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STATUTORY INSTRUMENTS

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**2001 No. 57 (C. 3)**

**TRANSPORT**

**The Transport Act 2000 (Commencement No. 3) Order 2001**

*Made - - - - 10th January 2001*

The Secretary of State for the Environment, Transport and the Regions, in exercise of his powers under sections 275 and 276 of the Transport Act 2000<sup>(1)</sup>, hereby makes the following Order:—

**Citation and interpretation**

- 1.—(1) This Order may be cited as the Transport Act 2000 (Commencement No. 3) Order 2001.  
(2) In this Order “the Act” means the Transport Act 2000.

**Provisions coming into force on 30th January 2001**

2. The provisions of the Act specified in Schedule 1 to this Order shall come into force on 30th January 2001.

**Provisions coming into force on 1st February 2001**

3.—(1) The provisions of the Act specified in Part I of Schedule 2 to this Order shall come into force on 1st February 2001, subject to the transitional provision and the saving set out in Part II of that Schedule.

(2) The provisions of the Act specified in Part I of Schedule 3 to this Order shall come into force on 1st February 2001 as respects England<sup>(2)</sup>, subject to the savings set out in Part II of that Schedule.

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(1) 2000 c. 38.

(2) As to the exercise of the power to bring these sections into force as regards Wales, see sections 275(2) and 276(2) of the Act.  
[DOT 12366]

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Signed by authority of the Secretary of State for the Environment, Transport and the Regions

*Chris Mullin*  
Parliamentary Under-Secretary of State,  
Department of the Environment, Transport and  
the Regions

10th January 2001

## SCHEDULE 1

Article 2

### PROVISIONS COMING INTO FORCE ON 30TH JANUARY 2001

Section 211 (and accordingly Schedule 15).  
Section 216, in so far as it relates to Part III of Schedule 17.  
Section 218 (and accordingly Schedule 19).  
Section 254.  
Section 270.

## SCHEDULE 2

Article 3

### PART I

#### PROVISIONS COMING INTO FORCE ON 1ST FEBRUARY 2001

Sections 1 and 2.  
Sections 4 to 35 (and accordingly Schedules 1 to 3).  
Sections 38 to 40.  
Sections 41 to 65 (and accordingly Schedules 6 and 7).  
Sections 66 to 72.  
Sections 73 to 84.  
Sections 85 to 96.  
Section 97, in so far as it relates to paragraphs 1, 2, 11 to 17 and 19 of Schedule 8.  
Sections 98 to 107 (and accordingly Schedule 9).  
Sections 212 to 215.  
Section 216, in so far as it is not already in force (and accordingly Parts I and II of Schedule 17).  
Section 217 (and accordingly Schedule 18).  
Sections 219 to 221 (and accordingly Schedules 20 and 21).  
Sections 224 to 227 (and accordingly Schedule 22).  
Sections 229 and 230 (and accordingly Schedule 23).  
Sections 232 to 240.  
Sections 242 to 244.  
Section 245, in so far as it is not already in force.  
Sections 246 and 247.  
Section 249.  
Section 251.  
Section 252, except in so far as it relates to paragraphs 16 and 50 of Schedule 27.  
Section 253.  
Sections 255 to 262 (and accordingly Schedules 29 and 30).  
Sections 264 to 268.

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Sections 271 to 273.

Section 274, in so far as it relates to the entries in Part IV of Schedule 31 relating to—

- the British Transport Commission Act 1949**(3)**,
- section 1**(3)**
- of the Transport Act 1962**(4)**,
- the British Transport Commission Act 1962**(5)**,
- the Harbours Act 1964**(6)**,
- the Docks and Harbours Act 1966**(7)**,
- the Parliamentary Commissioner Act 1967**(8)**,
- the Transport (Grants) Act 1972**(9)**,
- the House of Commons Disqualification Act 1975**(10)**, except for the entry in Part II of Schedule 1 to that Act relating to the British Railways Board,
- sections 40 and 42 of the Channel Tunnel Act 1987**(11)**,
- the Transport and Works Act 1992**(12)**,
- the Railways Act 1993**(13)**, except for the entries relating to—
  - sections 7**(10)**, 84 to 116 and 129,
  - Schedules 7 to 9, and
  - paragraphs 5, 6**(2)** to **(5)** and 32 of Schedule 12
- of that Act.
- the Railway Pensions (Protection and Designation of Schemes) Order 1994**(14)**,
- the Competition Act 1998**(15)**,
- the Greater London Authority Act 1999**(16)**,
- the Parliamentary Commissioner Order 1999**(17)**, and
- the Scotland Act 1998 (Transfer of Functions to the Scottish Ministers etc.) Order 1999**(18)**.

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**(3)** 12, 13 & 14 Geo.6 c. xxix.

**(4)** 1962 c. 46.

**(5)** 10 & 11 Eliz.2 c. xlii.

**(6)** 1964 c. 40.

**(7)** 1966 c. 28.

**(8)** 1967 c. 13.

**(9)** 1972 c. 73.

**(10)** 1975 c. 24.

**(11)** 1987 c. 53.

**(12)** 1992. c. 42.

**(13)** 1993 c. 43.

**(14)** S.I. 1994/1432.

**(15)** 1998 c. 41.

**(16)** 1999 c. 29.

**(17)** S.I. 1999/277.

**(18)** S.I. 1999/1750.

## PART II

### TRANSITIONAL PROVISION AND SAVING IN RELATION TO PROVISIONS COMING INTO FORCE ON 1ST FEBRUARY 2001

1. The rights, powers and privileges of any general or local lighthouse authority shall not be prejudiced by, or by any instrument, directions or specifications under, sections 73 to 80, 93 or 94 of the Act.

2. Notwithstanding the amendments made by paragraph 1 of Schedule 27 to the Act to section 43 of the Transport Act 1962 (charges and facilities: general provisions), that section shall continue to apply in relation to any undertaking of the British Railways Board which commenced before 1st February 2001 or which commences after 1st February 2001 in consequence of any liability incurred before that date.

## SCHEDULE 3

Article 3

## PART I

### PROVISIONS COMING INTO FORCE ON 1ST FEBRUARY 2001 AS RESPECTS ENGLAND

Sections 108 to 113.

Section 119.

Sections 135 to 143.

Section 144, except for the purposes of enabling regulations to be made as respects civil penalties for bus lane contraventions in relation to roads in Greater London.

Section 152.

Section 153, except in so far as it relates to paragraph 1(1)(a) and (2)(a) of Schedule 10 and the words “a quality partnership scheme or” in paragraph 12(2) of that Schedule.

Section 154(1) to (5).

Sections 156 to 160.

Section 161, in so far as it relates to paragraphs 2 to 5, 9, 10(1) and (3) and 11 to 13, of Schedule 11 and to paragraph 22 of that Schedule (except for section 111(1)(b) of the Transport Act 1985, as substituted by that paragraph).

Section 162, except in so far as it is brought into force in accordance with the Transport Act 2000 (Commencement No. 1) Order 2000<sup>(19)</sup>.

Sections 163 to 200 (and accordingly Schedules 12 and 13).

Section 267(1), (3), (5) and (8), for the purposes of making regulations with regard to appeals under section 189 of the Greater London Authority Act 1999<sup>(20)</sup> made after the date on which section 267 of the Act is fully in force.

Section 274, in so far as it relates to the entries in Part III of Schedule 31 and the entries in Part II of that Schedule relating to—

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<sup>(19)</sup> 1999 c. 29.

<sup>(20)</sup> S.I. 2000/3229.

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the Transport Act 1968<sup>(21)</sup>,  
the Transport Act 1983<sup>(22)</sup>,  
the Local Government Act 1985<sup>(23)</sup>, and  
the Transport Act 1985<sup>(24)</sup>, except for the entries relating to sections 94(4), 104(2), 108(1), 110, 111 and 112(2) of that Act.

## PART II

### SAVINGS IN RELATION TO PROVISIONS COMING INTO FORCE ON 1ST FEBRUARY 2001 AS RESPECTS ENGLAND

1. Notwithstanding the coming into force of section 267(5) of the Act, section 189(7) of the Greater London Authority Act 1999<sup>(25)</sup> (Mayor’s power to charge a fee for appeals) shall continue to apply as respects appeals made before the date on which section 267 of the Act is fully in force.
2. Notwithstanding their repeal under Part II of Schedule 31 to the Act—
  - (a) sections 89, 90 and 92 of the Transport Act 1985<sup>(26)</sup> (expenditure on public transport services) shall continue to apply as respects invitations to tender issued before 1st February 2001, and
  - (b) Section 111 of the Transport Act 1985 (unregistered and unreliable local services: repayment of fuel duty grant) shall continue to apply as respects any proceedings under section 54 of the Public Passenger Vehicles Act 1981<sup>(27)</sup> instigated by a traffic commissioner in respect of the operation of a local service before 1st February 2001.

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### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force provisions of the Transport Act 2000 (“the Act”).

#### *Provisions coming into force on 30th January 2001*

Article 2 of the Order brings into force on 30th January 2001 powers for the Secretary of State to make schemes transferring the property, rights and liabilities of the British Railways Board and certain property rights and liabilities of the Rail Regulator to the Strategic Rail Authority. It also brings section 270 into force. This section amends sections 26 and 28 of the Road Traffic Regulation Act 1984 and will enable school crossing patrols to operate at any time and for such crossings to be used by any pedestrians.

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(21) 1968 c. 73.

(22) 1983 c. 10.

(23) 1985 c. 51.

(24) 1985 c. 67.

(25) 1999 c. 29.

(26) 1985 c. 67. Section 89(6)(a)(i) was repealed by the Statute Law (Repeals) Act 1995 (c. 44), Schedule 1, Part V.

(27) 1981 c. 14, as amended by the Transport Act 1985 s. 4.

*Provisions coming into force on 1st February 2001*

Article 3(1) of the Order brings into force on 1st February 2001 sections in Parts I and IV of the Act relating to air traffic and railways and sections in Part V of the Act making provision for transport generally and provision supplementary to the remainder of the Act.

The sections relating to air traffic authorise the issue of licences for the provision of air traffic services and provide for the making of schemes to transfer property, rights and liabilities in connection with the provision of such services by a licence holder. The sections also provide for the CAA to be directed with regard to air navigation, to specify charges payable in respect of air services and to carry out competition functions concurrently with the Director General of Fair Trading.

The sections relating to railways complete the establishment of the Strategic Rail Authority and make further provision for the regulation of the railway industry.

The sections in Part V relate to—

- charges for street works on highways,
- driver training and driving instructors,
- the licensing of operators of goods services,
- vehicle type approvals,
- the licensing of private hire vehicles,
- the enforcement of requirements relating to drivers' hours,
- appeals relating to London Service permits,
- quiet lanes and home zones,
- financial assistance for inland waterway and sea freight, and
- offences committed under a provision of the Act.

*Provisions coming into force on 1st February 2001 as regards England*

Article 3(2) brings into force on 1st February 2001, as respects England only, sections in Parts II and III of the Act relating to local and road transport.

The sections in Part II—

- impose requirements upon local transport authorities to produce local transport plan and bus strategies,
- extend the powers of local authorities in respect of the provision of information about bus services and the making of ticketing schemes (including the imposition of a competition test),
- extend the power of traffic commissioners to make traffic regulation conditions,
- give the Secretary of State powers to make regulations about penalty charges for bus lane contraventions (but only as respects areas in England outside Greater London), and
- make new financial provision in respect of public passenger transport services.

The sections in Part III of the Act provide powers for local traffic authorities outside London to impose road user charges and workplace parking levies and will require the spending of revenues on measures for improving local transport. They will also permit joint schemes to be made in relation to such matters.

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## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provisions of the Transport Act 2000 have been brought into force by commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 145 (as respects England)	1st January 2001 (in part), 1st February 2001 (in part) and 1st June 2001 (remainder)	2000/3229
Section 146 (as respects England)	1st January 2001 (in part), 1st February 2001 (in part) and 1st June 2001 (remainder)	2000/3229
Sections 147 and 148 (as respects England)	1st June 2001	2000/3229
Section 149 (as respects England)	1st January (in part) and 1st June 2001 (remainder)	2000/3229
Section 150 (as respects England)	1st January 2001	2000/3229
Section 151 (as respects England)	1st April 2001	2000/3229
Section 162 (in part) (as respects England)	1st January 2001, 1st February 2001 and 1st June 2001	2000/3229
Sections 201 to 210	15th January 2001	2000/3376
Section 222	15th January 2001	2000/3376
Section 241	15th January 2001	2000/3376
Section 250	15th January 2001	2000/3376
Section 252 (in part)	15th January 2001	2000/3376
Section 274 (in part)	15th January 2001	2000/3376
Schedule 11, paragraphs 15 to 19 (as respects England)	1st June 2001	2000/3229
Schedule 11, paragraph 23 (as respects England)	1st April 2001	2000/3229
Schedule 14	15th January 2001	2000/3376
Schedule 26	15th January 2001	2000/3376
Schedule 27, paragraph 50	15th January 2001	2000/3376
Schedule 31 (Part II) (in part) (as respects England)	1st April 2001 and 1st June 2001	2000/3229
Schedule 31 (Part IV) (in part)	15th January	2000/3376