



Localism Act 2011

2011 CHAPTER 20

PART 1

LOCAL GOVERNMENT

CHAPTER 3

OTHER AUTHORITIES

12 Passenger Transport Executives

- (1) In Part 2 of the Transport Act 1968 (integrated transport authorities etc) after section 10 insert—

“10A Further powers of Executives

- (1) The Executive of an integrated transport area in England may do—
- (a) anything the Executive considers appropriate for the purposes of the carrying-out of any of the Executive's functions (the Executive's “functional purposes”),
 - (b) anything the Executive considers appropriate for purposes incidental to the Executive's functional purposes,
 - (c) anything the Executive considers appropriate for purposes indirectly incidental to the Executive's functional purposes through any number of removes,
 - (d) anything the Executive considers to be connected with—
 - (i) any of the Executive's functions, or
 - (ii) anything the Executive may do under paragraph (a), (b) or (c), and
 - (e) for a commercial purpose anything which the Executive may do under any of paragraphs (a) to (d) otherwise than for a commercial purpose.

Changes to legislation: Localism Act 2011, Section 12 is up to date with all changes known to be in force on or before 19 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

- (2) Where subsection (1) confers power on the Executive to do something, it confers power (subject to section 10B) to do it anywhere in the United Kingdom or elsewhere.
- (3) The Executive's power under subsection (1) is in addition to, and is not limited by, the other powers of the Executive.

10B Boundaries of power under section 10A

- (1) Section 10A(1) does not enable the Executive to do—
 - (a) anything which the Executive is unable to do by virtue of a pre-commencement limitation, or
 - (b) anything which the Executive is unable to do by virtue of a post-commencement limitation which is expressed to apply—
 - (i) to the Executive's power under section 10A(1),
 - (ii) to all of the Executive's powers, or
 - (iii) to all of the Executive's powers but with exceptions that do not include the Executive's power under section 10A(1).
- (2) If exercise of a pre-commencement power of the Executive is subject to restrictions, those restrictions apply also to exercise of the power conferred on the Executive by section 10A(1) so far as it is overlapped by the pre-commencement power.
- (3) Section 10A(1) does not authorise the Executive to borrow money.
- (4) Section 10A(1)(a) to (d) do not authorise the Executive to charge a person for anything done by the Executive otherwise than for a commercial purpose, but this does not limit any power to charge that the Executive has otherwise than under section 10A(1)(a) to (d).
- (5) Section 10A(1)(e) does not authorise the Executive to do things for a commercial purpose in relation to a person if a statutory provision requires the Executive to do those things in relation to the person.
- (6) Where under section 10A(1)(e) the Executive does things for a commercial purpose, it must do them through—
 - (a) a company within the meaning given by section 1(1) of the Companies Act 2006, or
 - (b) a society registered or deemed to be registered under the Co-operative and Community Benefit Societies and Credit Unions Act 1965 or the Industrial and Provident Societies Act (Northern Ireland) 1969.
- (7) In this section—
 - “post-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—
 - (a) is contained in an Act passed after the end of the Session in which the Localism Act 2011 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force on or after the commencement of section 12(1) of that Act;
 - “pre-commencement limitation” means a prohibition, restriction or other limitation imposed by a statutory provision that—

Changes to legislation: Localism Act 2011, Section 12 is up to date with all changes known to be in force on or before 19 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

- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 12(1) of that Act;
- “pre-commencement power” means power conferred by a statutory provision that—
- (a) is contained in an Act passed no later than the end of the Session in which the Localism Act 2011 is passed, or
 - (b) is contained in an instrument made under an Act and comes into force before the commencement of section 12(1) of that Act;
- “statutory provision” means a provision of an Act or of an instrument made under an Act.

10C Power to make provision supplemental to section 10A

- (1) The Secretary of State may by order make provision preventing the Executive from doing under section 10A(1) anything which is specified, or is of a description specified, in the order.
- (2) The Secretary of State may by order provide for the exercise by the Executive of power conferred by section 10A(1) to be subject to conditions, whether generally or in relation to doing anything specified, or of a description specified, in the order.
- (3) The power under subsection (1) or (2) may be exercised in relation to—
 - (a) all Executives,
 - (b) particular Executives, or
 - (c) particular descriptions of Executives.
- (4) Before making an order under subsection (1) or (2) the Secretary of State must consult—
 - (a) such representatives of Executives,
 - (b) such representatives of local government, and
 - (c) such other persons (if any),as the Secretary of State considers appropriate.
- (5) Subsection (4) does not apply to an order under subsection (1) or (2) which is made only for the purpose of amending an earlier such order—
 - (a) so as to extend the earlier order, or any provision of the earlier order, to a particular Executive or to Executives of a particular description, or
 - (b) so that the earlier order, or any provision of the earlier order, ceases to apply to a particular Executive or to Executives of a particular description.
- (6) Power to make an order under this section includes—
 - (a) power to make different provision for different cases, circumstances or areas, and
 - (b) power to make incidental, supplementary, consequential, transitional or transitory provision or savings.
- (7) A statutory instrument containing an order to which subsection (8) applies (whether alone or with other provisions) may not be made unless a draft of the

Changes to legislation: *Localism Act 2011, Section 12 is up to date with all changes known to be in force on or before 19 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*

instrument has been laid before, and approved by a resolution of, each House of Parliament.

- (8) This subsection applies to—
- (a) an order under subsection (1), other than one that is made only for the purpose mentioned in subsection (5)(b);
 - (b) an order under subsection (2), other than one that is made only for that purpose or for imposing conditions on the doing of things for a commercial purpose.

- (9) A statutory instrument that—
- (a) contains an order made under this section, and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- is subject to annulment in pursuance of a resolution of either House of Parliament.”

- (2) In section 10(1) of the Transport Act 1968 (powers of a Passenger Transport Executive)—

- (a) in paragraph (xxvii) (power to invest sums not immediately needed) for “any sums which are not immediately required by them for the purposes of their business” substitute “their money”, and
- (b) in paragraph (xxviii) (power to turn unneeded resources to account) omit “so far as not required for the purposes of their business”.

- (3) In section 22 of the Transport Act 1968 (orders under Part 2 of that Act to be subject to annulment) after subsection (2) insert—

“(2A) Subsections (1) and (2) of this section do not apply in relation to orders under section 10C of this Act (but see subsections (7) to (9) of that section).”

- (4) In section 93(9) of the Local Government Act 2003 (authorities with power under section 93 to charge for discretionary services) before paragraph (b) insert—

“(ab) the Passenger Transport Executive of an integrated transport area in England;”.

- (5) In section 95(7) of the Local Government Act 2003 (power to authorise certain authorities to do for commercial purposes things that they can do for non-commercial purposes) in the definition of “relevant authority” before paragraph (b) insert—

“(ab) the Passenger Transport Executive of an integrated transport area in England;”.

Commencement Information

II S. 12 in force at 18.2.2012 by S.I. 2012/411, art. 2(e)

Changes to legislation:

Localism Act 2011, Section 12 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 158(8)-(9B) substituted for s. 158(8)(9) by [2016 c. 22 s. 121\(2\)\(e\)](#)
- s. 202(3A) inserted by [2023 c. 55 s. 176\(2\)](#)