



Local Transport Act 2008

2008 CHAPTER 26

PART 1

THE TRAFFIC COMMISSIONERS

4 Amendments of Schedule 2 to the PPVA 1981

- (1) Schedule 2 to the PPVA 1981 (traffic commissioners) is amended as follows.
- (2) In paragraph 1 (removal of traffic commissioner for inability or misbehaviour) for “for inability or misbehaviour” substitute “on the grounds that the traffic commissioner—
 - (a) has misbehaved; or
 - (b) is unable, unfit or unwilling to perform the functions of traffic commissioner to a standard which the Secretary of State considers satisfactory”.
- (3) The amendment made by subsection (2) has effect in relation to traffic commissioners appointed before, as well as traffic commissioners appointed on or after, the day on which that amendment comes into force.
- (4) After paragraph 2 insert—

2A “Deputy traffic commissioners for England and Wales

- (1) The Secretary of State may appoint such number of persons to be deputy traffic commissioners for England and Wales as the Secretary of State thinks fit.
- (2) A deputy traffic commissioner for England and Wales—
 - (a) may exercise any functions of a traffic commissioner in any traffic area in England and Wales; and
 - (b) may exercise in relation to the Scottish Traffic Area any functions of a traffic commissioner that relate to reserved matters.

Changes to legislation: Local Transport Act 2008, Section 4 is up to date with all changes known to be in force on or before 09 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

- (3) Appointment as a deputy traffic commissioner for England and Wales shall be upon such terms and conditions, including conditions as to the time to be devoted to the duties of the office, as the Secretary of State may determine.
- (4) A deputy traffic commissioner for England and Wales shall carry out such of the functions of that office as the senior traffic commissioner may determine under section 4B of this Act—
- (a) in relation to such matters relating to England and Wales, or
 - (b) as respects Scotland, in relation to such reserved matters,
- as the senior traffic commissioner may so determine.
- (5) A deputy traffic commissioner for England and Wales shall carry out such of those functions as the senior traffic commissioner may determine under section 4B of this Act at such places—
- (a) in England and Wales, or
 - (b) in the case of functions which relate to reserved matters and are exercisable in relation to Scotland, in Scotland,
- as the senior traffic commissioner may so determine.
- (6) In this paragraph “reserved matters” means reserved matters within the meaning of the Scotland Act 1998.”.
- (5) In consequence of the amendments made by this section, at the end of the italic heading preceding paragraph 3 there is inserted “ in Scotland ”.
- (6) After that heading, insert—
- “2B Paragraphs 3 to 5 below have effect in relation to the Scottish Traffic Area only.”.
- (7) After paragraph 5 insert—
- 5A “Appointment of acting traffic commissioner during vacancy**
- (1) Where the office of any traffic commissioner for England and Wales becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as a traffic commissioner for England and Wales pending the appointment of a new traffic commissioner under section 4 of this Act.
- (2) Any person appointed under sub-paragraph (1) above shall—
- (a) hold office for such period as the Secretary of State specifies when making the appointment; and
 - (b) during that period be treated for all purposes (except those of paragraph 9 below) as a traffic commissioner for England and Wales.”.
- (8) In consequence of the amendment made by subsection (7), in paragraph 6(1) (appointment of acting traffic commissioner during vacancy) after “for any traffic area” insert “ in Scotland ”.

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- (9) In paragraph 9 (principal civil service pension scheme) for “traffic commissioner for each of the traffic areas” substitute “ traffic commissioner for England and Wales or for the Scottish Traffic Area ”.

Commencement Information

- I1** S. 4(1) in force at 6.4.2013 for specified purposes by [S.I. 2013/685, art. 2](#)
I2 S. 4(1) in force at 3.7.2013 for specified purposes by [S.I. 2013/685, art. 3\(1\)\(2\)\(c\)](#)
I3 S. 4(2)(3) in force at 6.4.2013 by [S.I. 2013/685, art. 2](#)
I4 S. 4(4)-(9) in force at 3.7.2013 by [S.I. 2013/685, art. 3\(1\)\(2\)\(c\)](#)

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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)