



Local Transport Act 2008

2008 CHAPTER 26

PART 5

INTEGRATED TRANSPORT AUTHORITIES ETC

CHAPTER 1

INTRODUCTORY

77 Change of name of passenger transport areas and PTAs

- (1) The passenger transport areas established under section 9(1)(a)(i) of the TA 1968 are to be known as integrated transport areas.
- (2) The metropolitan county passenger transport authorities established under section 28(1) of the Local Government Act 1985 (c. 51) are to be known as Integrated Transport Authorities.
- (3) In consequence of subsection (1), any reference in any enactment (whenever passed or made) to a passenger transport area in England and Wales is to be read as a reference to an integrated transport area.
- (4) In consequence of subsection (2), any reference in any enactment (whenever passed or made) to—
 - (a) a metropolitan county passenger transport authority, or
 - (b) a Passenger Transport Authority for an area in England and Wales,is to be read as a reference to an Integrated Transport Authority.
- (5) Schedule 4 makes amendments consequential on subsections (1) and (2).

Those amendments do not affect the generality of subsections (3) and (4).
- (6) In this Part—

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- (a) “ITA” means an Integrated Transport Authority for an integrated transport area in England,
 - (b) any reference to an ITA is a reference to an ITA for the purposes of Part 2 of the TA 1968,
 - (c) any reference to an integrated transport area is a reference to an integrated transport area in England for the purposes of that Part of that Act.
- (7) Except where the context otherwise requires, any reference in this Part to an ITA includes a reference to—
- (a) an ITA established under section 28 of the Local Government Act 1985, and
 - (b) an ITA established under this Part.
- (8) Except where the context otherwise requires, any reference in any enactment (whenever passed or made) to an Integrated Transport Authority for a passenger transport area in England includes a reference to an ITA established under this Part.
- (9) Accordingly, any reference in an enactment (whenever passed or made) which—
- (a) is to a joint authority established under Part 4 of the Local Government Act 1985, and
 - (b) includes a reference to an Integrated Transport Authority established under section 28 of that Act,
- includes a reference to an ITA established under this Part.
- (10) Until subsections (1) and (2) of this section come into force, in any enactment (whenever passed or made)—
- (a) any reference to an integrated transport area is to be read as a reference to a passenger transport area;
 - (b) any reference to an Integrated Transport Authority (or an ITA) is to be read as a reference to a Passenger Transport Authority (or a PTA).
- (11) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Commencement Information

I1 S. 77 partly in force; s. 77(10) in force at Royal Assent see s. 134

I2 S. 77 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

CHAPTER 2

ARRANGEMENTS RELATING TO INTEGRATED TRANSPORT AUTHORITIES

Establishment of new ITA by order

78 Power to establish a new ITA

- (1) The Secretary of State may by order—
- (a) designate any area in England outside Greater London as an integrated transport area, and
 - (b) establish an ITA for the integrated transport area.

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- (2) An order may be made only if the Secretary of State, having had regard to a scheme prepared and published under section 80 or 81, considers that the establishment of the ITA is likely to improve—
 - (a) the exercise of statutory functions relating to transport in the area to be designated, and
 - (b) the effectiveness and efficiency of transport within that area.
- (3) The requirement in subsection (2) to have regard to a scheme does not apply in relation to any area if a direction has been given under section 81 in relation to the area and any period specified in the direction for the preparation and publication of a scheme has expired.
- (4) An integrated transport area may be designated by an order only if it consists of the whole of two or more counties or districts.
- (5) A local government area may be included in an integrated transport area designated by an order only if—
 - (a) it was included in the scheme prepared and published under section 80 or 81 (as the case may be), or
 - (b) in the circumstances described in subsection (3), it is the area of an authority to whom the direction under section 81 was given.
- (6) No part of an integrated transport area established under this section may be separated from the rest of it by a territory which is part of another local government area but which is not included in the integrated transport area.
- (7) Before making an order the Secretary of State must consult—
 - (a) such representatives of the appropriate authorities, and
 - (b) such other persons (if any),as the Secretary of State considers appropriate.
- (8) In subsection (7) the appropriate authorities are—
 - (a) if the area to be designated as an integrated transport area includes a county, the county council;
 - (b) if that area includes a district, the district council and the council of the county (if any) in which the district lies.
- (9) In making an order the Secretary of State must have regard to the need—
 - (a) to reflect the identities and interests of local communities, and
 - (b) to secure effective and convenient local government.

Commencement Information

I3 S. 78 partly in force; s. 78 in force at Royal Assent for certain purposes see s. 134

I4 S. 78 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

79 Provision that may be made in an order under section 78

- (1) An order under section 78 may make, in relation to the ITA,—
 - (a) provision about its constitutional arrangements (within the meaning given by section 84(2)),

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- (b) any provision which may be made by an order under section 86, 87 ^[F1], 88 or 89A].
- (2) An order made by virtue of subsection (1)(a) which includes provision about the number and appointment of members of the ITA must provide—
- (a) for a majority of the members of the ITA to be appointed by the ITA's constituent councils (see subsection (3)),
 - (b) for those members to be appointed from among the elected members of the constituent councils, and
 - (c) for each of the representative councils (see subsection (4)) to appoint at least one of its elected members as a member of the ITA.
- (3) For the purposes of this section, the constituent councils of an ITA are—
- (a) any county council, and
 - (b) any district council,
- for an area within the integrated transport area of the ITA.
- (4) For the purposes of subsection (2)(c), the following councils are representative councils in respect of an area to be designated as the integrated transport area of an ITA—
- (a) if that area includes the whole of a county, the county council;
 - (b) if that area includes a metropolitan district or a non-metropolitan district comprised in an area for which there is no county council, the district council;
 - (c) if that area includes one or more districts in a county but does not include the whole county, either the county council or the council for each of those districts (as determined by or in accordance with the order in question).
- (5) If an order made by virtue of subsection (1)(a) provides for members of an ITA to be appointed otherwise than from among the elected members of its constituent councils (see subsection (2)(a) of section 84), it must provide for those members to be non-voting members (see subsection (2)(b) of that section).
- (6) The voting members of an ITA may resolve that provision made in accordance with subsection (5) is not to apply in the case of the ITA.

Textual Amendments

F1 Words in s. 79(1)(b) substituted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 123**; S.I. 2009/3318, art. 2(c)

Commencement Information

I5 S. 79 in force at 9.2.2009 in so far as not already in force by S.I. 2009/107, art. 2(1), **Sch. 1 Pt. 1**

80 Authorities' review: new ITA

- (1) Any two or more of the following authorities—
- (a) a council for a county in England comprised in an area for which there is no ITA,
 - (b) a council for a district in England comprised in an area for which there is no ITA,

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may undertake a review of the effectiveness and efficiency of transport within an area satisfying the requirements of subsections (2) and (3) (a “review area”).

- (2) A review area must include—
- (a) if the review is being undertaken by a county council, the whole of one or more of the districts in the county (or, if there are no districts in the county, the whole of the county);
 - (b) if the review is being undertaken by a district council, the whole of the district.
- (3) A review area may also include—
- (a) the whole of any county the council for which is not taking part in the review;
 - (b) the whole of any district the council for which is not taking part in the review.
- (4) Where two or more authorities, having undertaken a review under subsection (1), conclude that the designation of an area as an integrated transport area, and the establishment of an ITA for that area, would improve—
- (a) the exercise of statutory functions relating to transport in the area, and
 - (b) the effectiveness and efficiency of transport within the area,
- they must prepare and publish a scheme for the establishment of an ITA for the area (in this section referred to as a “proposed integrated transport area”).
- (5) A proposed integrated transport area—
- (a) must consist of the whole or any part of the review area, and
 - (b) may, if the appropriate authority consents, include one or more other counties or districts,
- but it must be an area which is capable of being designated by an order under section 78.
- (6) In subsection (5) the appropriate authority is—
- (a) in the case of a county or non-metropolitan district comprised in an area for which there is a county council, the county council;
 - (b) in the case of a non-metropolitan district comprised in an area for which there is no county council, the district council;
 - (c) in the case of a metropolitan district, the district council.

Commencement Information

I6 S. 80 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

81 Secretary of State's power to direct a review: new ITA

- (1) The Secretary of State may direct two or more of the authorities falling within subsection (2) (including two or more authorities of the same description) to undertake a review of the effectiveness and efficiency of transport within the whole or any part of the authorities' combined area.
- (2) An authority falls within this subsection if it is—
- (a) a council for a county in England comprised in an area for which there is no ITA,
 - (b) a council for a district in England comprised in an area for which there is no ITA.

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- (3) The Secretary of State may give a direction only if the Secretary of State considers that the review and any scheme are likely to improve—
 - (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, and
 - (b) the effectiveness and efficiency of transport within such an area.
- (4) A direction may require the preparation and publication of a scheme for the establishment of an ITA for any area (being an area which is capable of being designated by an order under section 78) which consists of the whole or any part of the authorities' combined area.
- (5) The review must be undertaken jointly by all the authorities subject to the direction.
- (6) The provision which may be made by a direction includes provision for—
 - (a) the timetable for the review and for the preparation and publication of a scheme,
 - (b) the procedures to be followed in carrying out the review,
 - (c) particular issues which the review and any scheme must address,
 - (d) the implementation of any scheme.
- (7) The authorities to which a direction is given must, in carrying out the review and preparing any scheme, do so in the manner that they consider most likely to improve—
 - (a) the exercise of statutory functions relating to transport in their combined area, and
 - (b) the effectiveness and efficiency of transport within that area.

Commencement Information

I7 S. 81 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

Other powers to make orders about arrangements relating to an ITA

82 Authorities' review of arrangements

- (1) Any one or more of the authorities falling within subsection (2) may undertake a review of one or more of the matters mentioned in subsection (3).
- (2) An authority falls within this subsection if it is—
 - (a) an ITA,
 - (b) a district council for an area comprised in an integrated transport area,
 - (c) a county council for an area comprised in an integrated transport area,
 - (d) a county council or district council for an area which could be comprised in a proposed integrated transport area.
- (3) The matters are—
 - (a) those in relation to which an order may be made under any of sections 84 to 91,
 - (b) in relation to an ITA or any executive body of the ITA existing at the time of the review, any matter concerning the ITA or the executive body which the ITA has power to determine.

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- (4) A review under this section must relate to one or more integrated transport areas or proposed integrated transport areas.
- (5) Where one or more authorities, having undertaken a review under subsection (1), conclude that the exercise of the power to make an order under any one or more of sections 84 to 91 would improve—
 - (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, or
 - (b) the effectiveness and efficiency of transport within such an area,they must prepare and publish a scheme relating to the power to make that order or those orders.
- (6) In this section a “proposed integrated transport area” means one which may be designated by an order under section 90 (ITA boundary changes).

Commencement Information

18 S. 82 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

83 Secretary of State's power to direct a review of arrangements

- (1) The Secretary of State may direct one or more of the authorities falling within subsection (2) (including two or more authorities of the same description) to undertake a review of one or more of the matters mentioned in subsection (3).
- (2) An authority falls within this subsection if it is—
 - (a) an ITA,
 - (b) a district council for an area comprised in an integrated transport area,
 - (c) a county council for an area comprised in an integrated transport area,
 - (d) a county council or district council for an area which could be comprised in any proposed integrated transport area to which the direction relates.
- (3) The matters are—
 - (a) those in relation to which an order may be made under any of sections 84 to 91,
 - (b) in relation to an ITA or any executive body of the ITA existing at the time of the direction, any matter concerning the ITA or the executive body which the ITA has power to determine.
- (4) The Secretary of State may give a direction only if the Secretary of State considers that the review and any scheme are likely to improve—
 - (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, or
 - (b) the effectiveness and efficiency of transport within such an area.
- (5) A direction under this section must relate to one or more integrated transport areas or proposed integrated transport areas.
- (6) A direction may require the preparation and publication of a scheme relating to the power to make an order under any of sections 84 to 91.
- (7) If a direction is given to two or more authorities the review must be undertaken jointly by all the authorities subject to the direction.

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- (8) The provision which may be made by a direction includes provision for—
- (a) the timetable for the review and for the preparation and publication of a scheme,
 - (b) the procedures to be followed in carrying out the review,
 - (c) particular issues which the review and any scheme must address,
 - (d) the implementation of any scheme.
- (9) An authority to which a direction is given must, in carrying out the review and preparing any scheme, do so in the manner that they consider most likely to improve—
- (a) the exercise of statutory functions relating to transport in an integrated transport area or proposed integrated transport area, and
 - (b) the effectiveness and efficiency of transport within such an area.
- (10) An authority which is carrying out a review and preparing any scheme in accordance with a direction may include in the review and any scheme—
- (a) any matter (whether or not it is the subject of the direction) in relation to which an order may be made under any of sections 84 to 91, and
 - (b) where the review is carried out by an ITA, whether alone or jointly, any matter concerning the ITA which the ITA has power to determine.
- (11) In relation to the dissolution of an integrated transport area (see section 91) the references in subsections (4) and (9) to an integrated transport area have effect as references to the territory comprised in a dissolved integrated transport area.
- (12) In this section “proposed integrated transport area” means one which may be designated by an order under section 90 (ITA boundary changes).

Commencement Information

I9 S. 83 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

84 Constitutional arrangements

- (1) The Secretary of State may by order make provision about the constitutional arrangements of an ITA.
- (2) “Constitutional arrangements”, in relation to an ITA, means—
- (a) the membership of the ITA (including the number and appointment of members of the ITA and the remuneration of, and pensions or allowances payable to or in respect of, any member of the ITA),
 - (b) the voting powers of members of the ITA (including provision for different weight to be given to the vote of different descriptions of member),
 - (c) the executive arrangements of the ITA,
 - (d) the functions of any executive body of the ITA.
- (3) In subsection (2)(c) “executive arrangements” means—
- (a) the appointment of an executive,
 - (b) the functions of the ITA which are the responsibility of an executive,
 - (c) the functions of the ITA which are the responsibility of an executive and which may be discharged by a committee of the ITA or by a body other than the ITA,

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- (d) arrangements relating to the review and scrutiny of the discharge of functions,
 - (e) access to information on the proceedings of an executive of the ITA,
 - (f) the disapplication of section 15 of the Local Government and Housing Act 1989 (c. 42) (duty to allocate seats to political groups) in relation to an executive of the ITA or a committee of such an executive,
 - (g) the keeping of a record of any arrangements relating to the ITA and falling within paragraphs (a) to (f).
- (4) The provision which may be made by an order by virtue of subsection (2)(d) includes—
- (a) provision setting up or dissolving an executive body of an ITA, or merging two or more executive bodies of an ITA,
 - (b) provision conferring functions on, or removing functions from, an executive body of an ITA,
 - (c) provision transferring functions of an ITA to an executive body of the ITA, and transferring functions of an executive body of an ITA to the ITA.
- (5) An order may not provide for the budget of an ITA to be agreed otherwise than by the ITA.

Commencement Information

110 S. 84 partly in force; s. 84 in force at Royal Assent for certain purposes see [s. 134](#)

111 S. 84 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

85 Provision that may be made in an order under section 84: membership of ITA

- (1) An order made by virtue of section 84(2)(a) which includes provision about the number and appointment of members of the ITA must provide—
- (a) for a majority of the members of the ITA to be appointed by the ITA's constituent councils (see subsection (2)),
 - (b) for those members to be appointed from among the elected members of the constituent councils, and
 - (c) for each of the representative councils (see subsection (3)) to appoint at least one of its elected members as a member of the ITA.
- (2) For the purposes of this section, the constituent councils of an ITA are—
- (a) any county council, and
 - (b) any district council,
- for an area within the integrated transport area of the ITA.
- (3) For the purposes of subsection (1)(c), the following councils are representative councils in respect of an area which is, or is to be designated as, the integrated transport area of an ITA—
- (a) if that area includes the whole of a county, the county council;
 - (b) if that area includes a metropolitan district or a non-metropolitan district comprised in an area for which there is no county council, the district council;
 - (c) if that area includes one or more districts in a county but does not include the whole county, either the county council or the council for each of those districts (as determined by or in accordance with the order).

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- (4) If an order under section 84 provides (by virtue of subsection (2)(a) of that section) for members of an ITA to be appointed otherwise than from among the elected members of its constituent councils, the order must provide (by virtue of subsection (2)(b) of that section) for those members to be non-voting members.
- (5) The voting members of an ITA may resolve that provision made in accordance with subsection (4) is not to apply in the case of the ITA.

Modifications etc. (not altering text)

- C1** S. 85 applied (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), ss. 104\(2\), 148\(6\)](#); S.I. 2009/3318, art. 2(a)
- C2** S. 85 applied (with modifications) (8.5.2017) by [The West Midlands Combined Authority \(Functions and Amendment\) Order 2017 \(S.I. 2017/510\), arts. 1\(2\), 25](#)

Commencement Information

- I12** S. 85 partly in force; s. 85 in force at Royal Assent for certain purposes see s. 134
- I13** S. 85 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107, art. 2\(1\), Sch. 1 Pt. 1](#)

86 Delegation of functions of the Secretary of State

- (1) The Secretary of State may, to any extent, by order delegate to an ITA or an eligible local transport authority any function of the Secretary of State—
- (a) which does not consist of a power to make regulations or other instruments of a legislative character or a power to fix fees or charges, and
 - (b) which the Secretary of State considers can appropriately be exercised by the ITA or eligible local transport authority.
- (2) A delegation by virtue of this section may be made subject to conditions.
- (3) “Eligible local transport authority” means an authority which has been designated as a local transport authority by an order under section 90 or 91^{F2} of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009.]

Textual Amendments

- F2** Words in s. 86(3) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\), s. 148\(6\), Sch. 6 para. 124](#); S.I. 2009/3318, art. 2(c)

Commencement Information

- I14** S. 86 partly in force; s. 86 in force at Royal Assent for certain purposes see s. 134
- I15** S. 86 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107, art. 2\(1\), Sch. 1 Pt. 1](#)

87 Delegation of local authority functions

- (1) The Secretary of State may, to any extent, by order provide for the delegation to an ITA, or to an eligible local transport authority, of any function of a local authority—
- (a) which is exercisable by the local authority in relation to an area which is comprised in the ITA's integrated transport area or the eligible local transport authority's area, and

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- (b) which the Secretary of State considers can appropriately be exercised by the ITA or eligible local transport authority.
- (2) A delegation by virtue of this section may be made subject to conditions.
- (3) An order under this section which provides for the delegation of any function of a charging authority within the meaning of Part 3 of the TA 2000 may be made—
- (a) where the area in relation to which the order has effect comprises all or part of the area of one charging authority, only with the consent of that authority;
 - (b) where that area comprises all or part of the area of two or more charging authorities, only with the consent of a majority of those authorities.
- (4) “Local authority” means—
- (a) a county council,
 - (b) a district council.
- (5) “Eligible local transport authority” means an authority which has been designated as a local transport authority by an order under section 90 or 91^{F3} of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009.]

Textual Amendments

F3 Words in s. 87(5) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 125](#); S.I. 2009/3318, art. 2(c)

Commencement Information

I16 S. 87 partly in force; s. 87 in force at Royal Assent for certain purposes see s. 134

I17 S. 87 in force at 9.2.2009 in so far as not already in force by S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)

88 Conferral of a power to direct

- (1) The Secretary of State may by order confer on—
- (a) an ITA, or
 - (b) an authority which has been designated as a local transport authority by an order under section 90 or 91^{F4} of this Act or section 106 or 107 of the Local Democracy, Economic Development and Construction Act 2009],
- a power to give a direction about the exercise of an eligible power.
- (2) An “eligible power” means a power of a council for a county, metropolitan district or non-metropolitan district comprised in an area for which there is no county council, which the council has—
- (a) as highway authority by virtue of section 1 of the Highways Act 1980 (c. 66), or
 - (b) as traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c. 27).
- (3) In this section references to a power do not include references to a duty.
- (4) A power of direction under this section must relate only to the exercise of an eligible power in—
- (a) the area of the directing authority, and
 - (b) the area of the authority subject to the direction.

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

Textual Amendments

- F4** Words in s. 88(1)(b) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 126](#); S.I. 2009/3318, art. 2(c)

Changes to legislation: Local Transport Act 2008, Part 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Modifications etc. (not altering text)

C3 S. 88(10) applied (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 104\(3\)\(a\)](#), 148(6); [S.I. 2009/3318](#), art. 2(a)

Commencement Information

I18 S. 88 partly in force; s. 88 in force at Royal Assent for certain purposes see [s. 134](#)

I19 S. 88 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

89 Contravention of an order under section 88

- (1) An order under section 88 may provide that, if an authority exercises any power in contravention of a direction under such an order, the directing authority may take such steps as it considers appropriate to reverse or modify the effect of the exercise of the power.
- (2) For the purposes of subsection (1), the directing authority has power to exercise any power of the authority subject to the direction on behalf of that authority.
- (3) Any reasonable expenses incurred by the directing authority in taking any steps under subsection (1) are recoverable from the authority subject to the direction as a civil debt.

Modifications etc. (not altering text)

C4 S. 89(2)(3) applied (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), [ss. 104\(3\)\(b\)](#), 148(6); [S.I. 2009/3318](#), art. 2(a); [S.I. 2009/3318](#), art. 2(a)

Commencement Information

I20 S. 89 partly in force; s. 89 in force at Royal Assent for certain purposes see [s. 134](#)

I21 S. 89 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

[^{F5}89A Transfer of functions of combined authority

- (1) The Secretary of State may by order transfer functions of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 to an ITA.
- (2) An order under this section may only be made in relation to functions that—
 - (a) relate to transport, and
 - (b) are exercisable by the combined authority in relation to an area that becomes, or becomes part of, the ITA's integrated transport area by virtue of an order under this Part.]

Textual Amendments

F5 S. 89A inserted (17.12.2009) by [2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 127](#); [S.I. 2009/3318](#), [art. 2\(c\)](#)

Changes to legislation: Local Transport Act 2008, Part 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F6}89B Transfer of functions of combined county authority

- (1) The Secretary of State may by order transfer functions of a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023 to an ITA.
- (2) An order under this section may only be made in relation to functions that—
 - (a) relate to transport, and
 - (b) are exercisable by the combined county authority in relation to an area that becomes, or becomes part of, the ITA’s integrated transport area by virtue of an order under this Part.]

Textual Amendments

F6 S. 89B inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 176](#) (with s. 247)

90 Changing the boundaries of an integrated transport area

- (1) The Secretary of State may by order designate an integrated transport area in England by—
 - (a) including a county or district in an integrated transport area, or
 - (b) removing a county or district from an integrated transport area.
- (2) No part of an integrated transport area established under this section may be separated from the rest of it by a territory which is part of another local government area but which is not included in the integrated transport area.
- (3) Where by virtue of an order a territory ceases to be comprised in an integrated transport area, the order—
 - (a) must make provision for designating an authority to be a local transport authority for the territory for the purposes of section 108(4) of the TA 2000, and
 - (b) may transfer functions to that authority from the ITA which was formerly the local transport authority.
- (4) Provision made by virtue of subsection (3) may designate different authorities for different parts of the territory.
- [^{F7}(5) The reference in subsection (3)(a) to an authority does not include—
 - [a combined authority established under section 103 of the Local Democracy, ^{F8}(a)] Economic Development and Construction Act 2009 [^{F9}, or
 - (b) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.]
- (6) Subsection (3) does not apply if the territory becomes part of—
 - [the area of a combined authority by virtue of an order under section 103 or ^{F10}(a)] 106 of [^{F11}the Local Democracy, Economic Development and Construction Act 2009][^{F12}, or
 - (b) the area of a combined county authority by virtue of regulations under section 9(1) or 25(1) of the Levelling-up and Regeneration Act 2023.]]

Changes to legislation: Local Transport Act 2008, Part 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F7** S. 90(5)(6) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 128](#); S.I. 2009/3318, art. 2(c)
- F8** Words in s. 90(5) renumbered as s. 90(5)(a) (26.12.2023) by [Levelling Up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 177\(2\)\(a\)](#) (with s. 247)
- F9** S. 90(5)(b) and word inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 177\(2\)\(b\)](#) (with s. 247)
- F10** Words in s. 90(6) renumbered as s. 90(6)(a) (26.12.2023) by [Levelling Up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 177\(3\)\(a\)](#) (with s. 247)
- F11** Words in s. 90(6)(a) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 177\(3\)\(b\)](#) (with s. 247)
- F12** S. 90(6)(b) and word inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 177\(3\)\(c\)](#) (with s. 247)

Commencement Information

- I22** S. 90 partly in force; s. 90 in force at Royal Assent for certain purposes see s. 134
- I23** S. 90 in force at 9.2.2009 in so far as not already in force by S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)

91 Dissolution of an integrated transport area

- (1) The Secretary of State may by order dissolve an integrated transport area and abolish the ITA for the integrated transport area.
- (2) The order—
- must make provision for designating an authority to be a local transport authority for the territory previously comprised in the integrated transport area for the purposes of section 108(4) of the TA 2000, and
 - may transfer functions to that authority from the ITA which was formerly the local transport authority.
- (3) Provision made by virtue of subsection (2) may designate different authorities for different parts of the territory.
- [^{F13}(4) The reference in subsection (2)(a) to an authority does not include—
- [^{F14}(a)] a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 [^{F15}, or
 - (b) a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023.]
- (5) Subsection (2) does not apply to a territory or part of a territory that becomes—
- [^{F16}(a)] the area or part of the area of a combined authority by virtue of an order under section 103 or 106 of [^{F17}the Local Democracy, Economic Development and Construction Act 2009][^{F18}, or
 - (b) the area or part of the area of a combined county authority by virtue of regulations under section 9(1) or 25(1) of the Levelling-up and Regeneration Act 2023.]]

Changes to legislation: Local Transport Act 2008, Part 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F13** S. 91(4)(5) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 129](#); S.I. 2009/3318, art. 2(c)
- F14** Words in s. 91(4) renumbered as s. 91(4)(a) (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 178\(2\)\(a\)](#) (with s. 247)
- F15** S. 91(4)(b) and word inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 178\(2\)\(b\)](#) (with s. 247)
- F16** Words in s. 91(5) renumbered as s. 91(5)(a) (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 178\(3\)\(a\)](#) (with s. 247)
- F17** Words in s. 91(5)(a) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 178\(3\)\(b\)](#) (with s. 247)
- F18** S. 91(5)(b) and word inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 178\(3\)\(c\)](#) (with s. 247)

Commencement Information

- I24** S. 91 partly in force; s. 91 in force at Royal Assent for certain purposes see s. 134
- I25** S. 91 in force at 9.2.2009 in so far as not already in force by S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)

Further provision about orders

92 Orders under sections 84 to 91

- (1) This section applies to an order made under any of sections 84 to 91.
- (2) An order may be made only if the Secretary of State, having had regard to a scheme prepared and published under section 82 or 83, considers that the making of the order is likely to improve—
 - (a) the exercise of statutory functions relating to transport in the area or areas to which the order relates, or
 - (b) the effectiveness and efficiency of transport within that area or those areas.
- (3) The requirement in subsection (2) to have regard to a scheme does not apply in relation to any matter if a direction has been given under section 83 in relation to the matter and any period specified in the direction for the preparation and publication of a scheme has expired.
- (4) Before making an order the Secretary of State must consult—
 - (a) such representatives of authorities mentioned in sections 82(2) and 83(2), and
 - (b) such other persons (if any),
 as the Secretary of State considers appropriate.
- (5) In making an order the Secretary of State must have regard to the need—
 - (a) to reflect the identities and interests of local communities, and
 - (b) to secure effective and convenient local government.
- (6) An order which makes provision for dissolution of an integrated transport area may be made only with the consent of a majority of the councils falling within subsection (7).
- (7) The councils are—

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- (a) the councils for any metropolitan districts whose areas are comprised in the integrated transport area,
 - (b) the councils for any counties whose areas are comprised in the integrated transport area,
 - (c) any unitary councils for any non-metropolitan districts whose areas are comprised in the integrated transport area.
- (8) An order which changes the boundaries of an integrated transport area may be made only if each council mentioned in subsection (9) has consented to the boundary change.
- (9) The councils are—
- (a) any council for a county or a metropolitan district, and any unitary council, whose area—
 - (i) is comprised in the existing integrated transport area, and
 - (ii) would not be comprised in the proposed integrated transport area,
 - (b) any council for a county or a metropolitan district, and any unitary council, whose area—
 - (i) is not comprised in the existing integrated transport area, and
 - (ii) would be comprised in the proposed integrated transport area.
- (10) In this section a “unitary council” is a council for a non-metropolitan district comprised in an area for which there is no county council.
- (11) This section has effect in relation to the variation or revocation of an order as it has effect in relation to the making of an order.

Commencement Information

I26 S. 92 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

93 Incidental etc provision

- (1) The Secretary of State may by order make incidental, consequential, transitional or supplementary provision for the purposes of, or in consequence of, an order under this Chapter, or for giving full effect to such an order.
- (2) The provision which may be included by virtue of this section in an order includes provision for the transfer of property, rights and liabilities by—
- (a) the order,
 - (b) a scheme made by the Secretary of State under the order,
 - (c) a scheme required to be made under the order by a person other than the Secretary of State.
- (3) The provision which may be included by virtue of subsection (2) in an order includes provision—
- (a) for the creation or imposition by the Secretary of State of new rights or liabilities in respect of anything transferred by or under an order,
 - (b) for the management or custody of transferred property,
 - (c) for bodies to make agreements with respect to any property, income, rights, liabilities and expenses of, and any financial relations between, the parties to the agreement.

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- (4) The provision which may be included by virtue of this section in an order includes provision amending, modifying, repealing or revoking any enactment, whenever passed or made.
- (5) The provision which may be included by virtue of subsection (4) does not include provision amending or disapplying sections 15 to 17 of, and Schedule 1 to, the Local Government and Housing Act 1989 (c. 42) (political balance on local authority committees etc).
- (6) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).

Commencement Information

I27 S. 93 partly in force; s. 93 in force at Royal Assent for certain purposes see s. 134

I28 S. 93 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

94 Procedure for orders under this Chapter

- (1) Any power to make an order under this Chapter is exercisable by statutory instrument.
- (2) A statutory instrument containing an order under this Chapter may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (3) If, apart from this subsection, an instrument containing an order under this Chapter would be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it shall proceed in that House as if it were not a hybrid instrument.

Commencement Information

I29 S. 94 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

Directions and guidance

95 Further provision about directions

- (1) Any direction under section 81 or 83 must be given in writing and may be varied or revoked by a further direction in writing.
- (2) Any such direction may make different provision for different cases and different provision for different areas.

Commencement Information

I30 S. 95 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

Changes to legislation: Local Transport Act 2008, Part 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

96 Guidance

- (1) The Secretary of State may give guidance about anything which could be done by a local authority under this Chapter.
- (2) Any guidance under this section must be given in writing and may be varied or revoked by further guidance in writing.
- (3) Any such guidance may make different provision for different cases and different provision for different areas.
- (4) In exercising any function under this Chapter a local authority must have regard to any guidance under this section.
- (5) In this section a “local authority” is—
 - (a) a county council;
 - (b) a district council;
 - (c) an ITA.

Commencement Information

I31 S. 96 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

Power to change name

97 Change of name of ITA

- (1) An ITA may, by a resolution in relation to which the requirements mentioned in subsection (2) are met, change the name by which it is known.
- (2) The requirements are—
 - (a) that the resolution is considered at a meeting of the ITA which is specially convened for the purpose,
 - (b) that particulars of the resolution were included in the notice of the meeting, and
 - (c) that the resolution is passed at the meeting by not less than two-thirds of the members of the ITA who vote on it.
- (3) An ITA which changes its name under this section must—
 - (a) send notice of the change to the Secretary of State, and
 - (b) publish the notice in such manner as the Secretary of State may direct.
- (4) A change of name under this section does not affect the rights or obligations of the ITA concerned or any other person, or render defective any legal proceedings; and any legal proceedings may be commenced or continued as if there had been no change of name.

Modifications etc. (not altering text)

C5 S. 97 applied (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009](#) (c. 20), [ss. 104\(4\)](#), [148\(6\)](#); [S.I. 2009/3318](#), art. 2(a)

Changes to legislation: Local Transport Act 2008, Part 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I32 S. 97 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

Amendment of power to reorganise functions

98 Amendment of power to reorganise functions

- (1) Section 42 of the Local Government Act 1985 (c. 51) (reorganisation of functions by Secretary of State) is amended in accordance with subsections (2) and (3).
- (2) In subsection (1)—
 - (a) omit “any of the following purposes”,
 - (b) omit paragraph (c),
 - (c) in paragraph (d), omit “whether or not an order is made for any of the foregoing purposes”.
- (3) In subsection (3) omit “any passenger transport authority,”.
- (4) In section 9(1) of the TA 1968 (Passenger Transport Areas, etc) omit “Subject to any order under section 42(1)(c) of the Local Government Act 1985 (alteration or abolition of passenger transport areas, etc)”.

Commencement Information

I33 S. 98 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

CHAPTER 3

POWER TO PROMOTE WELL-BEING

99 Power to promote well-being

- (1) An ITA has power to take any action if the ITA determines that doing so is likely to achieve any one or more of the following objects—
 - (a) the promotion or improvement of the economic well-being of its area,
 - (b) the promotion or improvement of the social well-being of its area,
 - (c) the promotion or improvement of the environmental well-being of its area.
- (2) The power under subsection (1) may be exercised in relation to or for the benefit of—
 - (a) the whole or any part of the integrated transport area, or
 - (b) all or any persons resident or present in, or travelling in or through, the integrated transport area.
- (3) The power under subsection (1) includes power to—
 - (a) incur expenditure,
 - (b) give financial assistance to any person,
 - (c) enter into arrangements or agreements with any person,
 - (d) co-operate with, or facilitate or co-ordinate the activities of, any person,
 - (e) exercise on behalf of any person any functions of that person, and

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- (f) provide staff, goods, services or accommodation to any person.
- (4) The power under subsection (1) includes power to do anything in relation to, or for the benefit of, any person or area situated outside its area if it considers that doing so is likely to achieve any one or more of the objects in that subsection.
- (5) Nothing in subsection (3) or (4) affects the generality of the power under subsection (1).
- (6) Subsection (7) applies if there is, in relation to an ITA—
 - (a) a PTE established under section 9 of the TA 1968 for the integrated transport area of the ITA, or
 - (b) an executive body established by virtue of section 79(1)(a) or 84(2)(d).
- (7) The ITA may delegate to the PTE or executive body its function of taking action under subsection (1) (but not the function of determining what action to take).

Commencement Information

I34 S. 99 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

100 Limits on power to promote well-being

- (1) The power under section 99(1) does not enable an ITA to do anything which the ITA is unable to do by virtue of any prohibition, restriction or limitation on its powers which is contained in any enactment (whenever passed or made).
- (2) The power under section 99(1) does not enable an ITA to raise money (whether by precepts, borrowing or otherwise).
- (3) The Secretary of State may by order made by statutory instrument make provision preventing ITAs from doing, by virtue of section 99(1), anything which is specified, or is of a description specified, in the order.
- (4) The power under subsection (3) may be exercised in relation to—
 - (a) all ITAs,
 - (b) particular ITAs, or
 - (c) ITAs of particular descriptions.
- (5) Before making an order under subsection (3), the Secretary of State must consult—
 - (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),as the Secretary of State considers appropriate.
- (6) Subsection (5) does not apply to an order under subsection (3) which is made only for the purpose of amending an earlier order under that subsection—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.

Changes to legislation: *Local Transport Act 2008, Part 5 is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (7) Before exercising the power under section 99(1), an ITA must have regard to any guidance for the time being issued by the Secretary of State about the exercise of that power.
- (8) Before issuing any guidance under subsection (7), the Secretary of State must consult—
 - (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),
 as the Secretary of State considers appropriate.
- (9) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).
- (10) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Commencement Information

I35 S. 100 partly in force; s. 100 in force at Royal Assent for certain purposes see s. 134

I36 S. 100 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107, art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

101 Power to amend or repeal enactments

- (1) If the Secretary of State thinks that an enactment (whenever passed or made) prevents or obstructs ITAs from exercising their power under section 99(1), the Secretary of State may by order made by statutory instrument amend, repeal, revoke or disapply that enactment.
- (2) The power under subsection (1) may be exercised in relation to—
 - (a) all ITAs,
 - (b) particular ITAs, or
 - (c) ITAs of a particular description.
- (3) The power under subsection (1) to amend or disapply an enactment includes a power to amend or disapply an enactment for a particular period.
- (4) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).
- (5) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

Commencement Information

I37 S. 101 partly in force; s. 101 in force at Royal Assent for certain purposes see s. 134

I38 S. 101 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107, art. 2\(1\)](#), [Sch. 1 Pt. 1](#)

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102 Procedure for orders under section 101

- (1) Before making an order under section 101 the Secretary of State must consult—
 - (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),as appear to the Secretary of State likely to be affected by the proposals.
- (2) If, following consultation under subsection (1), the Secretary of State proposes to make an order under section 101, the Secretary of State must lay before each House of Parliament a document which—
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before Parliament under subsection (2), no draft of an order under section 101 to give effect to the proposals (with or without modifications) is to be laid before Parliament in accordance with section 101(5) until after the expiry of the period of sixty days beginning with the day on which the document was laid.
- (4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House is adjourned for more than four days.
- (5) In preparing a draft order under section 101 the Secretary of State must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order under section 101 which is laid before Parliament in accordance with section 101(5) must be accompanied by a statement of the Secretary of State giving details of—
 - (a) any representations considered in accordance with subsection (5), and
 - (b) any changes made to the proposals contained in the document laid before Parliament under subsection (2).
- (7) Nothing in this section applies to an order under section 101 which is made only for the purpose of amending an earlier order under that section—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.

Commencement Information

I39 S. 102 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

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[^{F19}102A Application of Chapter to combined authorities [^{F20}and combined county authorities]

- (1) This Chapter applies to a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009 as it applies to an ITA.
 - (2) In the application of this Chapter to a combined authority, references to an integrated transport area are to the combined authority's area.
- [This Chapter applies to a combined county authority established under section 9(1) of ^{F21}(3) the Levelling-up and Regeneration Act 2023 as it applies to an ITA.
- (4) In the application of this Chapter to a combined county authority, references to an integrated transport area are to the combined county authority's area.
 - (5) In the application of this Chapter to a combined county authority, the reference in section 99(6)(b) to an executive body established by virtue of section 79(1)(a) or 84(2)(d) is to an executive body established by virtue of section 10(2)(c) of the Levelling-up and Regeneration Act 2023.]]

Textual Amendments

- F19** S. 102A inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 130](#); S.I. 2009/3318, art. 2(c)
- F20** Words in s. 102A heading inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 179\(2\)](#) (with s. 247)
- F21** S. 102A(3)-(5) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 179\(3\)](#) (with s. 247)

[^{F22}CHAPTER 4

GENERAL POWERS

Textual Amendments

- F22** Pt. 5 Ch. 4 inserted (18.2.2012) by [Localism Act 2011 \(c. 20\)](#), [ss. 11, 240\(2\)](#); S.I. 2012/411, art. 2(e)

102B Powers of Integrated Transport Authorities

- (1) An ITA may do—
 - (a) anything the ITA considers appropriate for the purposes of the carrying-out of any of the ITA's functions (the ITA's “functional purposes”),
 - (b) anything the ITA considers appropriate for purposes incidental to the ITA's functional purposes,
 - (c) anything the ITA considers appropriate for purposes indirectly incidental to the ITA's functional purposes through any number of removes,
 - (d) anything the ITA considers to be connected with—
 - (i) any of the ITA's functions, or
 - (ii) anything the ITA may do under paragraph (a), (b) or (c), and

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- (e) for a commercial purpose anything which the ITA may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.
- (2) Where subsection (1) confers power on an ITA to do something, it confers power (subject to section 102C) to do it anywhere in the United Kingdom or elsewhere.
- (3) An ITA's power under subsection (1) is in addition to, and is not limited by, the other powers of the ITA.
- (4) Subsection (5) applies if there is, in relation to an ITA—
 - (a) a Passenger Transport Executive established under section 9 of the TA 1968 for the integrated transport area of the ITA, or
 - (b) an executive body established by virtue of section 79(1)(a) or 84(2)(d).
- (5) The ITA may delegate to the Executive or body the ITA's function of taking action under subsection (1) (but not the function of determining what action to take).

102C Boundaries of power under section 102B

- (1) Section 102B(1) does not enable an ITA to do—
 - (a) anything which the ITA is unable to do by virtue of a pre-commencement limitation, or
 - (b) anything which the ITA is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (i) to the ITA's power under section 102B(1),
 - (ii) to all of the ITA's powers, or
 - (iii) to all of the ITA's powers but with exceptions that do not include the ITA's power under section 102B(1).
- (2) If exercise of a pre-commencement power of an ITA is subject to restrictions, those restrictions apply also to exercise of the power conferred on the ITA by section 102B(1) so far as it is overlapped by the pre-commencement power.
- (3) Section 102B(1) does not authorise an ITA to borrow money.
- (4) Section 102B(1)(a) to (d) do not authorise an ITA to charge a person for anything done by the ITA otherwise than for a commercial purpose (but see section 93 of the Local Government Act 2003 (power of ITAs and other best value authorities to charge for discretionary services)).
- (5) Section 102B(1)(e) does not authorise an ITA to do things for a commercial purpose in relation to a person if a statutory provision requires the ITA to do those things in relation to the person.
- (6) Where under section 102B(1)(e) an ITA does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) ^[F23] a registered society within the meaning of the Co-operative and Community Benefit Societies Act 2014 or a society registered or deemed to be registered under] the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—

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“ post-commencement limitation ” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 11 of that Act;

“ pre-commencement limitation ” means a prohibition, restriction or other limitation imposed by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;

“ pre-commencement power ” means power conferred by a statutory provision that—

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
- (b) is contained in an instrument made under an Act and comes into force before the commencement of section 11 of that Act;

“ statutory provision ” means a provision of an Act or of an instrument made under an Act.

Textual Amendments

- F23** Words in s. 102C(6)(b) substituted (1.8.2014) by [Co-operative and Community Benefit Societies Act 2014 \(c. 14\)](#), s. 154, [Sch. 4 para. 138](#) (with [Sch. 5](#))

102D Power to make provision supplemental to section 102B

- (1) The Secretary of State may by order made by statutory instrument make provision preventing ITAs from doing under section 102B(1) anything which is specified, or is of a description specified, in the order.
- (2) The Secretary of State may by order made by statutory instrument provide for the exercise by ITAs of power conferred by section 102B(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.
- (3) The power under subsection (1) or (2) may be exercised in relation to—
 - (a) all ITAs,
 - (b) particular ITAs, or
 - (c) particular descriptions of ITAs.
- (4) Before making an order under subsection (1) or (2) the Secretary of State must consult—
 - (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),
 as the Secretary of State considers appropriate.

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- (5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order—
- (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.
- (6) Power to make an order under this section includes—
- (a) power to make different provision for different cases, circumstances or areas, and
 - (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (7) The Secretary of State may not make an order to which subsection (8) applies unless a draft of the statutory instrument containing the order (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (8) This subsection applies to—
- (a) an order under subsection (1), other than one that is made only for the purpose mentioned in subsection (5)(b);
 - (b) an order under subsection (2), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose.
- (9) A statutory instrument that—
- (a) contains an order made under this section, and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- is subject to annulment in pursuance of a resolution of either House of Parliament.]

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Commencement Orders yet to be applied to the Local Transport Act 2008

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/579 art. 2](#) commences (2008 c. 26)
- [S.I. 2009/3294 art. 2](#) commences (2008 c. 26)