



Local Transport Act 2008

2008 CHAPTER 26

PART 5

INTEGRATED TRANSPORT AUTHORITIES ETC

CHAPTER 3

POWER TO PROMOTE WELL-BEING

99 Power to promote well-being

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

Status: This is the original version (as it was originally enacted).

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

100 Limits on power to promote well-being

- (1) The power under section 99(1) does not enable an ITA to do anything which the ITA is unable to do by virtue of any prohibition, restriction or limitation on its powers which is contained in any enactment (whenever passed or made).
- (2) The power under section 99(1) does not enable an ITA to raise money (whether by precepts, borrowing or otherwise).
- (3) The Secretary of State may by order made by statutory instrument make provision preventing ITAs from doing, by virtue of section 99(1), anything which is specified, or is of a description specified, in the order.
- (4) The power under subsection (3) may be exercised in relation to—
 - (a) all ITAs,
 - (b) particular ITAs, or
 - (c) ITAs of particular descriptions.
- (5) Before making an order under subsection (3), the Secretary of State must consult—
 - (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),
 as the Secretary of State considers appropriate.
- (6) Subsection (5) does not apply to an order under subsection (3) which is made only for the purpose of amending an earlier order under that subsection—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.
- (7) Before exercising the power under section 99(1), an ITA must have regard to any guidance for the time being issued by the Secretary of State about the exercise of that power.
- (8) Before issuing any guidance under subsection (7), the Secretary of State must consult—
 - (a) such representatives of ITAs,

- (b) such representatives of local government, and
 - (c) such other persons (if any),
- as the Secretary of State considers appropriate.

- (9) In this section “enactment” includes an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)).
- (10) A statutory instrument containing an order under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.

101 Power to amend or repeal enactments

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

102 Procedure for orders under section 101

- (1) Before making an order under section 101 the Secretary of State must consult—
 - (a) such representatives of ITAs,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),as appear to the Secretary of State likely to be affected by the proposals.
- (2) If, following consultation under subsection (1), the Secretary of State proposes to make an order under section 101, the Secretary of State must lay before each House of Parliament a document which—
 - (a) explains the proposals,
 - (b) sets them out in the form of a draft order, and
 - (c) gives details of consultation under subsection (1).
- (3) Where a document relating to proposals is laid before Parliament under subsection (2), no draft of an order under section 101 to give effect to the proposals (with or without modifications) is to be laid before Parliament in accordance with section 101(5) until after the expiry of the period of sixty days beginning with the day on which the document was laid.

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- (4) In calculating the period mentioned in subsection (3) no account is to be taken of any time during which—
 - (a) Parliament is dissolved or prorogued, or
 - (b) either House is adjourned for more than four days.
- (5) In preparing a draft order under section 101 the Secretary of State must consider any representations made during the period mentioned in subsection (3).
- (6) A draft order under section 101 which is laid before Parliament in accordance with section 101(5) must be accompanied by a statement of the Secretary of State giving details of—
 - (a) any representations considered in accordance with subsection (5), and
 - (b) any changes made to the proposals contained in the document laid before Parliament under subsection (2).
- (7) Nothing in this section applies to an order under section 101 which is made only for the purpose of amending an earlier order under that section—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular ITA or to ITAs of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular ITA or to ITAs of a particular description.