



Local Transport Act 2008

2008 CHAPTER 26

^{F1}^{F1}PART 5A

SUB-NATIONAL TRANSPORT BODIES

^{F1}Functions

Textual Amendments

- F1** Pt. 5A inserted (28.1.2016 for specified purposes, 28.3.2016 in so far as not already in force) by [Cities and Local Government Devolution Act 2016 \(c. 1\), ss. 21, 25\(2\)](#)

102H General functions

- (1) The Secretary of State may by regulations provide for an STB to have any of the following functions in relation to its area—
- to prepare a transport strategy for the area (see section 102I);
 - to provide advice to the Secretary of State about the exercise of transport functions in relation to the area (whether exercisable by the Secretary of State or others);
 - to co-ordinate the carrying out of transport functions in relation to the area that are exercisable by different constituent authorities, with a view to improving the effectiveness and efficiency in the carrying out of those functions;
 - if the STB considers that a transport function in relation to the area would more effectively and efficiently be carried out by the STB, to make proposals to the Secretary of State for the transfer of that function to the STB;
 - to make other proposals to the Secretary of State about the role and functions of the STB.
- (2) The Secretary of State may by regulations provide for an STB to have other functions of a description set out in the regulations.

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- (3) Regulations under subsection (2) may be made only for functions to be exercisable in relation to the area of the STB that—
 - (a) relate to transport,
 - (b) the Secretary of State considers can appropriately be exercised by the STB, and
 - (c) are not already exercisable in relation to that area by a local authority or a public authority (see instead sections 102J and 102K respectively for a power to transfer such functions to an STB).
- (4) The Secretary of State may by regulations make further provision about how an STB is to carry out functions that it has under or by virtue of this Part.
- (5) Regulations under this section in relation to an existing STB may be made only with the consent of the STB.
- (6) Nothing in this section limits the power of the Secretary of State to confer other functions on an STB under this Part.

102I Transport strategy of an STB

- (1) The transport strategy of an STB is a document containing the STB's proposals for the promotion and encouragement of sustainable, safe, integrated, efficient and economic transport facilities and services to, from and within the area of the STB.
- (2) The transport facilities and services mentioned in subsection (1) are—
 - (a) those required to meet the needs of persons (including pedestrians) living or working in, or visiting, the area of the STB, and
 - (b) those required for the transportation of freight.
- (3) An STB may include in its transport strategy any other proposals it considers appropriate that relate to transport to, from or within its area.
- (4) An STB must publish its transport strategy.
- (5) If an STB revises its transport strategy, the STB must publish the strategy as revised.
- (6) In preparing or revising its transport strategy an STB must carry out a public consultation.
- (7) In carrying out a public consultation under subsection (6), the STB must ensure that such of the following persons as the STB considers appropriate (taking into account the proposals to be contained in the strategy) have a reasonable opportunity to respond to the consultation—
 - (a) the Secretary of State;
 - (b) a combined authority;
 - [a combined county authority;]
 - ^{F2}(ba)
 - (c) another STB;
 - (d) an ITA;
 - (e) a Passenger Transport Executive;
 - (f) Transport for London;
 - (g) a person to whom a licence is granted under section 8 of the Railways Act 1993 (licences authorising persons to be operator of railway assets);

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- (h) [^{F3}a strategic highways company appointed under section 1 of the Infrastructure Act 2015];
 - (i) a local highway authority (within the meaning of the Highways Act 1980);
 - (j) a county council in England;
 - (k) a unitary district council;
 - (l) a London borough council.
- (8) In preparing or revising its transport strategy an STB must (among other matters) have regard to—
- (a) the promotion of economic growth in its area,
 - (b) the social and environmental impacts in connection with the implementation of the proposals contained in the strategy,
 - (c) any current national policy relating to transport that has been published by or on behalf of Her Majesty's Government, and
 - (d) the results of the public consultation mentioned in subsection (6).
- (9) The Secretary of State must have regard to proposals contained in the transport strategy of an STB that appear to the Secretary of State to further the objective of economic growth in the area of the STB in determining—
- (a) national policies relating to transport (so far as relevant in relation to such proposals), and
 - (b) how such policies are to be implemented in relation to the area of the STB.
- (10) The constituent authorities of an STB must exercise transport functions with a view to securing the implementation of the proposals contained in the STB's transport strategy.
- (11) In this Part “transport strategy”, in relation to an STB, means the transport strategy prepared or revised by an STB under this section by virtue of the function in section 102H(1)(a).

Textual Amendments

- F2** S. 102I(7)(ba) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(2\)\(c\), Sch. 4 para. 183](#) (with s. 247)
- F3** Words in s. 102I(7)(h) substituted (12.7.2023) by [The Strategic Highways Company \(Name Change and Consequential Amendments\) Regulations 2023 \(S.I. 2023/677\), reg. 1\(1\), Sch. para. 1\(2\)](#)

102J Exercise of local transport functions

- (1) The Secretary of State may by regulations provide for functions that are exercisable by a local authority in an area that is, or is to become, the area of an STB to be exercisable by the STB.
- (2) Regulations under this section may be made—
- (a) only in relation to functions that relate to transport, and
 - (b) only if the Secretary of State considers that the function can appropriately be exercised by the STB.
- (3) For the purposes of subsection (2)(a), regulations under this section may be made in respect of a function that relates both to transport and to other matters only so far as the function is exercisable in relation to transport.

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- (4) Regulations under this section may make provision for a function to be exercisable by the STB either generally or subject to such conditions or limitations as may be specified in the regulations.
- (5) Regulations under this section may make provision—
 - (a) for a function to be exercisable by the STB instead of by the local authority, or
 - (b) for a function to be exercisable by the STB concurrently with the local authority.
- (6) Regulations under this section may be made only with the consent of—
 - (a) the local authority concerned, and
 - (b) in the case of regulations made in relation to an existing STB, the STB.
- (7) In this section “local authority” means—
 - (a) a combined authority;
 - ^{F4}(aa) a combined county authority;]
 - (b) an ITA;
 - (c) a Passenger Transport Executive;
 - (d) a county council in England;
 - (e) a unitary district council;
 - (f) the Council of the Isles of Scilly.

Textual Amendments

F4 S. 102J(7)(aa) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 184](#) (with s. 247)

102K Other public authority functions

- (1) The Secretary of State may by regulations provide for functions that are exercisable by a public authority in relation to an area that is, or is to become, the area of an STB to be exercisable by the STB.
- (2) Regulations under this section may be made—
 - (a) only in relation to functions that relate to transport, and
 - (b) only if the Secretary of State considers that the function can appropriately be exercised by the STB.
- (3) For the purposes of subsection (2)(a), regulations under this section may be made in respect of a function that relates both to transport and to other matters only so far as the function is exercisable in relation to transport.
- (4) Regulations under this section may make provision for a function to be exercisable by the STB either generally or subject to such conditions or limitations as may be specified in the regulations.
- (5) Regulations under this section may make provision—
 - (a) for a function to be exercisable by the STB instead of by the public authority, or
 - (b) for a function to be exercisable by the STB jointly with the public authority.

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- (6) Regulations under this section in relation to an existing STB may be made only with the consent of the STB.
- (7) In this section—
 - “function” does not include a power to make regulations or other instruments of a legislative character;
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975;
 - “public authority”—
 - (a) includes a Minister of the Crown or a government department;
 - (b) does not include a local authority as defined by section 102J.

102L Funding

- (1) The Secretary of State may pay grants to STBs to cover expenditure incurred in the carrying out of their functions.
- (2) Grants may be paid under this section subject to any conditions the Secretary of State thinks appropriate (including conditions as to repayment).
- (3) The Secretary of State may by regulations make provision—
 - (a) for the constituent authorities of an STB to contribute to its costs, and
 - (b) about the basis on which the amount payable by each constituent authority is to be determined.]

Changes to legislation:

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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)