



# 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.

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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 <sup>[F1]</sup>, 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

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- (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

**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—

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- (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**

**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,

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- (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.

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**Commencement Information**

**I5** S. 81 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

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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)