

**Changes to legislation:** Transport Act 2000, Part 1 is up to date with all changes known to be in force on or before 17 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

## SCHEDULES

### SCHEDULE 10

#### COMPETITION TEST FOR EXERCISE OF BUS FUNCTIONS

#### [<sup>F1</sup>PART 1

#### TEST FOR EXERCISE OF BUS FUNCTIONS BY LOCAL AUTHORITIES

##### Textual Amendments

- F1** Sch. 10 Pt. 1 heading substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 2](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

##### *Functions to which this Part of this Schedule applies]*

- 1 (1) The functions to which [<sup>F2</sup>this Part of] this Schedule applies are those of—
- [<sup>F3</sup>(za) making and varying advanced quality partnership schemes,]
  - (a) making and varying quality partnership schemes,
  - [<sup>F4</sup>(aa) making and varying advanced ticketing schemes,]
  - (b) making and varying ticketing schemes,
  - [<sup>F5</sup>(ba) making and varying enhanced partnership schemes,] and
  - (c) inviting and accepting tenders under section 89 or 91 of the <sup>M1</sup>Transport Act 1985 (subsidised services).
- (2) For the purposes of [<sup>F6</sup>this Part of] this Schedule an authority proposes (or authorities propose) to exercise a function to which [<sup>F7</sup>this Part of] this Schedule applies—
- [<sup>F8</sup>(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),]
  - (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),
  - [<sup>F9</sup>(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),]
  - (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),
  - [<sup>F10</sup>(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

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- (c) in the case of the function of inviting or accepting tenders under section 89 or 91 of the <sup>M2</sup>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.

#### Textual Amendments

- F2** Words in Sch. 10 para. 1(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 3\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F3** Sch. 10 para. 1(1)(za) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), [Sch. 1 para. 11\(2\)\(a\)](#)
- F4** Sch. 10 para. 1(1)(aa) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), [Sch. 3 para. 8\(2\)\(a\)](#)
- F5** Sch. 10 para. 1(1)(ba) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), [Sch. 4 para. 9\(2\)\(a\)](#)
- F6** Words in Sch. 10 para. 1(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 3\(3\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F7** Words in Sch. 10 para. 1(2) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 3\(3\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F8** Sch. 10 para. 1(2)(za) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), [Sch. 1 para. 11\(2\)\(b\)](#)
- F9** Sch. 10 para. 1(2)(aa) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), [Sch. 3 para. 8\(2\)\(b\)](#)
- F10** Sch. 10 para. 1(2)(ba) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), [Sch. 4 para. 9\(2\)\(b\)](#)

#### Commencement Information

- I1** Sch. 10 para. 1 partly in force; Sch. 10 para. 1 not in force at Royal Assent see s. 275(1); Sch. 10 para. 1(1)(b)(c)(2)(b)(c) in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 1(1)(b)(c)(2)(b)(c) in force (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 8](#)

#### Marginal Citations

- M1** 1985 c. 67.  
**M2** 1985 c. 67.

#### Competition test

- 2 (1) For the purposes of [<sup>F11</sup>this Part of] this Schedule the exercise or proposed exercise of a function to which [<sup>F12</sup>this Part of] 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—

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- (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<sup>F13</sup> ... benefit to users of local services, and
- (c) reducing or limiting traffic congestion, noise or air pollution.

**Textual Amendments**

- F11** Words in Sch. 10 para. 2(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 4\(2\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F12** Words in Sch. 10 para. 2(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 4\(2\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F13** Word in Sch. 10 para. 2(3)(b) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 4\(3\), Sch. 7 Pt. 2](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

**Commencement Information**

- I2** Sch. 10 para. 2 wholly in force at 1.8.2001; Sch. 10 para. 2 not in force at Royal Assent see s. 275(1); Sch. 10 para. 2 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 2 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

*Applications to [F14OFT] for decision*

**Textual Amendments**

- F14** Word in Sch. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(a\)](#); [S.I. 2003/766, art. 2, Sch. \(with art. 3\)](#) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\), Sch.](#))

F15<sub>3</sub> .....

**Textual Amendments**

- F15** Sch. 10 para. 3 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 5, Sch. 7 Pt. 2](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

**Commencement Information**

- I3** Sch. 10 para. 3 wholly in force at 1.8.2001; Sch. 10 para. 3 not in force at Royal Assent see s. 275(1); Sch. 10 para. 3 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 3 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

F16<sub>4</sub> .....

**Textual Amendments**

- F16** Sch. 10 para. 4 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 5, Sch. 7 Pt. 2](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

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#### Commencement Information

- I4** Sch. 10 para. 4 wholly in force at 1.8.2001; Sch. 10 para. 4 not in force at Royal Assent see s. 275(1); Sch. 10 para. 4 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. 1** (subject to the savings in **Sch. 3 Pt. II**); Sch. 10 para. 4 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 8**

### *Investigations by <sup>F17</sup>CMA]*

#### Textual Amendments

- F17** Word in Sch. 10 para. 5 cross-heading substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 96(2)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)

- 5 If at any time <sup>F18</sup>the <sup>F19</sup>Competition and Markets Authority] (in this Schedule referred to as “the <sup>F20</sup>CMA]”) considers that the exercise or proposed exercise of a function to which <sup>F21</sup>this Part of] this Schedule applies may not meet the competition test, <sup>F22</sup>it] may conduct an investigation.

#### Textual Amendments

- F18** Words in Sch. 10 para. 5 substituted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 2 para. 6(a)**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F19** Words in Sch. 10 para. 5 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 96(3)(a)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F20** Word in Sch. 10 para. 5 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), **Sch. 6 para. 96(3)(b)**; S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F21** Words in Sch. 10 para. 5 inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 2 para. 6(b)**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F22** Word in Sch. 10 para. 5 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, **Sch. 25 para. 44(12)(e)**; S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

#### Commencement Information

- I5** Sch. 10 para. 5 wholly in force at 1.8.2001; Sch. 10 para. 5 not in force at Royal Assent see s. 275(1); Sch. 10 para. 5 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. 1** (subject to the savings in **Sch. 3 Pt. II**); Sch. 10 para. 5 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 8**

- 6 (1) For the purposes of an investigation under paragraph 5 the <sup>F23</sup>CMA] may require any person—
- (a) to produce to <sup>F24</sup>it] or to a person appointed by <sup>F24</sup>it], at a specified time and place, any specified document, or
  - (b) to provide <sup>F24</sup>it] or such a person, at such a time and place, any specified information,
- which <sup>F23</sup>CMA] 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.

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- (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.

#### Textual Amendments

- F23** Word in Sch. 10 para. 6 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 96\(4\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F24** Words in Sch. 10 para. 6(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(f\)](#); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)

#### Commencement Information

- I6** Sch. 10 para. 6 wholly in force at 1.8.2001; Sch. 10 para. 6 not in force at Royal Assent see s. 275(1); Sch. 10 para. 6 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 6 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

- 7 (1) If a person refuses or fails to comply with a notice under paragraph 6, the [<sup>F25</sup>CMA] 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.

#### Textual Amendments

- F25** Word in Sch. 10 para. 7 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 96\(4\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

#### Commencement Information

- I7** Sch. 10 para. 7 wholly in force at 1.8.2001; Sch. 10 para. 7 not in force at Royal Assent see s. 275(1); Sch. 10 para. 7 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 7 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

- 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,

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which in proceedings in the High Court would be protected from disclosure on grounds of legal professional privilege.

#### Commencement Information

**I8** Sch. 10 para. 8 wholly in force at 1.8.2001; Sch. 10 para. 8 not in force at Royal Assent see s. 275(1); Sch. 10 para. 8 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 8 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

- 9 Before the [<sup>F26</sup>CMA], 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, [<sup>F27</sup>the [<sup>F26</sup>CMA]] 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.

#### Textual Amendments

**F26** Word in Sch. 10 para. 9 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 96\(4\)](#); [S.I. 2014/416, art. 2\(1\)\(d\)](#) (with Sch.)

**F27** Words in Sch. 10 para. 9 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(g\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)

#### Commencement Information

**I9** Sch. 10 para. 9 wholly in force at 1.8.2001; Sch. 10 para. 9 not in force at Royal Assent see s. 275(1); Sch. 10 para. 9 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 9 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2](#), [Sch. 1 para. 8](#)

#### Decisions

- 10 When the [<sup>F28</sup>CMA] makes a decision—
- <sup>F29</sup>(a) .....
  - (b) after an investigation under paragraph 5,  
 [<sup>F30</sup>the [<sup>F28</sup>CMA]] must publish [<sup>F30</sup>its] decision, together with [<sup>F30</sup>its] reasons for making it.

#### Textual Amendments

**F28** Word in Sch. 10 para. 10 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 96\(4\)](#); [S.I. 2014/416, art. 2\(1\)\(d\)](#) (with Sch.)

**F29** Sch. 10 para. 10(a) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 7](#), [Sch. 7 Pt. 2](#); [S.I. 2009/107, art. 2\(2\)](#), [Sch. 2 Pt. 1](#); [S.I. 2009/579, art. 2\(d\)](#)

**F30** Words in Sch. 10 para. 10 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(h\)](#); [S.I. 2003/766, art. 2, Sch.](#) (with [art. 3](#)) (as amended (20.7.2007) by [S.I. 2007/1846, reg. 3\(2\)](#), Sch.)

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#### Commencement Information

- I10** Sch. 10 para. 10 wholly in force at 1.8.2001; Sch. 10 para. 10 not in force at Royal Assent see s. 275(1); Sch. 10 para. 10 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in **Sch. 3 Pt. II**); Sch. 10 para. 10 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 8**

<sup>F31</sup>11 .....

#### Textual Amendments

- F31** Sch. 10 para. 11 repealed (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 2 para. 8**, **Sch. 7 Pt. 2**; S.I. 2009/107, art. 2(2), **Sch. 2 Pt. 1**; S.I. 2009/579, art. 2(d)

#### Commencement Information

- I11** Sch. 10 para. 11 wholly in force at 1.8.2001; Sch. 10 para. 11 not in force at Royal Assent see s. 275(1); Sch. 10 para. 11 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in **Sch. 3 Pt. II**); Sch. 10 para. 11 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, **Sch. 1 para. 8**

### *Enforcement of decisions*

- 12 (1) If the [<sup>F32</sup>CMA] has made a decision that the exercise or proposed exercise of a function to which [<sup>F33</sup>this Part of] this Schedule applies does not meet the competition test, [<sup>F34</sup>the [<sup>F32</sup>CMA]] may give to the authority or authorities by which it was or was to be exercised such directions as [<sup>F34</sup>the [<sup>F32</sup>CMA]] 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 [<sup>F35</sup>an advanced quality partnership scheme,] a quality partnership scheme [<sup>F36</sup>, an advanced ticketing scheme][<sup>F37</sup>, a ticketing scheme or an enhanced partnership scheme], 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 <sup>M3</sup>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 [<sup>F32</sup>CMA] 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.

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### Textual Amendments

- F32** Word in Sch. 10 paras. 12-14 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 96\(4\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F33** Words in Sch. 10 para. 12(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 9](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F34** Words in Sch. 10 para. 12(1) substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(j\)](#); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F35** Words in Sch. 10 para. 12(2)(b) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\), Sch. 1 para. 11\(3\)](#)
- F36** Words in Sch. 10 para. 12(2)(b) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\), Sch. 3 para. 8\(3\)](#)
- F37** Words in Sch. 10 para. 12(2)(b) substituted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\), Sch. 4 para. 9\(3\)](#)

### Commencement Information

- I12** Sch. 10 para. 12 partly in force; Sch. 10 para. 12 not in force at Royal Assent see s. 275(1); Sch. 10 para. 12 in force (E.)(except the words “a quality partnership scheme or” in para. 12(2)(E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 12 in force (W.)(except the words “a quality partnership scheme or” in para. 12(2)) at 1.8.2001 by S.I. 2001/2788, art. 2, [Sch. 1 para. 8](#)

### Marginal Citations

- M3** 1985 c. 67.

### *Information*

- 13 (1) No information which—
- (a) has been obtained by the [F32CMA] in connection with [F38its] functions under [F39this Part of] 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 [F32CMA], a traffic commissioner or the [F40Office of Rail and Road],
  - (b) made for the purpose of facilitating the performance of any function of the European Commission in respect of [F41EU] 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



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- (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.

#### Textual Amendments

- F32** Word in Sch. 10 paras. 12-14 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\), s. 103\(3\), Sch. 6 para. 96\(4\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F38** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\), s. 279, Sch. 25 para. 44\(12\)\(k\)](#); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F39** Words in Sch. 10 para. 13(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 2 para. 10](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F40** Words in Sch. 10 para. 13(3)(a) substituted (16.10.2015) by [The Office of Rail Regulation \(Change of Name\) Regulations 2015 \(S.I. 2015/1682\), reg. 1\(2\), Sch. para. 4\(p\)\(iv\)](#)
- F41** Words in Act substituted (22.4.2011) by [The Treaty of Lisbon \(Changes in Terminology\) Order 2011 \(S.I. 2011/1043\), arts. 2, 3, 6 \(with arts. 3\(2\)\(3\), 4\(2\), 6\(4\)\(5\)\)](#)

#### Modifications etc. (not altering text)

- C1** Sch. 10 para. 13(3): Disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\), Sch. 4 Pt. I para. 53\(2\)](#)

#### Commencement Information

- I13** Sch. 10 para. 13 wholly in force at 1.8.2001; Sch. 10 para. 13 not in force at Royal Assent see s. 275(1); Sch. 10 para. 13 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\), Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 13 in force (W.) at 1.8.2001 by [S.I. 2001/2788, art. 2, Sch. 1 para. 8](#)

- 14 (1) If information is provided by a person to the <sup>F32</sup>CMA] in connection with <sup>F38</sup>[its] functions under <sup>F42</sup>[this Part of] 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 <sup>F32</sup>CMA] in connection with <sup>F38</sup>[its] functions under <sup>F42</sup>[this Part of] 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.

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#### Textual Amendments

- F32** Word in Sch. 10 paras. 12-14 substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 96\(4\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F38** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by [Enterprise Act 2002 \(c. 40\)](#), s. 279, [Sch. 25 para. 44\(12\)\(k\)](#); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F42** Words in Sch. 10 para. 14 inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 11](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

#### Commencement Information

- I14** Sch. 10 para. 14 wholly in force at 1.8.2001; Sch. 10 para. 14 not in force at Royal Assent see s. 275(1); Sch. 10 para. 14 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); Sch. 10 para. 14 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, [Sch. 1 para. 8](#)

### *[<sup>F43</sup> Advice and information*

#### Textual Amendments

- F43** Sch. 10 para. 14A and cross-heading inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 2 para. 12](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

- 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 [<sup>F44</sup>CMA] 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 [<sup>F44</sup>CMA] 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 [<sup>F44</sup>CMA] 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 [<sup>F44</sup>CMA] under this paragraph is to be published in such form and in such manner as it considers appropriate.
- (6) If the [<sup>F44</sup>CMA] is preparing any advice or information under this paragraph it must consult such persons as it considers appropriate.]

#### Textual Amendments

- F44** Words in Sch. 10 paras. 14A(2)-(6) substituted (1.4.2014) by [Enterprise and Regulatory Reform Act 2013 \(c. 24\)](#), s. 103(3), [Sch. 6 para. 96\(5\)](#); S.I. 2014/416, art. 2(1)(d) (with Sch.)

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### Defamation

- 15 For the purposes of the law relating to defamation, absolute privilege attaches to any decision made or notice given [F45], and to any advice or information given,] by the [F46CMA] in the exercise of any of [F38:its] functions under [F47this Part of] this Schedule.

#### Textual Amendments

- F38** Word in Sch. 10 paras. 13-15 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 44(12)(k); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F45** Words in Sch. 10 para. 15 inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 2 para. 13(a); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F46** Word in Sch. 10 para. 15 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 96(6); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F47** Words in Sch. 10 para. 15 inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 2 para. 13(b); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

#### Commencement Information

- I15** Sch. 10 para. 15 wholly in force at 1.8.2001; Sch. 10 para. 15 not in force at Royal Assent see s. 275(1); Sch. 10 para. 15 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 10 para. 15 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 8

### Fees

- 16 (1) The [F48CMA] may charge fees in connection with the exercise by [F49the [F48CMA]] of any of [F49:its] functions under [F50this Part of] this Schedule.
- (2) Different fees may be charged in connection with different functions and in different circumstances.

F51(3) .....

#### Textual Amendments

- F48** Word in Sch. 10 para. 16 substituted (1.4.2014) by Enterprise and Regulatory Reform Act 2013 (c. 24), s. 103(3), Sch. 6 para. 96(6); S.I. 2014/416, art. 2(1)(d) (with Sch.)
- F49** Words in Sch. 10 para. 16 substituted (1.4.2003) by Enterprise Act 2002 (c. 40), s. 279, Sch. 25 para. 44(12)(l); S.I. 2003/766, art. 2, Sch. (with art. 3) (as amended (20.7.2007) by S.I. 2007/1846, reg. 3(2), Sch.)
- F50** Words in Sch. 10 para. 16(1) inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 2 para. 14(2); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)
- F51** Sch. 10 para. 16(3) repealed (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 2 para. 14(3), Sch. 7 Pt. 2; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(d)

#### Commencement Information

- I16** Sch. 10 para. 16 wholly in force at 1.8.2001; Sch. 10 para. 16 not in force at Royal Assent see s. 275(1); Sch. 10 para. 16 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II); Sch. 10 para. 16 in force (W.) at 1.8.2001 by S.I. 2001/2788, art. 2, Sch. 1 para. 8

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- [Sch. 16 para. 34\(4\)\(a\)para. 34\(4\)\(b\)\(c\)](#) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)