

SCHEDULES

SCHEDULE 2

Section 6

FURTHER AMENDMENTS: FRANCHISING SCHEMES

Transport Act 1985 (c. 67)

- 1 The Transport Act 1985 is amended as follows.
- 2 In section 6 (registration of local services)—
 - (a) in subsection (2B) (registration in quality contract scheme cases), in paragraph (a), after “force” insert “in relation to an area in Wales”;
 - (b) in subsection (7A) (variation of registration in quality contract scheme cases), in paragraph (a), after “force” insert “in relation to an area in Wales”.
- 3 (1) Section 26 (conditions attached to a PSV operator’s licence) is amended as follows.
 - (2) In subsection (1) (circumstances in which conditions may be imposed), in paragraph (b), after “118(4)” insert “, 123J(3)”.
 - (3) In subsection (1)(bza), after “section” insert “123X(7)(c)”.
 - (4) In subsection (1), after paragraph (ba) (and the “or” following it) insert—

“(baa) the operator has failed to take all reasonable steps to comply with a requirement imposed under section 143A of the Transport Act 2000; or”.
- 4 In section 66 (powers of councils to run bus undertakings), in subsection (1), for “and to section” substitute “and to sections 123O and”.

Transport Act 2000 (c. 38)

- 5 The Transport Act 2000 (as amended by the Local Transport Act 2008) is amended as follows.
- 6 In the heading preceding section 124, after “schemes” insert “in Wales”.
- 7 (1) Section 124 (quality contracts schemes) is amended as follows.
 - (2) In subsection (1), after “authority”, in the first place it occurs, insert “for an area in Wales”.
 - (3) Omit subsections (1A) and (1B).
 - (4) In subsection (2)—
 - (a) at the end of paragraph (a), insert “and”;
 - (b) in paragraph (b), omit “in the case of a scheme for an area in Wales,”;
 - (c) omit paragraph (c) and the “and” preceding it.
 - (5) Omit subsection (2A).

Status: This is the original version (as it was originally enacted).

- (6) In subsection (9)—
- (a) after “authority”, in the first place it occurs, insert “for an area in Wales”;
 - (b) after “another” insert “such”.
- (7) Omit subsection (9A).
- (8) Omit subsections (11) to (13).
- 8 In section 125 (notice and consultation requirements)—
- (a) in subsection (1)—
 - (i) at the end of paragraph (b), insert “and”;
 - (ii) omit paragraph (d) and the “and” preceding it;
 - (b) in subsection (1A)(b), omit “or, as the case may be, (1A)”;
 - (c) in subsection (3)(e), omit “if the proposed scheme relates to an area in Wales,”.
- 9 In section 126 (approval of proposed schemes for areas in Wales), omit subsection (A1).
- 10 Omit sections 126A to 126E (QCS boards for schemes for areas in England).
- 11 In section 127 (making of scheme)—
- (a) in subsection (1), omit paragraph (a);
 - (b) in subsection (1)(b), omit “in the case of a scheme for an area in Wales,”;
 - (c) omit subsection (1A);
 - (d) in subsection (1B), omit paragraph (a) and the “and” following it;
 - (e) in subsection (10), omit “(1A),”.
- 12 Omit sections 127A and 127B (appeals: schemes for areas in England).
- 13 In section 131A (continuation of schemes for further periods)—
- (a) in subsection (2)—
 - (i) in paragraph (a), omit “, if the scheme is for an area in Wales, or”;
 - (ii) omit paragraph (b);
 - (b) omit subsection (4);
 - (c) in subsection (5)—
 - (i) in paragraph (b), omit “or, as the case may be, paragraphs (b) to (d) of section 124(1A)”;
 - (ii) in paragraph (c), omit “or, as the case may be, (1A)”.
- 14 Omit section 131C (continuation of schemes for areas in England: procedure).
- 15 In section 131E (appeals where proposed continuation considered exempt), in subsection (13), omit the words from “If” to “Wales,”.
- 16 Omit section 131F (appeals where proposed continuation considered non-exempt).
- 17 In section 132 (variation or revocation of scheme)—
- (a) in subsection (2), omit “or those set out in subsection (1A)(a) to (d) of that section”;
 - (b) in subsection (4A), omit paragraph (b);
 - (c) in subsection (5), omit paragraphs (a) to (c) and the “or” following paragraph (c);
 - (d) omit subsections (6) to (8).

- 18 In section 132A (appeals where proposed variation considered exempt), in subsection (12), omit the words from “If” to “Wales,”.
- 19 In section 132B (exemption from section 132 for specific variations directed by Tribunal), omit subsection (1)(a).
- 20 In section 133 (regulations about schemes)—
- (a) in subsection (1)(b), omit “for areas in Wales”;
 - (b) omit subsection (1)(bb) and (bc);
 - (c) in subsection (2)(e), omit “for areas in Wales”;
 - (d) omit subsection (2)(ef) to (ei);
 - (e) omit subsection (3)(a);
 - (f) omit subsection (4)(b).
- 21 (1) Section 155 (sanctions imposed by traffic commissioners) is amended as follows.
- (2) In subsection (1) (when sanctions may be imposed), in paragraph (ba), after “section” insert “123X(7)(c),”.
- (3) After subsection (1) insert—
- “(1ZA) Where a traffic commissioner is satisfied that—
- (a) a person has operated a local service in contravention of section 123J(3) of this Act, and
 - (b) in operating the local service, the person has failed to take all reasonable precautions and to exercise all due diligence to avoid contravening section 123J(3) of this Act,
- the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”
- (4) After subsection (1ZB) (inserted by Schedule 4) insert—
- “(1ZC) Where a traffic commissioner is satisfied that the operator of a local service has failed to take all reasonable steps to comply with a requirement imposed under section 143A of this Act, the traffic commissioner may make one or more orders under subsection (1A)(a) or (d).”
- 22 (1) Section 160 (regulations and orders under Part 2) is amended as follows.
- (2) In subsection (2), after “than” insert “regulations under section 123A(4)”.
- (3) After subsection (2) insert—
- “(2A) A statutory instrument containing regulations under section 123A(4) shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”
- 23 (1) Section 162 (interpretation of Part 2) is amended as follows.
- (2) In subsection (1) (specific terms), at the appropriate place insert—
- ““effective time”, in relation to a local service contract, has the meaning given by section 123J(7),”;
 - ““franchising authority” has the meaning given by section 123A(4),”;
 - ““franchising scheme” is to be construed in accordance with section 123A(3),”;
 - ““interim service” has the meaning given by section 123O,”;

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

- ““local service contract” has the meaning given by section 123A(5),”;
- ““mayoral combined authority” has the meaning given by section 107A of the Local Democracy, Economic Development and Construction Act 2009,”;
- ““scheme sub-area” has the meaning given by section 123H,”;
- ““service permit” has the meaning given by section 123P,”.
- (3) In subsection (1), in the definition of “appropriate national authority”, omit paragraph (a) (meaning for schemes relating to areas in England).
- (4) In subsection (1), omit the definition of “QCS board”.
- (5) In subsection (4) (interpretation of references to Integrated Transport Authorities), omit the following entries—
- “section 124(4)(a), (5) and (7),”;
 - “section 127(3A),”;
 - “section 127A(7),”;
 - “section 130,”;
 - “section 131,”;
 - “section 132C,”;
 - “section 132D,”.

Local Transport Act 2008 (c. 26)

- 24 The Local Transport Act 2008 is amended as follows.
- 25 Omit sections 22 to 25 (QCS boards in England).
- 26 Omit section 27 (appeals against making of quality contract schemes in England).
- 27 Omit section 33 (continuation of quality contract schemes for areas in England).
- 28 Omit section 36 (appeals where proposed continuation of scheme considered non-exempt).