



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 5

#### INTEGRATED TRANSPORT AUTHORITIES ETC

#### 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.
- (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.

*Status: Point in time view as at 09/02/2009.*

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- (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

**I1** S. 78 partly in force; s. 78 in force at Royal Assent for certain purposes see s. 134

**I2** 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)),
  - (b) any provision which may be made by an order under section 86, 87 or 88.
- (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,

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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.

#### Commencement Information

**I3** 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,
- 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”).

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- (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**

**I4** 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.
- (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.

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- (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

**I5** 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.
- (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

**I6** S. 82 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

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### **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.
- (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.

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- (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

I7 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—
- 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),
  - the voting powers of members of the ITA (including provision for different weight to be given to the vote of different descriptions of member),
  - the executive arrangements of the ITA,
  - the functions of any executive body of the ITA.
- (3) In subsection (2)(c) “executive arrangements” means—
- the appointment of an executive,
  - the functions of the ITA which are the responsibility of an executive,
  - 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,
  - arrangements relating to the review and scrutiny of the discharge of functions,
  - access to information on the proceedings of an executive of the ITA,
  - 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,
  - 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—
- provision setting up or dissolving an executive body of an ITA, or merging two or more executive bodies of an ITA,
  - provision conferring functions on, or removing functions from, an executive body of an ITA,
  - 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.

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#### Commencement Information

- I8** S. 84 partly in force; s. 84 in force at Royal Assent for certain purposes see s. 134  
**I9** 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).
- (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.

#### Commencement Information

- I10** S. 85 partly in force; s. 85 in force at Royal Assent for certain purposes see s. 134  
**I11** 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



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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) “Eligible local transport authority” means an authority which has been designated as a local transport authority by an order under section 90 or 91.

#### Commencement Information

**I12** S. 86 partly in force; s. 86 in force at Royal Assent for certain purposes see s. 134

**I13** 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
  - (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.

#### Commencement Information

**I14** S. 87 partly in force; s. 87 in force at Royal Assent for certain purposes see s. 134

**I15** 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,a power to give a direction about the exercise of an eligible power.

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- (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.
- (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

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- (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.

#### Commencement Information

**I16** S. 88 partly in force; s. 88 in force at Royal Assent for certain purposes see s. 134

**I17** 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.

#### Commencement Information

**I18** S. 89 partly in force; s. 89 in force at Royal Assent for certain purposes see s. 134

**I19** 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

### 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.

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- (4) Provision made by virtue of subsection (3) may designate different authorities for different parts of the territory.

**Commencement Information**

**I20** S. 90 partly in force; s. 90 in force at Royal Assent for certain purposes see s. 134

**I21** 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—
- (a) 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
  - (b) 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.

**Commencement Information**

**I22** S. 91 partly in force; s. 91 in force at Royal Assent for certain purposes see s. 134

**I23** 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.

*Status: Point in time view as at 09/02/2009.*

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- (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—
  - (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**

**I24** 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.

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- (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.
- (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**

**I25** S. 93 partly in force; s. 93 in force at Royal Assent for certain purposes see s. 134

**I26** 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**

**I27** 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.

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- (2) Any such direction may make different provision for different cases and different provision for different areas.

**Commencement Information**

**I28** S. 95 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

**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**

**I29** 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

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legal proceedings may be commenced or continued as if there had been no change of name.

**Commencement Information**

**I30** 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**

**I31** S. 98 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1



**Status:**

Point in time view as at 09/02/2009.

**Changes to legislation:**

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