraft or other things found in or on an aerodrome. This may be done in the event of actual or imminent hostilities or of severe international tension or of great national emergency. The section allows for flexibility in the choice of action that may be taken at such times. Section 95 defines expressions used in sections 93 and 94.

77. Section 96 enables the Secretary of State to make an order providing for the allocation of assets, rights, liabilities or obligations between different sections of the Civil Aviation Authority Pension Scheme. Under section 103(12) the Scheme Trustees must be consulted before any order is made. The Secretary of State is bound to secure that individual pension arrangements are at least as good after the order is made as before.

78. Section 97 introduces Schedule 8 which makes consequential amendments to various Acts

Section 98 and 99: **General interpretation.**

79. Section 98 defines air traffic services for the purpose of Part 1 of the Act. Section 99 defines the CAA.

Sections 100 to 107: **Other general provisions**

80. Section 100 details the rules regarding the service of a document under this Part of the Act.

81. Section 101 makes it an offence for a person knowingly to give false information or make a false statement in connection with this Part of the Act. A person may be subject to a fine not exceeding the statutory maximum on summary conviction, or a fine on indictment for committing an offence under this section.

82. Section 102 introduces Schedule 9 which prohibits the disclosure of information gained under this Part of the Act save with the consent of the person to whom it relates or where otherwise permitted. Disclosure in contravention of the schedule is an offence. A person who discloses information in contravention of the schedule is liable to a fine not exceeding the statutory maximum on summary conviction, or a fine on indictment for committing an offence under this section.

83. Section 103 enables the Secretary of State to exercise a power to make an order or regulations under this part of the Act differently in relation to different cases, and makes other provisions in relation to the making of orders, regulations and Orders in Council.

84. Section 104 requires a person given a direction under this Part of the Act to comply with it. Directions may be varied or revoked

85. Section 105 and 106 apply relevant sections of Part 1 of the Act to the Crown.

86. Section 107 provides for the extension of specified provisions to the Channel Islands, the Isle of Man or any colony.

PART II: LOCAL TRANSPORT

Sections 108 to 113: Local Transport Plans and Bus Strategies

87. Sections 108 to 113 provide a statutory basis for local transport plans and bus strategies in England and Wales outside London. London has its own transport planning system under the Greater London Authority Act 1999 (“the 1999 Act”). Local transport plans already exist in a non-statutory form as the basis for the Department's allocation of capital funds for local transport expenditure, but the Act puts them on a statutory basis for the first time.

88. Section 108 and 109 impose a duty on each “local transport authority” (defined in section 108(4)) as councils of counties and unitary authorities in England, principal councils in Wales and passenger transport authorities (“PTAs”), to formulate transport policies and publish them as a local transport plan. The policies must promote ‘safe, integrated, efficient and economic transport’ and must have regard in particular to the needs of the elderly and people with mobility problems. They must also provide a framework for, inter alia, the promotion of improvements to bus services under the powers of Part II and the introduction of charging regimes under Part III. Section 99 further provides that plans must be kept under review and altered if necessary and in any event must last no longer than five years.

89. Section 109(5) and (6) exempt a local transport authority from producing such a plan where before the date when section 108 comes into force they have already prepared a document in a form and manner equivalent to that required under the Act for local transport plans. That document is treated as a local transport plan but it must be replaced no later than 31st March 2006, in England or a date prescribed by the National Assembly for Wales (the “NAW”), in Wales.

90. Section 110 requires local transport authorities to prepare, as part of their local transport plans, a bus strategy containing policies as to how best to carry out their various functions in order to secure the provision of appropriate bus services in their area. The functions in question are largely contained either in the Act or in the Transport Acts of 1968 (“the 1968 Act”) and 1985 (“the 1985 Act”) as amended by the Act.

91. Section 109(3) and (4) and 111 impose requirements as to consultation during the preparation of plans and bus strategies and as to the publication of plans and strategies and requires authorities to make copies available at no more than cost. Section 112 requires them to have regard both to guidance issued by the Secretary of State or NAW and to the needs of the elderly and people with mobility problems.

92. Section 113 makes special provision for the duties of local authorities in metropolitan counties, specifying which duties must be discharged jointly by the PTA and the metropolitan district council and which are to be separate responsibilities for each.

Sections 114 to 123: **Bus Services: Quality Partnership schemes**

93. Sections 114 to 123 empower local transport authorities, either alone or jointly, to set up Quality Partnership (QP) schemes as part of the process of implementation of their current bus strategy. A QP scheme entails the authority providing special facilities, and setting standards to be observed by bus operators as a condition of using the facilities. A scheme must implement the bus strategy and be aimed at improving local bus services for the benefit of bus users or at improving the environment. “Local services” are defined in section 162(3) by reference to the 1985 Act. In essence they are bus services with stopping places less than 15 miles apart (section 2 of the 1985 Act).

94. Similar schemes currently exist as voluntary arrangements in over 100 towns and cities in England and Wales, where local authorities have agreed to exercise their functions (especially as regards traffic management) in particular ways and operators in return have agreed to provide improved bus services with the aim of promoting bus use. The principal difference between these and schemes created under the Act is that the latter will be enforceable at law.

95. Section 114 specifies the nature of a QP scheme. The facilities to be provided under a scheme must include facilities (such as bus lanes and shelters) at specific locations along bus routes (or where appropriate prospective bus routes) which bus operators can use; they may include other ancillary facilities also. Information facilities may not be included if the authority has determined that these must be provided throughout their area under section 139 (which is mentioned at paragraph 114 below). Standards which may be imposed on operators under a statutory QP scheme do not extend to service frequency or timing, since separate provision is made for this by the service subsidy provisions of section 9A of the 1968 Act and section 63 of the 1985 Act and a comprehensive local authority approach to determining timetables is provided for in the separate Quality Contracts sections (paragraphs 102 to 109 below). Both the facilities and the new standards must in themselves improve the quality of local services in the relevant area. The Act does not prevent authorities and operators from making voluntary arrangements as at present.

96. Section 114(8) to (10) require QP schemes to be made jointly by the local transport authority and the traffic authority where facilities cannot be provided without the making of a traffic regulation order for a road or roads for which the local transport authority is not the traffic authority. Traffic authorities in England and Wales (outside London) are the Secretary of State or NAW in the case of trunk roads and the non-metropolitan county councils and metropolitan district councils in the case of other roads. “Traffic regulation order” is defined in section 162(1).

97. A scheme may not be made without prior consultation with bodies specified in section 115, including bus operators, representatives of bus users and other local authorities. Sections 116 and 117 provide for the making (as proposed or with modifications) and the postponement of schemes. In particular there is provision for excluding certain services from schemes where this is considered appropriate (for example a community bus service acting as a feeder to a main bus route). The Secretary of State or the NAW may issue guidance on QPs and make regulations about detailed matters under sections 122 and 123.

98. Once a scheme is in operation, it must remain so for at least 5 years (section 116(2)) and duties are placed:

- on the authority to provide the necessary facilities (section 118(1));
- on the bus operators to meet the necessary standards if they use the facilities (section 118(4)),

except where any of them is temporarily unable to do so because of circumstances beyond its control.

99. Compliance by the operators will be secured under the existing registration system for local bus services. Paragraphs 10 and 22 of Schedule 11 amend sections 26 and 111 of the 1985 Act to empower traffic commissioners to take enforcement action if an operator is in breach of his duty under section 118(4).

100. Section 119 enables the Secretary of State or NAW to make special provision by regulations covering cases where a QP scheme incorporates facilities which already exist.

101. Section 120 makes provision for the variation and revocation of QP schemes and section 121 specifies which authorities are responsible for the making of the variation and the implementation and subsequent variation or revocation of a scheme which has been varied. In the case where the Secretary of State or NAW, as a trunk road authority, jointly responsible for a scheme, wishes to remove scheme facilities from a trunk road, he or it may do so using powers to revoke traffic regulation orders under paragraph 27 of Schedule 9 to the Road Traffic Regulation Act 1984. However, by virtue of an amendment to that paragraph made by paragraph 8 of Schedule 11, this may be done only after consultation with other responsible authorities. A trunk road authority is then relieved of any further responsibilities for those facilities under the scheme (section 118(3)).

Sections 124 to 134: **Bus Services: Quality Contracts schemes**

102. Sections 124 to 134 enable local transport authorities, either alone or jointly, to make a Quality Contract (QC) scheme, provided that they are satisfied that it is the only practicable way to implement their bus strategy (or strategies) and also that the scheme will implement it (or them) in a way which will deliver best value, i.e. be economic, efficient and effective (section 124(1)). Under a QC scheme, the authority will determine what local services should be provided in the area concerned (and to what standard) and will let contracts with bus operators granting them exclusive rights to provide services to the authority's specification.

103. Section 124 defines what a QC scheme is and what a "quality contract" itself is. It imposes an obligation on the authority to keep under review operators' compliance with the obligations imposed on them by QCs.

104. Sections 125 and 126 require an authority to publicise and consult upon a proposed scheme before submitting it to the Secretary of State or NAW ("the appropriate national authority") for

approval, stating the reasons why they want to make the scheme. There is a requirement in particular to consult operators and users' representatives. There is provision, when a scheme has been submitted for approval, for operators affected by it to put objections to the appropriate national authority. That authority may approve the scheme only if satisfied that it is in the public interest (section 126(4)(b)) and may approve it with modifications after interested persons have been consulted (section 126(5) and (6)).

105. Section 127 describes what a scheme must contain and in particular provides that certain services may be excluded from it (subsection (4)) and that it may vary or revoke a QP scheme (subsection (6)). It may not come into operation for at least 21 months after it is made. This is in recognition of the fact that some bus operators currently operating in the area may lose the right to do so, and must be allowed due time to adjust and redeploy assets. A scheme may not last for more than 10 years. Section 128 provides that the operation of a scheme may be postponed.

106. Section 129 provides that once a QC scheme is in operation sections 6 to 9 of the 1985 Act cease to have effect in the relevant area and no local service may be provided in that area except in accordance with a QC. Section 6(2) of that Act provides that:—

“no [local] service shall be provided in any traffic area in which there is a stopping place for the service unless—

(a) the prescribed particulars of the service have been registered with the traffic commissioner for that area by the operator.”

and sections 7 to 9 make supplementary provision. The normal role of the traffic commissioners in monitoring services is therefore excluded and enforcement becomes a matter for the local transport authority in accordance with the terms of their QC — see section 124(7). (A “traffic area” is an area designated under the provisions of section 3 of the Public Passenger Vehicles Act 1981 and a traffic commissioner is appointed for each area by virtue of section 4 of that Act.)

107. Where a service is excluded from a QC scheme, however, sections 6 to 9 of the 1985 Act continue to apply to it and the traffic commissioner may take action for breach of any conditions under which the service is excluded (section 129(2) and (3)).

108. Section 130 provides for the letting of individual contracts. Tenders must be sought by general invitation no later than 3 months after the making of the scheme and contracts when let may last no more than 5 years. Tenders may only be accepted from licensed operators of public service vehicles or persons holding a community bus permit under section 22 of the 1985 Act (subsection (5)). Section 131 provides for cases where the normal tender procedure does not apply. Express provision is made for emergencies but the section may be extended by regulation to cover other cases. Regulations may limit the duration of these emergency contracts so as to ensure that the provisions of section 118 are not improperly circumvented.

109. Section 132 makes provision for the variation or revocation of a scheme. There is also a power, in section 133, for the appropriate national authority to make regulations, allowing it to revoke the scheme before it comes into operation in circumstances set out in the regulations (for example, an unexpected collapse of the tender process).

Sections 135 to 138: **Bus Services: Ticketing Schemes**

110. Sections 135 to 138 empower local transport authorities, alone or jointly, to set up ticketing schemes, whereby operators of local bus services are required to make and implement arrangements to accept each other's tickets or provide integrated ticketing in ways specified in the scheme.

“Ticketing scheme” is described in section 135(3) to (5) and may include provisions requiring bus service operators to make available tickets for journeys both for separate bus services and intermodal journeys. In making a scheme, however, the local transport authorities must be satisfied that this is in the public interest and implements their bus strategy.

111. Many bus operators are already involved in area-wide ticketing. But they cannot at present be compelled to do so by law.

112. Section 136 imposes consultation requirements upon an authority intending to introduce such a scheme. Section 137 provides that an authority may make the scheme as proposed or with modifications (subsection (1)) and may vary a scheme (subsection (6)). It also imposes requirements as to publicity when a decision is taken to make a scheme and requires an authority to obtain the agreement of train or tram operators before making a scheme which applies to tickets for journeys on those modes.

113. Section 138 imposes a duty on operators to implement the scheme from the date it comes into force (not less than 3 months after making: section 137(3)). Failure to do so may attract enforcement action by the traffic commissioner under section 26 or 111 of the 1985 Act, by virtue of amendments made to those provisions by paragraphs 10 and 22 of Schedule 10 to the Act. (See also section 155(1).)

Sections 139 to 141: Bus Services: Provision of information

114. Sections 139 to 141 require local transport authorities, alone or jointly (see section 141(3)), to determine in accordance with their local transport plan what local bus information (as defined in section 139(6)) should be made available, and how, and to seek to arrange with operators for its provision. If arrangements cannot be made by agreement, the authority must make the information available or secure that it is made available, and in such a case it is given power to recover reasonable costs from the operators concerned (section 140).

115. Section 141 provides that, in exercising their powers, the authority must have regard to economy, efficiency and effectiveness, and must not discriminate against operators.

116. A duty is imposed on operators by section 140(3) to furnish information to the authority or a third party in such circumstances, to enable the authority to meet its obligations. Failure to do so may attract enforcement action by the traffic commissioner under section 26 or 111 of the 1985 Act, by virtue of amendments made to those provisions by paragraphs 10 and 21 of Schedule 11 to the Act.

Section 142 and 143: Bus Services: Miscellaneous

117. Section 142 extends the powers of the traffic commissioners to impose traffic regulation conditions on local bus services under section 7 of the 1985 Act. These powers currently allow the commissioners, at the request of local authorities, to impose restrictions on routes and stopping places in the interests of preventing danger to road users or reducing severe traffic congestion. Under this provision, a commissioner will also be able to do so for the purpose of reducing or limiting noise or air pollution.

118. Section 143 empowers local transport authorities to obtain from operators of local services information which they may need in connection with their public transport functions. The information obtainable may be demanded in any reasonable form but is limited to total passenger numbers, total bus mileage and an operator's fare structure for the whole or part of their area (subsections (2) and

(3)). There is provision for the protection of commercially sensitive information in subsections (4) to (6).

Section 144: Bus lane contraventions: penalties

119. Section 144 provides for the Secretary of State or the National Assembly for Wales to make regulations in connection with allowing approved local authorities outside London, Transport for London and London local authorities to impose penalty charges for moving bus lane contraventions, and the payment of penalty charges. The section provides that regulations made must include provision for matters such as setting the levels of penalty charges, specifying the person responsible for paying the penalty charge and the application of sums received from penalty charges. They may also include matters such as exemptions from penalty charges, provision for discounts or surcharges and the keeping of accounts

120. The section gives the Lord Chancellor powers to make regulations about the notification, adjudication and enforcement of penalty charges. This is to ensure that the same requirements apply to England and Wales. The section does not give local authorities the power to stop vehicles; only the police may do so. As the section does not remove the power of the police to enforce moving traffic offences, it provides that motorists should not be subject to double jeopardy and prosecution by the police and local authority for the same offence or contravention. The regulation would be subject to negative resolution procedure by virtue of section 160

Sections 145 to 150: Mandatory Travel Concessions outside Greater London

121. Sections 145 to 150 give elderly and disabled persons (as defined in section 146) entitlement to a half-fare concession on local bus travel within the area of a “travel concession authority” and during the “relevant time” (expressions also defined in section 146). Eligibility is conditional on the holding of a permit issued by the travel concession authority which may make no charge for it (section 145(2)). There is provision enabling the Secretary of State or the NAW, after appropriate consultation, to issue guidance to assist authorities in determining who is a ‘disabled person’ for the purpose of eligibility for a permit (subsections (4) and (5)).

122. Section 147 empowers the Secretary of State or the NAW:

- to extend the eligible categories to other persons eligible to participate in discretionary schemes made under section 93 of the 1985 Act (subsection (7) of that section -now amended by paragraph 15 of Schedule 11 — specifies who they are);
- to extend the qualifying journeys to those on other public passenger transport services and journeys to and from places outside an authority's area (as defined in section 63(10) of the 1985 Act, a definition applied to this Act by section 162(3);
- to vary the relevant times;
- to improve the concession to better than half the fare.

123. Section 145(6) makes provision whereby a person can opt for an alternative to the statutory minimum concession. If an authority is offering a concession under a scheme made under section 93 of the 1985 Act (a ‘discretionary concession’) which is more attractive to a particular person, he or she may agree not to be entitled to the mandatory concession in order to take up the discretionary concession. For example, a discretionary concession might consist of tokens which can be used on any mode of transport, an arrangement which would be more attractive to a person who finds travel by bus difficult. He or she could agree not to receive the mandatory concession in order to benefit from the discretionary scheme if the scheme so provides. The period during which such agreements are binding may, along with other matters, be prescribed in regulations.

124. Section 148 provides that systematic failure by operators to provide the mandatory concession is an offence, attracting a fine not exceeding level 3 on the standard scale (currently £1,000).

125. Sections 149 and 150 make provision for the reimbursement of operators by local authorities, this being based broadly speaking on the present system under the 1985 Act.

Section 151: Mandatory Travel Concessions in Greater London

126. Section 151 makes separate provision, to similar effect, for Greater London, by modifying the provisions in the Greater London Authority Act 1999 which define when the reserve free travel scheme will be triggered. If a half-fare concession is not made available to eligible elderly and disabled persons on journeys on the London bus network (as defined in section 181(3) of that Act) beginning at specified times, who hold an appropriate travel permit (which must be issued free of charge), the reserve scheme will come into effect. The Secretary of State has power to improve the concession to better than half the fare (section 151(12)).

127. The categories of persons eligible to receive travel concessions over and above the mandatory half-fare concession are extended to elderly and disabled persons defined in section 240(5) of the 1999 Act as amended by section 151(4). Apart from the imposition of the mandatory concession, however, nothing in the Transport Act requires any change to be made to the present voluntary free scheme agreed between the Boroughs and London Transport or to any future free scheme agreed by virtue of the 1999 Act.

Sections 152(4) and 153 and Schedule 10: Competition provisions

128. Section 152(4) removes the present constraint, imposed by section 92(1) of the 1985 Act, that in exercising powers to subsidise public passenger transport services under section 9A of the 1968 Act and section 63 of that Act local authorities must behave “so as not to inhibit competition”, a provision which requires them to consider whether competition might be inhibited, however slightly. (The duty also applies to London Regional Transport to the extent that it still subsidises such services.) This is replaced with a new duty to have regard to the interests of the public and of operators and, in the case of local transport authorities, is modified by the provisions referred to in the next following paragraph.

129. Section 153 introduces Schedule 10 which contains provisions applying a competition test in relation to the exercise (including the proposed exercise) of three functions of local transport authorities, namely:

- the making and varying of QP schemes
- the making and variation of ticketing schemes
- invitations to tender and acceptance of tenders for subsidised services under the 1985 Act (see paragraph 1 of the Schedule).

130. Paragraph 2 of Schedule 10 specifies that the test is met unless the exercise of a function has, or is likely to have, a significantly adverse effect on competition which cannot be justified in accordance with that paragraph. A scheme or an exercise of service subsidy functions may be justified if its purpose is one of those set out in paragraph 2(3) and the effect on competition is, or is likely to be, proportionate to the achievement of that purpose.

131. Paragraphs 3 and 4 provide for a relevant authority or operator of local services to apply to the Director General of Fair Trading (the “DGFT”) either before or after exercise of the function for a decision on whether it will meet or has met the competition test. Paragraphs 5 to 10 provide for the DGFT to investigate on his own initiative, for example, after a complaint has been received.

For the purpose of an investigation he is given powers to obtain information and documents by paragraphs 6 and 7, subject to the provisions as to confidentiality in paragraphs 8 and 9. Any decision made on such an application or following such investigation must be published with reasons (paragraph 11).

132. The DGFT may enforce his decisions by giving to the authority or authorities exercising the function directions in accordance with paragraph 13, including directions to vary or revoke a scheme or to require a tender contract to be entered into with another operator.

133. Paragraph 14 makes it an offence, punishable with a fine up to level 5 on the standard scale (£5,000), to give the DGFT false or misleading information. Paragraph 16 makes provision for the charging of fees by the DGFT in connection with his functions under the Act.

Sections 152(2) and (3) and 154 to 158: **Financial provisions**

134. Section 152(2) amends the criteria by reference to which local authorities must decide which tender to accept in the case of tenders for additional subsidised public transport services under section 9A of the 1968 Act and section 63 of the 1985 Act (which are mentioned further at paragraph 140 below). It introduces a new ‘best value’ test by requiring local authorities to have regard to economy, efficiency and effectiveness and also to have regard to the relevant bus strategy, and environmental issues, namely the reduction or limitation of traffic congestion, noise or air pollution. Section 89(3) of the 1985 Act (which prohibits the inclusion of employment conditions in the terms of tender) is repealed by virtue of Schedule 31 (Part II).

135. Section 154 makes new statutory provision for grants to bus operators, including power to make regulations as to the classes of bus services for which grant may be paid, and the method of calculation. If and when introduced, this power will replace the current Fuel Duty Rebate (“FDR”) scheme under section 92 of the Finance Act 1965 with a more flexible power enabling grant to be paid by the Secretary of State or the NAW to bus operators on a different basis from the present scheme. Provision could, for example, be made for differential rates of grant to encourage the use of more environmentally friendly fuels or vehicles.

136. Section 155 makes alternative provision to section 111 of the 1985 Act (traffic commissioners' powers in respect of unreliable or unregistered services) as from the time when FDR is replaced by section 154. That section presently allows the traffic commissioners to demand repayment of 20% of eligible FDR in the event of an operator being found to have contravened section 6 of the 1985 Act. Under this section, the traffic commissioners will be able to impose a financial penalty. The maximum penalty is £550 (or such other sum as may be prescribed by order — subsection (3)(b)— multiplied by the number of vehicles the operator is licensed to use under his public service vehicle licence, representing approximately the same level of penalty as the current penalty. There will continue to be a right for operators to appeal to the Transport Tribunal, as now.

137. Sections 156 and 157 empower the Secretary of State or NAW to make grants to local transport authorities other than PTAs (section 156) and to PTAs (section 157) for general local transport purposes. Grants may be paid subject to conditions or not. One effect of these sections is to put on a permanent statutory basis support for rural local transport in England and Wales which is currently covered by special grant reports approved annually by Parliament under section 88B of the Local Government Finance Act 1988.

138. Section 158, with paragraph 22 of Schedule 11, amends the present power of the traffic commissioner under section 111 of the 1985 Act to impose a penalty on a bus operator, if he fails “to a significant extent” to operate his services as registered under section 6 of the 1985 Act.

Currently the commissioner must impose a penalty of 20% of the FDR rebate paid in the previous three months. The amendments will enable a commissioner henceforth to impose a penalty between 1% and 20% and he will no longer need to satisfy himself that the operator has failed “to a significant extent”, thus allowing a more flexible, and perhaps more frequent, use of the power. (This amendment only has effect, however, until such time as section 111 is replaced by the provisions of section 154.)

Section 160 to 162 and Schedule 11: **Supplementary**

139. Sections 160 to 162 make provision for regulations and orders under Part II of the Act and introduce the minor and consequential amendments in Schedule 11, and provide for definitions.

140. In particular, paragraphs 3 and 11 of Schedule 11 amend section 9A of the 1968 Act and section 63 of the 1985 Act in two respects. First, they remove the obligation imposed on local authorities and PTAs to formulate policies as to what subsidised public transport services are required in their area. This is now replaced by the duties under sections 98 and 100 to produce local transport plans and bus strategies. The duty in those enactments to secure the provision of services which would not otherwise be provided commercially is retained. In the second place, they replace the duty, also imposed on local authorities by those sections of the 1968 and 1985 Acts, “not to inhibit competition” when exercising powers to promote public passenger transport services by a “best value” duty requiring local authorities to have regard to a combination of economy, efficiency and effectiveness.

141. Paragraphs 5 and 13 of the Schedule remove disabilities imposed (by the Local Government Act 1972 and the 1985 Act) on local councillors who are either unpaid directors or employees of public transport companies preventing them from taking part in or voting on certain matters relating to those companies. They amend that legislation by providing that (in the case of the 1985 Act) councillors who are members of a company's controlling authority or (in the case of the 1972 Act) councillors who are members or any other local transport authority may take part and vote in debates on a local transport plan or bus strategy. (A “public transport company” is defined in section 72(1) of the 1985 Act and is, in brief, a company formed by a local council or PTA to carry on a bus undertaking, as defined in section 66 of that Act, and the company's “controlling authority” is a council or PTA.)

142. Paragraph 7 of the Schedule amends the Road Traffic Regulation Act 1984 as regards the making or revocation of traffic regulation orders in connection with QP schemes, if the Secretary of State or NAW consents.

PART III: ROAD USER CHARGING AND WORKPLACE PARKING LEVY

143. The Road User Charging and Workplace Parking Levy provisions are in three Chapters. These are:

- Chapter I— Road User Charging
- Chapter II— Workplace Parking Levy
- Chapter III— General and Supplementary.

CHAPTER I: ROAD USER CHARGING

Sections 163 to 167: Charging schemes

144. Section 163 enables road user charging schemes to be introduced by:

- local traffic authorities outside London, acting either singly, or jointly with another local traffic authority or authorities, or with a London traffic authority or authorities (ie Transport

- for London, or London borough councils or the Common Council of the City of London) and;
- by the Secretary of State or the National Assembly for Wales (NAW).

Section 163 also provides that the registered keeper of a vehicle will be responsible for paying road user charges, but allows the Secretary of State or NAW to specify other persons in certain circumstances through regulations. This would, for example, provide for the transfer of liability to the hirer, where a vehicle is subject to a valid hiring agreement.

145. Sections 164 and 165 provide that charging schemes made by local authorities may only apply to roads for which the charging authority or authorities are the traffic authority, and that charging schemes can be introduced only in support of a local transport plan (see paragraphs 83 to 88). Section 166, which relates to joint local authority — London charging schemes, also provides that charging can occur only on the roads for which the participating authorities are the relevant traffic authorities, and that the scheme must support both the local transport plan(s) of the non-metropolitan authority or authorities, and the London Mayor's statutory transport strategy.

146. Section 167 sets out the two cases where charging can be introduced on trunk roads by the Secretary of State or the NAW. The first of these is charging on trunk road bridges and tunnels of at least 600m in length. This is to allow for future cases where charging may be an option for making expensive new structures affordable, and for continued tolling on crossings when the current tolling powers are due for renewal. The Government has no plans to introduce charging on existing bridges and tunnels which are not already tolled. The second case is where a local traffic authority requests the Secretary of State or the NAW to charge on a stretch of trunk road, in order to complement a local road user charging scheme.

Sections 168 to 170: **Making of charging schemes**

147. Section 168 specifies that a traffic authority or authorities acting jointly, — including local, Transport for London or the Secretary of State/NAW — wanting to introduce a charging scheme must do it by making an Order. If an authority wants to change or revoke a scheme, this must also be done by Order. Where the Secretary of State or NAW has introduced a charging scheme on a trunk road at the request of a local authority, it cannot be changed or revoked unless the local traffic authority which requested it has been consulted.

148. Sections 169 and 170 define the role of the two national authorities in relation to local authority orders setting up, changing or revoking charging schemes. Section 169 requires that all non-London local authority orders must be approved by the Secretary of State or NAW, as appropriate. Where there is a joint scheme between an English and Welsh local authority, there must be approval from both national authorities (see section 198(1) for definitions of “appropriate national authority”). Where there is a scheme run jointly by an English local authority and a London authority, approval will be needed from the Secretary of State and the Greater London Authority. In all cases, the approving authority can make modifications to the order.

149. Under section 169(2) the Secretary of State or the NAW will be able, by regulations, to waive the requirement for his/its consent. This will allow, for example, local authorities to make minor changes to their schemes through more streamlined, simplified procedures, provided certain conditions are met. In the longer term, it may be possible to broaden the scope of the waiver given by regulations. Orders revoking charging schemes do not need the approval of the Secretary of State or NAW.

150. Section 170 provides for charging authorities to consult and hold inquiries, and for the Secretary of State or the NAW to consult or hold an inquiry on their own schemes, or require additional consultation or an inquiry to be held before granting approval for a local authority scheme. It also sets out the arrangements for the allocation for costs for inquiries.

Sections 171 to 172: **Contents of charging schemes**

151. Section 171 sets out the basic elements which must be included in the order establishing the charging scheme — the roads to be charged, and how the charges are defined, the classes of motor vehicles which will be charged, the levels of charge, and the duration of the scheme. These elements are for the charging authority to determine. Section 171(3) ensures that charging powers cannot be used purely as a charge on parked vehicles.

Section 171(5) describes some of the factors by which different charges might be imposed, but this is not an exhaustive list. Section 171(7) allows the charging scheme to require documents or equipment to be carried in or fitted to a vehicle when it is on a charged road. This gives charging authorities the power to ensure that everyone who enters a scheme must have a permit or electronic payment unit in their vehicle, or have to pay a penalty charge. Section 172 provides the power for regulations to set exemptions from charges, reduced rates or limits on charges which will apply to all charging schemes. The Secretary of State will be able to set exemptions, reduced rates or charging limits applying to all local authority schemes in England (and has powers to set exemptions in London under the Greater London Authority Act 1999 (“the 1999 Act”). This could be used for an exemption, for example, for emergency vehicles or disabled persons. The NAW also has powers to set exemptions, reduced rates or limits applying to Welsh local charging schemes. Subject to these regulations, section 172(2) provides that any charging scheme will be able to set additional exemptions, reductions or limits as the authority wishes, subject to approval.

Sections 173 to 175: **Enforcement of charging schemes**

152. Sections 173 and 175 allow the appropriate national authority and Lord Chancellor to make regulations to provide for the fair and effective enforcement of road user charging schemes. This includes arrangements for adjudication. The Act provides that non-payment of a road user charge will be a civil matter rather than a criminal offence, and outstanding charges will be recoverable as a civil debt. Charges will not apply to vehicles that are not on the road. It is expected that the registered keeper of a vehicle will generally be liable to pay any penalty charges, but that there will be a defence where the vehicle has been stolen. Deliberate tampering with documents or any in-vehicle or roadside equipment with intent to avoid payment or being identified as having failed to pay a charge by obscuring a vehicle licence plate to avoid identification following non-payment. are more serious cases and will therefore be subject to criminal rather than civil law. Sections 174 and 175 provides powers for the appropriate national authority to make regulations to allow enforcement actions such as the examination of vehicles and equipment, and immobilisation, removal, storage and disposal of vehicles. They also allow the seizure of evidence and provide for criminal offences where the exercise of enforcement powers are hindered or immobilisation devices and notices removed without authority.

Sections 176 to 177: **Supplementary**

153. Section 176 allows charging authorities to install and maintain any equipment or buildings in connection with effective operation of a charging scheme. It also provides for the Secretary of State

and NAW to prescribe in regulations the basic specifications for roadside equipment, so that all schemes will be technically interoperable.

154. Section 177 allows the Secretary of State or the NAW to direct a charging authority to put up traffic signs on their land in relation to a charging scheme; and to direct any authority to put up traffic signs in connection with a trunk road charging scheme.

CHAPTER II: **WORKPLACE PARKING LEVY**

Sections 178 to 182

155. Section 178 defines the concept of licensing schemes, and enables licensing schemes to be introduced by a local traffic authority outside London, either singly or jointly with another local traffic authority or authorities or with a London traffic authority or authorities. A licensing scheme is the mechanism for collecting the workplace parking levy. It will be for local authorities to decide whether or not to bring forward a scheme. Section 178 also provides that the occupier of a premises will be responsible for paying charges, but allows the Secretary of State or NAW powers to specify other persons in certain circumstances through regulations.

156. The occupier of a premises will be required to apply to a local authority for a licence to park up to a stated maximum number of vehicles (“licensed units”) at the premises, and pay the appropriate sum based on the charge per unit. Local authorities will be obliged to issue the licence for the number of units requested — they will not be able to use this mechanism as a means of directly controlling the number of parking places the person provides.

157. Sections 180 to 181 allow licensing schemes to cover any part of the area of the authority or authorities making the scheme, and require that a scheme must be in support of the relevant local transport plan or plans (see paragraphs 108 to 113), or, in the case of a joint scheme involving a London authority the transport strategy prepared and published by the Mayor.

158. Section 182 provides the detailed definition of workplace parking. The definition is designed to include all forms of parking by those attending premises where they will carry out their work. The parking can be at or in the vicinity of the workplace — this is intended to catch, for example, parking at a car park adjacent to the workplace, but to exclude parking at a park and ride site or station car park, where the worker makes a further journey to reach the workplace. It also is designed to include parking provided by arrangement with a third party — for example where an employer has a contract with a nearby car park company to provide a certain number of spaces for its workforce.

Included in the definition is parking by the employer himself, his employees, suppliers, business customers or visitors, and pupils or students at an educational establishment. Suppliers can mean, for example, a photocopier engineer called out to make repairs, or an external consultant providing advice on site. The definition also includes members of organisations such as a recreational club or Chamber of Commerce, but only when they are engaged in the carrying on of any business of the body. Section 182 also includes a power for the Secretary of State or NAW to change this definition by regulations. This power is designed to allow the prompt closure of any loopholes which the definition may contain. It does not provide for the extension of the scope of the levy beyond workplace parking to, for example, customer leisure or retail parking.

Sections 183 to 185: **Making of licensing schemes**

159. Sections 183 to 185 closely follow section 168 to 170 in Chapter I on road user charging, setting out the order-making process for introducing a licensing scheme.

Sections 186 to 188: Contents of licensing schemes and licences

160. Section 186 sets out the basic elements which a licensing scheme must contain, and allows for variations in the charges according to different days or times of day, different parts of the licensing area, different classes of motor vehicles or different numbers of licensed units. For example, an authority will be able to choose to apply the levy only to parking during normal office hours on weekdays, to charge different rates for two-wheeled vehicles, or to set a sliding scale so that the charge per vehicle increases or decreases above certain thresholds.

161. Section 187 mirrors section 172 in Chapter I in granting powers to set exemptions, reduced rates or limits on workplace parking charges by regulations.

162. Section 188 sets out the essential elements that must be included in a licence under a licensing scheme. Licences may not be granted for a period of greater than one year.

Sections 189 and 190: Enforcement of licensing schemes

163. Section 189 largely follows section 173(1) to (3) in Chapter I, in providing for regulations to set out the enforcement requirements for licensing schemes. Subsection (3) makes the occupier of a premises liable to pay parking levy penalty charges but allows the Secretary of State or NAW to specify other persons in certain circumstances. Subsection (4) enables the regulations to specify arrangements for adjudication and enforcement of licensing schemes. Section 190 allows for a right of entry to premises by an authorised official to check that workplace parking is appropriately covered by a licence. It also creates an offence of intentionally obstructing an authorised official in the exercise of these powers.

CHAPTER III: GENERAL AND SUPPLEMENTARY

164. The following sections are common to both road user charging (Chapter I) and the workplace parking levy (Chapter II).

165. Section 191 introduces the financial provisions in Schedule 12. Section 192 allows charging/licensing authorities to spend money on operating a charging or licensing scheme, and to enter into contracts with third parties for the implementation and operation of a scheme. Section 193 allows for guidance to be issued. Section 194 allows various bodies carrying out statutory functions to share information in relation to charging schemes or licensing schemes. This will allow, for example, information needed for enforcement purposes to be given by the Driver and Vehicle Licensing Agency (“DVLA”) to the charging authority, but ensures that such information must only be used in connection with charging or licensing schemes. Section 195 gives a regulation-making power to the Lord Chancellor to provide for appeals in respect of schemes. Section 196 ensures that this Part applies to the Crown and its agents.

166. Section 197 establishes that regulations are exercisable by statutory instrument; most will be subject to the negative resolution procedure in England, the power to amend the definition of workplace parking in section 182(5), and the powers to change hypothecation provisions in Schedule 12 will be subject to affirmative resolution procedure in the House of Commons, and such regulations will be subject to approval by the Treasury.

167. Section 198 provides definitions, section 199 invokes Schedule 13 which makes amendments to the equivalent provisions to the GLA Act 1999, and section 200 exempts roads included in the road user charging scheme from local non-domestic rates.

Schedule 12

168. Schedule 12 contains the financial provisions for road user charging and workplace parking levy schemes.

169. Paragraph 2 defines net proceeds. In broad terms, once the gross proceeds have been received under a scheme, the charging authority will subtract the expenses of establishing or operating the scheme to give the net proceeds. Paragraph 2(2) allows the Secretary of State or the NAW to make regulations determining how net proceeds for local schemes are to be arrived at, and by regulations to treat certain wider expenses as deductible from gross proceeds in the case of a trunk road charging scheme. These relate to the costs of constructing, improving or maintaining the charged road. This will particularly apply to private finance contracts where a private operator may be contracted to build or maintain a road or structure as well as operating the charging scheme on it.

170. Paragraph 2(4) allows a complementary trunk road charging scheme and the local authority scheme which it complements to include the expenses of either scheme within its own expenses. This will allow flexibility for local authorities and the Secretary of State/NAW to agree to apportion costs between the complementary schemes as is most appropriate.

171. Paragraphs 3 and 4 deal with the apportionment of the net proceeds of a joint scheme or of a complementary trunk road charging scheme and the local authority scheme it is supporting.

172. Paragraphs 5 and 6 cover the accounts and funds charging or licensing authorities are required to keep and the treatment of deficits and surpluses between financial years. Paragraph 5 allows the Secretary of State or NAW to make regulations governing the keeping and publication of accounts.

173. Paragraph 7 sets out how net proceeds can be spent for schemes starting in the 10 years after commencement of the charging powers in the Act. It requires that net proceeds will be “hypothecated” and can only be spent in support of the authority's local transport plan for the first ten years of a scheme's life. It also makes provision for joint schemes, including ones involving a London charging authority where their share of proceeds must be spent in line with the Mayor's transport strategy.

174. Paragraph 7 also allows periods of hypothecation that are longer than 10 years to be agreed by the Secretary of State or NAW at the outset for individual schemes. It also allows regulations to make provision, where a scheme is revoked and restarted, or modified, to judge whether the same or a different scheme can be regarded as being in force for deciding when the period of hypothecation starts or ends.

175. Paragraph 8 provides that after the period of hypothecation local authorities must spend net proceeds in accordance with regulations made by the Secretary of State. It would also allow the Secretary of State or NAW to provide that schemes starting later than 10 years after the commencement of the charging powers could be included in paragraph 7's hypothecation requirements. Paragraph 8 requires that local authorities must spend net proceeds only on things that offer value for money, and allows the NAW and the Secretary of State to issue guidance.

176. Paragraphs 9 and 10 require local authorities outside London to prepare a 10 year general plan for spending proceeds, and more detailed plans linked to the timetable for preparing local transport plans. These have to be agreed by the Secretary of State or the NAW. Paragraph 12 allows the Secretary of State, in consultation with the Greater London Authority, to make regulations about the application of revenues from joint schemes involving a London charging authority.

177. Paragraph 13 covers the application of revenues from trunk road charging schemes. Schemes that are complementary to local authority charging schemes have parallel arrangements; the Secretary

of State or the NAW will keep the revenue for 10 years from the start of a scheme where that scheme is started within 10 years of the legislation coming into force. The revenue must be spent on transport purposes. Paragraph 13(2) allows that 10 year period to be extended by regulations. The proceeds of trunk road bridge and tunnel charging schemes will be available for use of the Secretary of State or NAW for 10 years from the start of the scheme, whenever that is.

Schedule 13

178. Schedule 13 contains amendments to Schedules 23 and 24 to the 1999 Act. In particular it extends a number of the provisions referring to the operation of charging and licensing schemes contained in this Act to London.

PART IV: RAILWAYS

179. The Railways provisions are in three Chapters. These are:

Chapter I — The Strategic Rail Authority

Chapter II — Other provisions about Railways

Chapter III — Supplementary.

CHAPTER I: THE STRATEGIC RAIL AUTHORITY

Sections 201 to 204 and Schedule 14: **The Strategic Rail Authority**

180. Sections 201 to 204 and Schedule 14 provide for the establishment of the Strategic Rail Authority (“the Authority”). The Authority will be a body corporate and will have between eight and fourteen members. Members will be appointed by the Secretary of State who may, by order made by statutory instrument, substitute different figures for the minimum and maximum membership of the Authority. In making appointments the Secretary of State is to have regard to the desirability of appointing persons who have experience of, and shown capacity in, some matter relevant to the functions of the Authority. One member of the Board is to be appointed after consultation with the National Assembly for Wales, and one after consultation with the Scottish Ministers. In making these appointments the Secretary of State will need to have regard to the desirability of appointing a person who is familiar with the special requirements and circumstances of Scotland or of Wales.

181. The Authority will not be a Crown body but will be a Non-Departmental Public Body. The Authority's staff will not be civil servants. The chairman of the Authority is to be appointed by the Secretary of State and the other members (including any deputy chairman) are to be appointed by the Secretary of State after consultation with the chairman. The Authority appoints its own chief executive, with the Secretary of State's approval, who is to be appointed a member of the authority.

182. Schedule 14 covers provision for the appointment, tenure and remuneration of the members and staff of the Authority and for procedural matters. Paragraph 1(4) makes standard provision for the Secretary of State to remove any member from office on the grounds of incapacity or misbehaviour. The Authority will have the power to make pension provisions for its staff, including the administration of Principal Civil Service Pension Scheme arrangements. The Schedule sets out provisions as to members' interests and conduct to prevent conflicts of interest arising.

183. Schedule 14 also provides for the financing of the Authority. The Authority will be funded by the Secretary of State, and will also be entitled to borrow money, both from the Secretary of State and temporarily from other sources (eg by overdraft or bridging facility) with the consent of the Secretary of State and the approval of the Treasury. Restrictions on borrowing and a borrowing limit are set out. Provision is made as to the terms of any loans from the Secretary of State. The

requirements for accounts and audit are set out, the Authority's accounts are to be audited by the National Audit Office. The Secretary of State is allowed to guarantee sums borrowed by the Authority, and the procedures which must be followed to facilitate this are laid down. The Schedule allows the Secretary of State to require the payment to him of sums which are received by the Authority, in particular where these are surplus. The Secretary of State is also able to make regulations for the purposes of eliminating or reducing the Authority's liabilities to tax.

184. The Authority is permitted to set up committees and sub committees and is allowed to delegate functions to its members, staff, committees and sub-committees and wholly owned subsidiary companies.

185. The Secretary of State is required to prepare and to update a financial framework for the Authority which will determine the rules and principles by which the Authority must run its own finances and matters relating to its employees.

Sections 205 to 210: **Purposes, Strategies and Exercise of Functions**

186. Sections 205 to 210 set out the framework within which the Authority must work to bring strategic leadership to the railway industry, with a hierarchy of purposes, strategies and duties. They set out purposes for which the Authority is established and how it should seek to achieve those purposes.

187. Section 205 sets out the primary, high level, purposes of the Authority: what might be called its “objectives” or “mission”. These purposes are:

- to promote the use of the railway network for passengers and freight;
- to secure the development of the railway network; and
- to contribute to the development of an integrated system of transport of passengers and freight.

188. The Authority has to explain how it will give effect to these purposes through strategies which it must formulate and keep under review (section 206). These will still be at a high level. One strategy must relate to services in various parts of Great Britain for facilitating the use of the Channel Tunnel.

189. The Authority must consult the Rail Regulator, the Scottish Ministers, the National Assembly for Wales, and other persons as it thinks fit, before formulating a strategy and as part of keeping its strategies under review. The Authority is to publish its strategies. The Secretary of State has the power to give directions and guidance to the Authority as to, for example, the matters to be covered by the strategies. Any directions and guidance issued to the Authority are to be published (see section 209).

190. The Authority will need to exercise its functions (that is all the powers and duties which it has in sections 211 to 222, both those inherited from the Franchising Director, the British Railways Board, the Rail Regulator and the Secretary of State and those freshly conferred by the Act) with a view to furthering its purposes in accordance with any strategies which it has formulated (section 206). It will also need to exercise its functions in a manner best calculated to achieve the considerations set out in section 207(2)(a) to (f) and to have regard to the considerations in section 207(3).

191. The considerations in sections 207(2) and (3) are broadly aligned with the Regulator's duties under section 4 of the Railways Act 1993 (“the 1993 Act”) (as amended by the Act). If they pull in

different directions the Authority will need to do what it considers to be most appropriate, balancing all relevant considerations.

192. The term “users” in section 207(2)(a) includes passengers, freight customers, train service operators and, where appropriate, railway facility providers. “Railway services” is defined in section 82 of the 1993 Act and covers passenger, freight, light maintenance, station and network services.

193. The Authority must ensure that any payment made, or other financial assistance given, by it are such as it reasonably considers will further its purposes economically and efficiently. This duty includes all payments made by the Authority, whether by way of grant, under a franchise agreement, or under any other agreements made to secure provision, improvements etc. of services. This provision is based on a similar duty laid on the Franchising Director in section 5 of the 1993 Act (which will be repealed) and is often referred to as the “value for money” duty.

194. The Secretary of State may give directions and guidance to the Authority as to what it should do to achieve its purposes in a way best calculated to balance the various section 207 considerations. The Secretary of State may also direct the Authority not to exercise a function in a particular manner or not to exercise it without first consulting him or obtaining his consent. For example, the Secretary of State may direct the Authority that they may only set up freight grant schemes which comply with European obligations. However, the Authority's duty to obtain value for money in any payments which it makes or any other financial assistance which it gives cannot be overridden by the directions and guidance.

195. The Scottish Ministers may also give directions and guidance to the Authority for services which start and end in Scotland. The Authority must implement these provided that they do not conflict with the Secretary of State's directions and guidance or the Authority's financial framework. The Scottish Ministers may also give directions and guidance on Scottish sleeper services, which the Authority must implement provided that they do not conflict with the Secretary of State's directions and guidance or the Authority's financial framework, and provided they do not impact on other services or the non-Scottish budget. The Scottish Ministers may, in addition, give advice to the Authority on all other cross border services (ie the non sleeper services).

196. Section 210 protects transactions of the Authority from being invalidated on the grounds merely that it has failed to comply with a requirement to take proper account of all the considerations in sections 207 and 208.

Sections 211 to 222. Securing the provision of railway services and assets etc

197. Sections 211 to 222 describe the main functions and powers of the Authority, including ones transferred from the Franchising Director, the Rail Regulator, the Secretary of State and the British Railways Board (“BRB”).

198. Under section 211 the Authority has power to enter into agreements for the purpose of securing the provision, improvement or development by others of any railway services or assets or for any other railway related purpose. This includes a power to give grants, loans or guarantees for any purpose relating to any railway or railway services and to invest in a body corporate.

199. The section also provides certain restrictions on this power. Payments for franchised services may only be paid under the franchise agreement. In Scotland, the Authority will have no powers with regard to freight where something falls within a scheme which it has notified to the Scottish Ministers. These schemes (which are intended to replace the freight grants and track access guarantee

schemes in sections 137 and 139 of the 1993 Act) will be administered in Scotland by Scottish Ministers only.

200. In this section “railway” means a railway, tramway or transport system, which uses another mode of guided transport but which is not a trolley vehicle system. This is what is meant by railway in “its wider meaning” (see subsection (6) of the section and section 81(2) of the 1993 Act.) The expression “railway”, “tramway” and “transport system” have, in turn, their meaning under section 67(1) of the Transport and Works Act 1992.

201. Section 211 would enable the Authority, for example, to:

- provide grants to local authorities (Passenger Transport Authorities (“PTAs”)) in support of railway services provided or funded by them (including such services provided under franchise agreements to which the relevant Passenger Transport Executive (“PTE”) is a party);
- fund the integration of light rapid transport systems with the heavy rail network and;
- make grants or enter into contracts in respect of the enhancement of railway infrastructure which is not commercially viable but in the public interest.

202. Grants to PTAs would provide a substitute for the special grant which the Secretary of State makes to them each year, under the general grant power in section 88B of the Local Government Act 1988. The power in section 211 is in addition to the Secretary of State's power in section 157 to make such payments.

203. The power in section 211 relates to anything connected with railways as a mode of transport. It relates, for example, to anything connected with the type of railway services which are provided (such as networks, carriages, stations), the types of railway assets involved (such as network and trains) and facilities connected with railway travel (such as parking outside stations).

204. Schedule 15 provides a power to make a transfer scheme for the administration of grants for freight from the Secretary of State to the Authority.

205. Sections 212 and 213 govern the Authority's powers to secure or provide railway services. The sections meet the commitment in A New Deal for Transport (paragraph 4.19) to retain the capability for the public sector to take over franchises “as a last resort” (for example, if a franchise was terminated or there were no acceptable private sector bids).

206. Section 212(1) and (2) make technical amendments to the Railways Act 1993 to facilitate franchising. The Authority is required to designate passenger services which *ought* to be secured by franchise unless they are exempt services and not merely to designate services which may be *eligible* for franchising. Section 212(6) enables the Regulator to refuse to grant access rights if they might impede the provision of a service which has been designated.

207. The Secretary of State is required to publish his policy towards the use of the power in section 26 of the Railways Act to set aside the tendering process which otherwise precedes the award of a franchise and to have regard to that policy when exercising that power. The Act also sets out the use that may be made of that power.

208. The section specifies the procedures which the Authority will need to follow before it can act as the operator of last resort for services which have been designated for franchising.

209. Where the Authority has issued an invitation to tender for services which have been designated for franchising but receives no tender at all, the Secretary of State may either direct the Authority

to issue new invitations to tender or direct that the service should be secured otherwise than by a franchise (by the Authority or a private contractor).

210. Where the Authority has issued an invitation to tender for services which have been designated for franchising and has received tenders for a franchised service, but considers that the services could be provided more economically and efficiently other than by a franchise agreement, the Secretary of State is required either to direct the Authority to select a franchisee or to conduct a further tendering exercise. He may not, at this stage, direct the Authority not to seek to secure provision of a franchise under a franchise agreement. If a further tendering exercise results in no tenders, or tenders are received but the Authority remains of the view that services could be provided more economically or efficiently other than under a franchise agreement, the Secretary of State may, at this stage, direct the Authority not to award a franchise. Where tenders were received, the Secretary of State still has the option to direct the Authority to re-consider these.

211. Section 212 makes it clear that the Authority must provide services if a direction not to seek a franchise has been made by the Secretary of State or a franchise comes to an end or is terminated without a new agreement being in place. This duty remains until there is a new franchise, although it does not apply if there are already adequate services, nor does it prevent closure procedures.

212. Section 213 gives the Authority limited additional powers to run goods or undesignated passenger services where it acquires an obligation to provide that service in consequence of a former obligation of the BRB or they are no longer being provided by another person. It gives the Authority the necessary associated powers (such as storing goods) to run that service.

213. Section 214 confers on the Authority certain powers associated with passenger services — so that passengers can be transported by road during temporary disruptions to the rail service.

Sections 215 to 218: Functions of Franchising Director, Regulator and Board

214. Section 215 and Schedule 16 transfer to the Authority all the functions, property, rights and liabilities of the Franchising Director (including any rights and liabilities relating to staff appointed by the Franchising Director). Once this transfer is effected the office of the Franchising Director will be abolished and the Schedule makes the necessary amendments to the 1993 Act and other enactments.

215. Section 216 and Schedule 17 address a criticism of the current regulatory system that there is no clear division between the respective roles of the Rail Regulator and the Franchising Director in relation to the consumer. The Act transfers responsibilities for consumer protection to the Authority as the successor to the Franchising Director. The types of matters which are considered consumer protection include telephone enquiries, through ticketing, security, the protection of the interests of disabled people and penalty fares.

216. Where the protection of consumers is secured through a licence the Authority will be responsible for the content of the licence as it relates to consumer protection (through being able to refuse the grant of a licence which does not make adequate provision for the protection of consumers), for the enforcement and modification of consumer protection provisions in a licence (as regards modification only if the Regulator also approves) and for the revocation of a licence where the licensee is in persistent contravention of these provisions. However, when it is exercising this responsibility the Authority will be under the same duties and will need to have regard to the same considerations as the Regulator.

217. For existing licences the Secretary of State may make a scheme which has the effect of separating out those parts of the licence which relates to consumer protection and enabling them to be enforced by the Authority. For new licences the split will be made in the licence when it is granted.

218. Schedule 17 also transfers the administrative responsibility for the Rail Users' Consultative Committees and the Central Rail Users' Consultative Committee to the Authority (which are renamed in section 227 — see below). The Authority will inherit the Regulator's code of practice for protecting the interests of disabled railway users and the duty to revise it from time to time and encourage its adoption and implementation. The Authority will inherit the Rail Regulator's power to make rules for penalty fares.

219. The final part of Schedule 17 allows the Secretary of State to make schemes to transfer property, rights and liabilities (including any rights and liabilities relating to staff appointed by the Rail Regulator) from the Rail Regulator to the Authority. This will provide the administrative support for the Authority to take on these previous functions of the Regulator.

220. Section 217 and Schedule 18 transfer functions of the BRB in relation to the British Transport Police (“BTP”) to the Authority, with associated property, rights and liabilities. Provision for the transfer of staff is made. Section 207 is disapplied in relation to the Authority's BTP functions because these provisions are not appropriate to police functions. Instead, the Authority has a general duty relating to efficiency and effectiveness.

221. Section 218 and Schedule 19 make provision for the transfer of all the other properties, rights and liabilities of the BRB to the Authority. Those which are not required by the Authority for railway purposes are to be disposed of and the Authority is permitted to maintain and manage property or to develop it for sale. Provision is made for the transfer of staff.

Section 219 to 222: Other Powers

222. Section 219 and Schedule 20 change the current system whereby byelaws are made by the individual train companies and Railtrack and are then confirmed by the Secretary of State. Instead, the Authority will have the power to make uniform byelaws for the whole rail network. The Authority will be able to designate which stations shall hold copies of the byelaws.

223. Section 220 and Schedule 21 give the Authority powers to transfer any of its property, rights, liabilities and staff to a wholly owned company, the Secretary of State or a franchise company. This includes the transfer of franchise assets after a franchise comes to an end.

224. Section 221 gives the Authority powers to promote Acts relating to railways and to oppose Acts. This provision also enables the Authority to promote or oppose orders under the Transport and Works Act 1992, by virtue of section 20 of that Act. This will give the Authority the power to promote new railway schemes where there is no other appropriate sponsor.

225. Section 222 gives the Authority incidental powers and restrictions on its powers. Powers include entering into agreements, acquiring and disposing of property, investing money and promoting publicity.

CHAPTER II: OTHER PROVISIONS ABOUT RAILWAYS

Sections 223: Directions to provide railway facilities

226. Section 223 gives new powers to the Rail Regulator, on the application of the Authority (or other person with the consent of the Authority) to give a direction for the improvement of railway

facilities (such as track or stations) or for the provision of new facilities. The section provides that the person directed is to be the person who is an appropriate person to carry out the direction. The Regulator may only give a direction if he is satisfied that the person directed will be adequately rewarded for these improvements and facilities and the Regulator must consult the person, and others as he thinks fit, before giving the direction. The Regulator may grant an application to revoke or vary a direction, again subject to adequate reward, or compensation for abortive work. The person directed must do all that he reasonably can to comply with the direction made by the Regulator. The section sets out the procedures which must be followed before a direction can be made. This new power of direction does not affect any existing obligations (eg licence conditions) or powers. The Secretary of State may, after consulting the Regulator, exempt specified railway services from the Regulator's direction making power.

Section 224: Objectives of the Regulators and the Secretary of State

227. Section 224 amends the 1993 Act so as to require the Regulator to facilitate furtherance of the strategies of the Authority, and to contribute to integrated transport and sustainable development. His duty to promote competition is redefined to be for the benefit of users of railway services. The section also amends the duties of the Secretary of State to reflect the fact that he is no longer exercising privatisation functions under the 1993 Act. The Rail Regulator has a new duty to take account of general guidance from the Secretary of State about railway services or other matters relating to railways. This general guidance must be published.

Sections 225 and 226: Enforcement Regime

228. Section 225 and 226 modify the enforcement regime available under the 1993 Act.

229. Monetary penalties may be imposed by the Regulator or the Authority for contraventions of licence conditions, franchise requirements and the provisions of orders made to secure compliance with an operating licence or passenger service franchise. In contrast with the 1993 Act, these will cover past breaches as well as those which are continuing. There are limitation periods, after which past breaches of licences may not be penalised. There is no specific limit on the penalty which may be imposed, but it must be of a reasonable amount and may not exceed 10% of the relevant operator's turnover (with turnover being determined in accordance with an order made by statutory instrument by the Secretary of State). In calculating a penalty the appropriate authority (the Rail Regulator or the Authority) must take account of policies which it has published with regard to such penalties. Such policies may include policies of having regard to the need to secure compliance, the consequences of the breach and deterrence of other breaches. A rail operator may apply to pay in instalments.

230. There are requirements as to the procedure, including the giving of notices with prescribed information.

231. The operator may make an application to the court to question the validity of a penalty order on prescribed grounds. The requirement to pay a penalty is suspended until a case is determined. The court may cancel or reduce the penalty or extend the timescale to pay. It may also require interest to be paid on a reduced penalty.

232. The 1993 Act is amended to allow the appropriate authority, if it thinks fit, to refrain from taking action requiring compliance with a relevant licence condition or franchise requirement where an operator is taking appropriate steps to comply or where a breach would not adversely affect railway users or lead to an increase in public expenditure.

233. Section 226 reduces the period for a rail operator to make representations or objections to enforcement action from not less than 28 to not less than 21 days; it reduces the period on modifications to a compliance order from not less than 28 days to not less than 7 days; and on revocation from not less than 28 days to not less than 21 days. But the Regulator or Authority can allow more time for representations to be made where that would be appropriate. The Regulator cannot make an enforcement order against a licence holder under the 1993 Act where he considers it more appropriate to proceed under the Competition Act 1998. Section 225 extends this provision so that a penalty may not be imposed by the Authority or the Regulator for breach of an obligation under the conditions of a licence, or a closure restriction, where the Regulator is satisfied that the most appropriate way of proceeding is by using his powers under the Competition Act.

Sections 227 to 229: **Consultative Committees**

234. Section 227 renames the Central Rail Users' Consultative Committee as the Rail Passengers' Council and renames the Rail Users' Consultative Committees as the Rail Passengers' Committees. Schedule 22 makes consequential amendments to legislative references.

235. Section 228 extends the functions of the renamed bodies. These will be extended to passenger services which are not provided under a franchise agreement. New duties include keeping under review matters affecting the interests of the public in relation to the passenger railway, making representations to an consulting such persons as they think appropriate and co-operating with other bodies representing public transport users. This might, for example, mean co-operating with a bus users' group. The Secretary of State may exempt certain services from their remit or modify the ways in which the new provisions apply.

236. Schedule 23 makes new financial and procedural provisions for the bodies. This includes their financial relationship with the Authority.

Sections 230 to 233: **Access agreements**

237. Section 230 enables the Rail Regulator to give general approvals for access agreements of a specified class or description and makes provision for their publication and revocation.

238. Section 231 and Schedule 24 set out procedures relating to the review by the Rail Regulator of the terms of an access agreement or a linked licence as to the amounts payable under the access agreement by one of the parties to the other (an "access charges review") for the use of a railway facility. Under paragraph 11 of Schedule 28 these procedures will apply to review of access charges currently being undertaken by the Rail Regulator, in the event that it has not been concluded when the new procedures comes into force on Royal Assent.

239. Where the Rail Regulator wishes to initiate an access charges review he must serve a notice on the parties to an access agreements and other persons with an interest in the facility setting out, among other things, his conclusions on the access charges review and the changes to the access agreement or linked licence which are necessary to bring these conclusions into force.

240. If the facility owner or the other person with an interest in the facility who is served with the review notice object to a review notice, the Rail Regulator must either serve a revised review notice or refer the questions raised in the access charges review to the Competition Commission, who must investigate and report on whether they operate or may be expected to operate against the public interest and whether any effects adverse to the public interests should be remedied or prevented. If the Competition Commission concludes that the matters so referred do operate against the public interest and that the adverse effects should be remedied or prevented there are procedures

under which the Rail Regulator or the Competition Commission may effect the necessary changes to the relevant access agreement or linked licence.

241. If the access beneficiary — the person who uses the facility in question — objects to an access charges review or to any changes required by the Rail Regulator, or the Competition Commission in accordance with the provisions in Schedule 24, he may terminate the access agreement.

242. Section 232 enables the Regulator to direct that an access agreement or network installation contract be amended to permit more extensive use of the railway facility or network installation in question. The section also applies procedures in Schedule 4 of the 1993 Act to these new direction powers. The section makes it clear that the Regulator may give directions requiring the parties to an access agreement which are necessary in his opinion to give effect to the conditions of a licence.

243. Section 233 enables the Regulator to act in relation to contracts for the use of railway facilities or network installations which are proposed to be constructed or in the course of construction.

Sections 234 to 239: Closures

244. Sections 234 to 239 simplify the provisions in the 1993 Act relating to the closure of railway services, network, stations etc. In particular, the Rail Regulator's functions in respect of major closures are transferred to the Secretary of State, so that when major closures are proposed these will be determined by the Secretary of State.

245. Section 235 places a new obligation on the Authority to publish any proposal for a major closure at stations in the area that would be affected by the closure, and on the Secretary of State similarly to publish closure decisions. Equivalent amendments are made to Schedule 5 of the 1993 Act in respect of services to which that Schedule applies, including services in Greater London. Section 236 gives a new power for conditions to be imposed on a minor closure. Section 237 widens the definition of minor closures (where less stringent procedures are required to be followed), so that it can include the track within stations and depots. Section 238 allows the Authority to make a general determination of a class or description that shall be considered minor closures, rather than having to determine each case separately. Where such a general determination is revoked this does not affect the validity of the status of a minor closure already determined by the general determination. The Authority is required to inform the Rail Regulator of a decision to allow a minor closure.

246. Section 239 makes it clear that where a non-franchised passenger service is to be closed, the operator must continue the service until closure. This will ensure that the burden of maintaining the service does not fall on the Authority.

Sections 240 and 241: The British Railways Board

247. Section 240 and Schedule 25 allow the transfer to the Secretary of State of any property, rights or liabilities of the BRB. This is in addition to the power to transfer to the Authority — where it is intended that most rights and liabilities will be transferred.

248. Section 241 provides for the winding down and the abolition of the BRB. Abolition will be effected when all residual liabilities, properties and rights have been transferred to the Authority or the Secretary of State.

Sections 242 and 243: Competition

249. Section 242 provides a power for the Competition Commission to veto amendments to licences proposed to be made by the Regulator following a reference to the Competition Commission. The

conclusion of a reference to the Competition Commission in respect of modifications to the terms of a licence is effected, under the 1993 Act, by licence modifications directed by the Rail Regulator. Section 242 provides that the Competition Commission shall have four weeks following the Rail Regulator's announcement of his intended licence amendments to veto those amendments, and instead substitute its own.

250. Section 243 makes it clear that the Rail Regulator may exercise functions under the Competition Act 1998 concurrently with the DGFT in relation to agreements etc for the supply of rolling stock and certain other railway related contracts and arrangements.

Sections 244 and 245: **Pensions**

251. The BRB has for many years past had a practice of making provision for indexation of certain pensions arising under very old pension schemes (largely schemes of the old pre-BRB railway companies), where the schemes themselves did not make adequate provision for such indexation. Section 244 converts the BRB's customary practice of providing indexation for cost of living increases, into a binding obligation of the Authority.

252. Section 245 makes a number of changes to the pension protection provisions contained in the Railways Act 1993 and the Railway Pensions (Protection and Designation of Schemes) Order 1994 in order to ensure that pension protection continues after creation of the Authority and the dissolution of the British Railways Board. The section also addresses a problem that has been identified in relation to the existing arrangements under the 1993 Act. Schedule 11 to the 1993 Act and the Protection Order made under that Act are amended to provide certainty in relation to the protection of staff pensions in certain cases when there is a change of employer. Subsections (1) and (3) to (5) of this section (and subsections (2) and (8) in so far as they relate to those subsections) are given effect from the date of the Report Stage of the Act in the House of Commons (10th May 2000) (section 275(5)). This is done in order to ensure that no one can seek to exploit any ambiguity in the 1993 Act arrangements between the date on which the clarificatory amendments contained in those subsections became public knowledge and the date on which any Act resulting from the Act comes into force. Subsection (7) removes the requirement for certain disputes relating to railways pensions to be referred to arbitration. The effect will be that disputes may be referred to the Pensions Ombudsman, or (where appropriate) the Court, in accordance with newer procedures.

Section 246 to 251: **Miscellaneous**

253. PTEs may make statements to the Authority under section 34(5) of the 1993 Act specifying their passenger service requirements in their area.

254. Section 246 provides that the Authority must not, without a direction from the Secretary of State under section 34(18) of the 1993 Act, carry out the requirements in the statement if it would prevent or seriously hinder the Authority from complying with directions and guidance given by the Secretary of State or Scottish Ministers or from complying with their financial framework. The Authority need not comply with the statement if it would have an adverse effect on the provision of railway passenger or goods services or, unless there are special reasons for doing so, increase the amounts which the Authority must pay to franchise operators. Should there be a dispute between the PTE and the Authority on the statement, the Secretary of State has the power to resolve the dispute.

255. Section 247 will allow for the transposition of the EU Directive on the interoperability of the trans-European high-speed rail network. The Directive came into force in 1996. The section will also allow for the transposition of a similar Directive relating to the conventional rail network which

is currently under discussion. The power is given to the Secretary of State to make regulations to cover the technical specifications which will be issued under the Directive.

256. Section 248 places a new obligation on railway passenger operators to ensure that any road services that are provided in substitution for railway services during periods of rail disruption are such as to allow disabled passengers to undertake their journeys in safety and reasonable comfort. The Secretary of State may, after consultation with the Disabled Persons Transport Advisory Committee, make exemptions from this requirement.

257. Section 249 gives powers to the Scottish Ministers and the NAW to provide financial assistance for freight in Scotland and Wales. These powers must be exercised in accordance with schemes which have been notified to them by the Authority.

258. Section 250 and Schedule 26 makes provision for the consequences for taxation of the various transfers and transfer schemes for which the Act provides.

259. Section 251 abolishes the requirements for certain Treasury approvals for the remuneration of the Rail Regulator's officials and chairman and members of the rail users' consultative bodies.

Sections 252 to 254: **Supplementary**

260. Chapter III and Schedules 27 and 28 make minor and consequential amendments to other enactments, provide for transitional provisions and interpretation

PART V: MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

261. Section 255–256: **Charges for Streetworks on highways**. Section 255 inserts a new section 74A into the New Roads and Street Works Act 1991, and allows Ministers to make regulations which would permit highway authorities to charge undertakers (such as gas, water or telecommunications companies) carrying out street works for occupying the highway from the commencement of works. The detailed arrangements for operating such a charging system would be set out in the regulations.

262. Section 256 makes a number of amendments to section 74 of the New Roads and Street Works Act 1991, which provides for Ministers to issue regulations permitting highway authorities to charge undertakers where they fail to complete street works by an agreed deadline. Again, the detailed arrangements for operating such a system would be set out in the regulations.

Sections 257 to 260 and Schedule 29: **Driver training and driving instruction**

263. Section 257, with paragraphs 2 to 6 of Schedule 29, which is introduced by section 260, makes provision for the training of drivers who have not passed a driving test on a particular class of vehicle. The only legislative provision requiring drivers to undertake a training course currently extant is contained in regulations made under section 89(3A) and (3B) of the Road Traffic Act 1988 and relates only to motor cycles and mopeds. Those provisions are repealed by virtue of Schedule 31 (Part V(I)) and replaced by a power enabling the Secretary of State to make regulations imposing a training obligation on drivers—

- before they drive a particular class of vehicle on the road, or
- before they take a test for a full licence to drive a class of vehicle, or
- who, having passed a test on one class of vehicle, would otherwise be entitled to drive a vehicle of a different class without further training.

The regulation-making power is contained in four new sections added to the 1988 Act

264. Sections 258 to 260, with paragraphs 7 to 12 of Schedule 29(4), amend the law relating to driving instructors.

265. Section 258 replaces the provisions of Schedule 3 to the Road Traffic Act 1988 (which provide for appeals by driving instructors against decisions of the Registrar of Approved Driving Instructors (“the Registrar”) to be determined by the Secretary of State) by a right of appeal to the Transport Tribunal. Section 259 amends sections 127 to 131 of the 1988 Act by providing that decisions of the Registrar are to take effect 14 days from the date when they are made unless either the Registrar suspends the decision himself or the Transport Tribunal orders the suspension of a decision on application by an aggrieved instructor. Paragraphs 9 to 11 of Schedule 29 provide for tests of continued ability and fitness to give instruction (required to be undertaken by instructors as a condition of registration — see section 125(5) of the 1988 Act) to be subject to review by a magistrates' court, also on application by an aggrieved instructor, and makes provision for the payment of fees.

Section 261 to 263: Licensing of operators of goods vehicles

266. Sections 261 to 263 and Schedule 30 relates to the Goods Vehicle (Licensing of Operators) Act 1995 which provides for a system of operator licensing for users of commercial goods vehicles that weigh over 3.5 tonnes. This is intended to ensure the safe and proper use of goods vehicles and the protection of the environment around operating centres (the place where an operator normally keeps the vehicles). Licences are granted and, where appropriate, disciplinary action taken against licence holders by traffic commissioners, who are individuals appointed by the Secretary of State. The Vehicle Inspectorate, an Executive Agency of the Department of the Environment, Transport and the Regions, has responsibility for ensuring compliance with the laws on operator licensing.

267. Section 261 amends section 2 of the Goods Vehicles (Licensing of Operators) Act 1995 to increase the maximum fine for operating without a licence from level 4 on the standard scale (currently £2,500) to level 5 on the scale (currently £5,000).

268. Section 262 and Schedule 30 give the Vehicle Inspectorate powers to detain, remove and dispose of illegally operated heavy goods vehicles (“HGVs”) at roadside checks. Schedule 30 sets out a new Schedule 1A to be inserted in the Goods Vehicles (Licensing of Operators) Act 1995. The new Schedule enables the Secretary of State to make regulations providing for the detention of goods vehicles used without an operator's licence.

269. Section 263 substitutes a new section 5(6) of the Goods Vehicles (Licensing of Operators) Act 1995 to abolish the “margin concession”. The current provision enables newly acquired vehicles within the maximum number authorised under an operator's licence to be used for up to a month without notification to a traffic commissioner and without a disc being displayed. This means that a vehicle may be operating legally even though an operator's licence disc is not displayed on the windscreen. The detention scheme will only be workable if it is clear to Vehicle Inspectorate examiners at the roadside that a vehicle is being operated without a valid operator's licence.

Section 264: Type approvals: exemptions

270. Section 264 of the Act allows additional flexibility by providing an Order- making procedure to exempt specified vehicles or vehicles of specified persons — for example prototypes, or vehicles constructed for specific purposes, such as carrying abnormal loads — from particular aspects of the type approval rules.

Section 265: Vehicles subject to regulation as private hire vehicles

271. Section 265 amends the Public Passenger Vehicles Act 1981 (“the 1981 Act”) and the Criminal Justice and Public Order Act 1994 (“the 1994 Act”) in relation to vehicles which may be used as public service vehicles or private hire vehicles.

272. The effect of the amendment to the 1981 Act is that (subject to the limited exception mentioned below) a small public service vehicle (“PSV”) called a “small bus” in the section, can no longer be used for private hire work by virtue of its operator being licensed under the PSV operator licensing system. Instead, to undertake private hire work, the vehicles and their operators will need to be licensed under the Private Hire Vehicle (“PHV”) licensing system.

273. By virtue of Part II of the Local Government (Miscellaneous Provisions) Act 1976, the Private Hire Vehicles (London) Act 1998 and certain local legislation PSVs in general are exempt from the licensing requirements of those enactments which are otherwise applicable to PHVs. PHVs are vehicles adapted to carry no more than 8 passengers which are provided for hire with the services of a driver for the purposes of carrying passengers otherwise than at separate fares (i.e. the vehicles are hired as a whole). PSVs are divided by section 1(1) of the 1981 Act into two categories, small PSVs being vehicles of the same size as PHVs used in the course of a business to carry passengers for hire or reward at separate fares (i.e. passengers pay individually as on a bus). Operators of small PSVs are required to be licensed by the traffic commissioners under the 1981 Act but PHVs and their operators are required to be licensed by local authorities.

274. Subsection (2) adds a new section 79A to the 1981 Act which provides that, save in one case, a small PSV vehicle which is being used to carry passengers otherwise than at separate fares is not to be treated as a PSV for the purposes of gaining exemption from the PHV licensing requirements. The exception applies where the vehicle is provided in the course of a passenger-carrying business all but a small part of which involves the operation of large PSVs (which are vehicles having more than 8 passenger seats and are described as “large buses”). Subsection (1) makes a consequential amendment in section 79 of that Act.

275. Subsection (4) amends the prohibition on touting for the hire of taxis and PHVs in section 167 of the 1994 Act. That section currently provides a defence to someone accused of touting if the vehicle is a PSV, however it is to be used at the relevant time. This subsection limits the defence so that it only applies if the vehicle in question is to be used to carry passengers at separate fares

Section 266: Drivers' hours.

276. Section 266 amends Part VI of the Transport Act 1968 to enable the Vehicle Inspectorate and the Police to prohibit drivers of vehicle registered in the UK who have exceeded their permitted driving time from continuing their journey until they have had the necessary break or rest period required under the drivers' hours rule

Section 267: London service permit appeals

277. Section 267 amends section 189 of the Greater London Authority Act 1999 which provides for appeals against decisions of Transport for London relating to London service permits to be made to the Mayor. (A London service permit is a permit to operate a local service in Greater London which is not part of the London bus network as defined in section 181 of that Act.) Provision is made instead for such appeals to be heard by an independent panel.

Sections 268 to 269: Quiet lanes and home zones and rural road speed limits

278. Section 268 makes provision for quiet lanes and home zones. It enables local traffic authorities to designate roads for which they are responsible as quiet lanes or home zones. There is no constraint on the use of this power, except that the appropriate national authority may give guidance as to its use, to which local traffic authorities must have regard.

279. Designation as a quiet lane or a home zone will, in itself, make no difference to the roads in question. But it will enable the local traffic authority to make use orders and speed orders relating to these roads, subject to procedures which may be specified in regulation by the appropriate national authority, and which may include approval of the individual order by that authority or another body (which might, for example, be the Greater London Authority for orders in London.)

280. Use orders would permit the road to be used for purposes other than passage. They might be particularly appropriate in Home Zones, to give legal status to activities other than progress up and down the road, for example children's play. These activities would be subject to requirements not to obstruct the lawful use of the road by others, or to deny reasonable access to premises.

281. Speed orders would enable the local traffic authority to introduce speed-reducing measures. These could include traffic calming measures in which respect the new provisions neither add to nor detract from local authorities' existing powers. The new features of speed orders are that the scope is not limited to traffic calming measures, and that they have to specify the speed below which they are intended to hold the traffic. They will not, by themselves, impose speed limits at that level. These will need to be set by order for individual roads, and any local speed limits below 20 mph will, (unless current restrictions are changed) require the approval of the appropriate national authority.

282. The appropriate national authority, for this section, is the Secretary of State in England and the National Assembly in Wales

283. Section 269 relates to a proposed hierarchy of roads in rural areas. It imposes a duty on the Secretary of State to review the application of speed limits on rural roads, and prepare a report for Parliament within 12 months of Royal Assent

Section 270: School crossing patrols

284. Section 270 amends the Road Traffic Regulation Act 1984. The purpose is to allow school crossing patrols to assist pedestrians of any age, not just school-aged children, and to remove the restrictions on the hours they can operate.

Section 271: Stands etc for bicycles or motor cycles

287 Section 271 modifies section 63 of the Road Traffic Regulation Act 1984 so as to permit the provision of stands and racks for motor cycles as well as for pedal cycles. It also permits the provision of devices for securing motor cycles or pedal cycles.

Section 272: Financial assistance: inland waterway and sea freight

288 Section 272 provides for the existing inland waterway freight facilities grants scheme to be extended in scope and application. Specifically, it confers powers to extend coverage to coastal and short sea shipping.

Sections 273 to 280: Supplementary

289 Section 273 provides that where an offence is committed by a company with the consent or connivance of, or due to the negligence of, a director or manager or officer, that person as well as the company commits an offence.

290 Sections 274 to 276 provide for repeals, commencement (by commencement order) and transitional provisions.

291 Section 277 permits the making of further consequential amendments by order.

292 Section 278 summarises the financial provisions for the Act.

293 Section 279 is a summary of the extent but it should be noted that any amendments to legislation made by Parts 1 and IV, and the repeals and revocations relating to those Parts of the Act, have the same extent as the legislation amended, repealed or revoked. Where reference is made to a Part of the Act, that reference includes Schedules relating to that Part.

Provisions extending to England and Wales only — Part II, Part III, repeals relating to Parts 1 and III, sections 255, 256, 265, 267, 268, 270 and 271. Repeals in Part V(2) of Schedule 31.

Provision extending to England and Wales and Scotland only — Part IV, sections 257 to 264, 266 and 269. Schedules 29 and 30. Part V(1) of Schedule 31.

Provisions extending to England and Wales, Scotland and Northern Ireland — sections 247 and 250. Paragraph 14 of Schedule 14 and Schedule 26.

COMMENCEMENT

294 The Act will come into force in accordance with provision made by order or orders. (See section 275.)

PASSAGE THROUGH PARLIAMENT

Stage	Date	Hansard Reference
House of Commons		
First Reading	1 December 1999	Vol 340 Col 313
Second Reading	20 December 1999	Vol 341 Cols 530–636
Committee	18 January 2000	Hansard Standing Committee E
	20 January 2000	
	25 January 2000	
	27 January 2000	
	1 February 2000	
	3 February 2000	
	8 February 2000	
	10 February 2000	
	15 February 2000	
	17 February 2000	
	29 February 2000	
	2 March 2000	
	7 March 2000	
	9 March 2000	
	14 March 2000	
	16 March 2000	
	21 March 2000	
	28 March 2000	

Stage	Date	Hansard Reference
	30 March 2000 4 April 2000 6 April 2000	
Report	9 & 10 May 2000	Vol 349 Cols 660–814 & 842–972
Third Reading	10 May 2000	Vol 349 Cols 972–981
House of Lords		
First Reading	12 May 2000	Vol 612 Col 1904
Second Reading	5 June 2000	Vol 613 Cols 924–1037
Grand Committee	27 June 2000	Vol 614 Cols CWH 1–62
Committee	6 July 2000 10 July 2000 17 July 2000 26 July 2000	Vol 614 Cols 1605–1708 Vol 615 Cols 11–122 Vol 615 Cols 590–651 & 671–766 Vol 616 Cols 496–570
Report	26 October 2000 30 October 2000 2 November 2000	Vol 618 Cols 501–557 & 574–604 Vol 618 Cols 667–739 & 748–780 Vol 618 Cols 1131–1192
3rd Reading	9 November 2000	Vol 618 Cols 1704–1762
House of Commons CCLA	15 November 2000	Vol 356 Cols 945–1042
House of Lords Lords Consideration of Commons Reasons	27 November 2000	Vol 619 Cols 1207–1240
House of Commons Commons reasons for insisting on disagreeing	28 November 2000	Vols 357 Cols 912–935
House of Lords Consideration of Commons amendments	29 November 2000	Vol 619 Cols 1322–1342
Royal Assent	30 November 2000	Vol 357 Col 1231

Modifications

Provision	Modification	Notes	Further Information
Pt I c. I s. 19(2)(a)	Enterprise Act 2002 (Protection of Legitimate Interests) Order 2003/1592, Sch. 4 para. 17	Modified in relation to the protection of legitimate interests where a European intervention notice has been given	art. 16
Pt I c. I s. 26	Transport Act 2000 c. 38, Sch. 3 para. 2		Pt I c. I s. 33
Pt I c. I s. 28	Transport Act 2000 c. 38, Sch. 3 para. 3		Pt I c. I s. 33
Pt I c. I s. 29(5)	Transport Act 2000 c. 38, Sch. 3 para. 4		Pt I c. I s. 33
Pt I c. I s. 30	Transport Act 2000 c. 38, Sch. 3 para. 5		Pt I c. I s. 33
Pt I c. V s. 86	Transport Act 2000 c. 38, Pt I c. V s. 86	Modified in relation to the CAA	
Pt II s. 108	Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021/328, Sch. 1 para. 2	Modified in relation to a corporate joint committee	
	Regional Transport Planning (Wales) Order 2014/2178, art. 3	Modified in relation to a local transport authority	
	Transport Act 2000 c. 38, Pt II s. 113		
Pt II s. 108(3)	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 1(a)		art. 7
Pt II s. 108(4)	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 1(b)		art. 7
Pt II s. 109	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 2(c)		art. 7
	Transport Act 2000 c. 38, Pt II s. 113		
Pt II s. 109(1)	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 2(a)		art. 7
Pt II s. 109(6)	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 2(b)		art. 7
Pt II s. 109A	Corporate Joint Committees (Transport Functions) (Wales)	Modified in relation to a corporate joint committee	

	Regulations 2021/328, Sch. 1 para. 3		
Pt II s. 109B	Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021/328, Sch. 1 para. 4	Modified in relation to a corporate joint committee	
Pt II s. 109C	Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021/328, Sch. 1 para. 5	Modified in relation to a corporate joint committee	
Pt II s. 110	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 3(b)		art. 7
Pt II s. 110(1)	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 3(a)		art. 7
Pt II s. 112	Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021/328, Sch. 1 para. 6	Modified in relation to a corporate joint committee	
Pt II s. 112(1)	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 4		art. 7
Pt II s. 113	North East Mayoral Combined Authority (Establishment and Functions) Order 2024/402, Pt 5 art. 28	Modified in relation to the Mayor of the North East Combined Authority	
Pt II s. 113A	Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021/328, Sch. 1 para. 7	Modified in relation to a corporate joint committee	
Pt II s. 113B	Corporate Joint Committees (Transport Functions) (Wales) Regulations 2021/328, Sch. 1 para. 8	Modified in relation to a corporate joint committee	
Pt II s. 114(1)	Local Authorities' Plans and Strategies (Disapplication) (England) Order 2005/157, Sch. 2(1) para. 5		art. 7
Pt II s. 115	Quality Partnership Schemes (Existing Facilities) (Wales) Regulations 2002/3017, reg. 5		
Pt II s. 115(5)	Quality Partnership Schemes (Existing Facilities) Regulations 2001/3317, reg. 5		
Pt II s. 124(1)	Local Authorities' Plans and Strategies (Disapplication)		art. 7

	(England) Order 2005/157, Sch. 2(1) para. 6		
Pt II s. 125	Transport Act 2000 c. 38, Pt II s. 131A		
	Transport Act 2000 c. 38, Pt II s. 131C(4)(e)		
Pt II s. 126A	Transport Act 2000 c. 38, Pt II s. 131C(3)		
Pt II s. 126B	Transport Act 2000 c. 38, Pt II s. 131C(3)		
Pt II s. 126C	Transport Act 2000 c. 38, Pt II s. 131C(3)		
Pt II s. 126D	Transport Act 2000 c. 38, Pt II s. 131C(3)		
Pt II s. 126E	Transport Act 2000 c. 38, Pt II s. 131C(3)		
Pt II s. 127	Transport Act 2000 c. 38, Pt II s. 131C(3)		
	Transport Act 2000 c. 38, Pt II s. 131D		
Pt II s. 127(2)(b)	Transport Act 2000 (Commencement of Quality Contracts Schemes) (England) Order 2005/75, art. 2		
	Transport Act 2000 c. 38, Pt II s. 131C(4)(f)		
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