

2002 No. 1014 (C. 25)

**PUBLIC PASSENGER TRANSPORT, ENGLAND
ROAD TRAFFIC**

**The Transport Act 2000 (Commencement No. 9 and
Transitional Provisions) Order 2002**

Made - - - - -

9th April 2002

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred upon him by sections 275(1) and (2) and 276 of the Transport Act 2000(a) hereby makes the following Order:—

Citation and interpretation

1.—(1) This Order may be cited as the Transport Act 2000 (Commencement No. 9 and Transitional Provisions) Order 2002.

(2) In this Order—

“1981 Act” means the Public Passenger Vehicles Act 1981(b);

“1985 Act” means the Transport Act 1985(c);

“2000 Act” means the Transport Act 2000.

Provisions coming into force on 1st May 2002

2.—(1) The provisions of the 2000 Act set out in Part 1 of the Schedule hereto shall come into force on 1st May 2002 as respects England.

(2) The provisions of the 2000 Act set out in Part 2 of the Schedule hereto shall come into force on 1st May 2002.

Transitional provisions: penalties for unreliable bus services, etc

3.—(1) Where, following an inquiry under section 54(d) of the 1981 Act (inquiries held by traffic commissioners), a traffic commissioner makes a determination after 30th April 2002 in respect of relevant breaches occurring wholly before 1st May 2002, section 111 of the 1985 Act(e) shall continue to apply (and section 155 of the 2000 Act shall not apply) but as if in subsection (2) for “the day on which the determination under subsection (1) above is made” there were substituted “30th April 2002”.

(2) Where, following an inquiry under section 54 of the 1981 Act, a traffic commissioner makes a decision after 30th April 2002 to impose a penalty under section 155 of the 2000 Act in respect of relevant breaches occurring both before 1st May 2002 and on or after that date, the penalty shall not exceed the maximum amount which would have been due from the operator under section 111 of the 1985 Act if the decision in respect of that inquiry had been made on 30th April 2002.

(a) 2000 c. 38.

(b) 1981 c. 14.

(c) 1985 c. 67.

(d) Section 54 was substituted by the 1985 Act, section 4.

(e) Section 111 was amended by the 2000 Act, section 158 and Schedule 11, paragraph 22.

(3) In this article, a reference to a relevant breach is a reference to an operator of a local service, without reasonable excuse—

- (a) failing to operate a local service registered under section 6 of the 1985 Act,
- (b) operating such a service in contravention of that section or section 118(4), 129(1)(b) of the 2000 Act, or
- (c) failing to comply with section 138 or 140(3) of the 2000 Act.

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

9th April 2002

Sally Keeble
Parliamentary Under Secretary of State,
Department for Transport, Local Government and the Regions

PART 1

PROVISIONS COMING INTO FORCE ON 1st MAY 2002 AS RESPECTS
ENGLAND

Section 154(6);

Section 155;

Section 274, in so far as it relates to the entries in Part II of Schedule 31 relating to—

Finance Act 1965,

Finance Act 1974,

Excise Duties (Surcharges and Rebates) Act 1979,

Magistrates Courts Act 1980,

Finance Act 1981,

Sections 94(4), 110, 111 and 112(2) of the Transport Act 1985, and

Transport Act 2000.

PART 2

PROVISIONS COMING INTO FORCE ON 1st MAY 2002

Section 257.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 1st May 2002 the following provisions of the Transport Act 2000—

- (a) as respects England only, sections 154(6) and 155 of the Act, with associated repeals, which repeal all the statutory provisions relating to bus fuel duty grant and provide for the enforcement of bus service registrations, quality partnerships, quality contracts and bus information obligations through the imposition of new financial penalties;
- (b) section 257, which provides for the making of regulations under which a person is required to undertake a prescribed training course as a condition of being permitted to take a test of competence to drive, being permitted to obtain a licence authorising the driving of, or (having passed a test) being permitted to drive on a road a specified class of motor vehicle.

The Order contains transitional provisions which preserve the power of the traffic commissioners to impose penalties under section 111 of the Transport Act 1985 where breaches of the relevant legislation have occurred before 1st May 2002 (prohibiting them from imposing penalties under section 155) and limit the power of the traffic commissioners to impose penalties under section 155 to the amount which could have been imposed under section 111 of the 1985 Act at 30th April 2002 if the penalty relates to breaches occurring partly before and partly on or after 1st May 2002.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Transport Act 2000 have been, or will be, brought into force in accordance with commencement orders made before the date of this Order—

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 1 and 2	1st February 2001	2001/57
Section 3	1st May 2001	2001/1498
Sections 4 to 35	1st February 2001	2001/57
Sections 36 and 37	1st April 2001	2001/869
Sections 38 to 96	1st February 2001	2001/57
Section 97	1st February 2001 (part) 1st April 2001 (remainder)	2001/57 2001/869
Sections 98 to 107	1st February 2001	2001/57
Sections 108 to 113 (as respects England)	1st February 2001	2001/57
Sections 114 to 118 (as respects England)	26th October 2001	2001/3342
Section 119 (as respects England)	1st February 2001	2001/57
Sections 120 and 134 (as respects England)	26th October 2001	2001/3342
Sections 108 and 123 (as respects Wales)	1st August 2001	2001/2788
Sections 124 to 132 (in part) (as respects Wales)	1st August 2001	2001/2788
Sections 133 and 134 (as respects Wales)	1st August 2001	2001/2788
Sections 135 to 143 (as respects England)	1st February 2001	2001/57
Section 144 (as respects England)	1st February 2001 (part) 1st April 2002 (remainder)	2001/57 2002/658

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 135 to 144 (as respects Wales)	1st August 2001	2001/2788
Sections 145 (as respects England)	1st January 2001 (part), 1st February 2001 (part) and 1st June 2001 (remainder)	2000/3229
Section 145 (as respects Wales)	1st August 2001 (part) and 1st April 2002 (remainder)	2001/2788
Section 146 (as respects England)	1st January 2001 (part), 1st February 2001 (part) and 1st June 2001 (remainder)	2000/3229
Sections 147 and 148 (as respects England)	1st June 2001	2000/3229
Section 149 (as respects England)	1st January 2001 (part) and 1st June 2001 (remainder)	2000/3229
Section 150 (as respects England)	1st January 2001	2000/3229
Sections 146 to 150 (as respects Wales)	1st August 2001	2001/2788
Section 151 (as respects England)	1st April 2001	2000/3229
Section 152 (as respects England)	1st February 2001	2001/57
Section 152 (as respects Wales)	1st August 2001	2001/2788
Section 153 (as respects England)	1st February 2001 (part) 26th October 2001 (remainder)	2001/57 2001/3342
Section 153 (in part) (as respects Wales)	1st August 2001	2001/2788
Section 154(1) to (5) (as respects England)	1st February 2001	2001/57
Section 154(1) to (5) (as respects Wales)	1st August 2001	2001/2788
Sections 155 to 160 (as respects Wales)	1st August 2001	2001/2788
Sections 156 to 160 (as respects England)	1st February 2001	2001/57
Section 161 (as respects England)	1st February 2001 (part) 20th February 2001 (part) 26th October 2001 (part)	2001/57 2001/242 2001/3342
Section 161 (as respects Wales)	1st August 2001 (part) and 1st April 2002 (remainder)	2001/2788
Section 162 (as respects England)	1st January 2001 (part), 1st February 2001 (part) and 1st June 2001 (remainder)	2000/3229
Section 162 (as respects Wales)	1st August 2001	2001/2788
Sections 163 to 200 (as respects England)	1st February 2001	2001/57
Sections 163 to 165 (in part) (as respects Wales)	1st August 2001	2001/2788
Sections 167 to 180 (in part) (as respects Wales)	1st August 2001	2001/2788
Sections 182 to 190 (in part) (as respects Wales)	1st August 2001	2001/2788
Sections 192 to 198 (as respects Wales)	1st August 2001	2001/2788
Section 200 (as respects Wales)	1st August 2001	2001/2788
Sections 201 to 210	15th January 2001	2000/3376
Section 211	1st February 2001	2001/57

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Sections 212 to 215	1st February 2001	2001/57(a)
Section 216	30th January 2001 (part) and 1st February 2001 (remainder)	2001/57
Section 217	1st February 2001	2001/57
Section 218	30th January 2001	2001/57
Sections 219 to 221	1st February 2001	2001/57
Section 222	15th January 2001	2000/3376
Sections 224 to 227	1st February 2001	2001/57
Sections 229 and 230	1st February 2001	2001/57
Sections 232 to 240	1st February 2001	2001/57
Section 241	15th January 2001	2000/3376
Sections 242 to 247	1st February 2001	2001/57
Section 249	1st February 2001	2001/57
Section 250	15th January 2001	2000/3376
Section 251	1st February 2001	2001/57
Section 252	15th January 2001 (part) and 1st February 2001 (remainder)	2000/3376 2001/57
Section 254	30th January 2001	2001/57
Sections 255 and 256	1st February 2001	2001/57
Sections 258 and 259	1st April 2002	2002/658
Section 260 (in part)	1st April 2002	2002/658
Sections 261 and 262	1st February 2001	2001/57
Section 264	1st February 2001	2001/57
Section 265	1st July 2001	2001/1498
Section 266	1st February 2001	2001/57
Section 267	1st February 2001 (part) 1st April 2002 (remainder)	2001/57 2002/658
Section 268	1st February 2001	2001/57
Section 270	30th January 2001	2001/57
Sections 271 to 273	1st February 2001	2001/57
Section 274 (in part)	15th January 2001, 1st February 2001, 1st April 2001, 26th October 2001 and 1st April 2002	2000/3376, 2001/57, 2001/869, 2001/3342 and 2002/658(b)
Schedules 1 to 3	1st February 2001	2001/57
Schedules 4 and 5	1st April 2001	2001/869
Schedules 6 and 7	1st February 2001	2001/57

(a) S.I. 2001/57 was amended by S.I. 2001/115 (C. 5) as respects the entries for sections 212 to 215, 232 to 240, 255, 256, 261, 262, 264, 266 and 268 and Schedules 16, 25 and 30.

(b) S.I. 2002/658 was amended by S.I. 2002/846 (c. 23) as respects the entry for section 274.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Schedule 8	1st February 2001 (part) 1st April 2001 (remainder)	2001/57 2001/869
Schedule 9	1st February 2001	2001/57
Schedule 10 (as respects England)	1st February 2001 (part) 26th October 2001 (remainder)	2001/57 2001/3342
Schedule 10 (as respects Wales), except for paragraph 1(1)(a) and (2)(a) and the words “a quality partnership scheme or” in paragraph 12(2)	1st August 2001	2001/2788
Schedule 11 (as respects England)	1st February 2001 (part) 1st April 2001 (part) and 1st June 2001 (part) 20th February 2001 (part) 26th October 2001 (part)	2001/57 2000/3229 2001/242 2001/3342
Schedule 11 (as respects Wales)	1st August 2001 (part) and 1st April 2002 (remainder)	2001/2788
Schedule 14	15th January 2001	2000/3376
Schedule 15	30th January 2001	2001/57
Schedule 16	1st February 2001	2001/57
Schedule 17	30th January 2001 (Part III) and 1st February 2001 (remainder)	2001/57
Schedule 18	1st February 2001	2001/57
Schedule 19	30th January 2001	2001/57
Schedules 20 to 23	1st February 2001	2001/57
Schedule 25	1st February 2001	2001/57
Schedule 26	15th January 2001	2000/3376
Schedule 27, apart from paragraph 16	15th January 2001 (paragraph 50) 1st February 2001 (remainder)	2000/3376 2001/57
Schedule 29 (in part)	1st April 2002	2002/658
Schedule 30	1st February 2001	2001/57
Schedule 31 (Part I)	1st April 2001	2001/869
Schedule 31 (Part II) (in part) (as respects England)	1st February 2001, 1st April 2001, 1st June 2001 and 26th October 2001	2000/3229, 2001/57 and 2001/3342
Schedule 31 (Part III)	1st February 2001	2001/57
Schedule 31 (Part IV) (in part)	15th January 2001 1st February 2001	2000/3376 2001/57
Schedule 31 (Part V) (in part)	1st April 2002	2002/658

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