

2002 No. 658 (C.16)

TRANSPORT

LONDON GOVERNMENT

**The Transport Act 2000 (Commencement No. 8 and
Transitional Provisions) Order 2002**

Made - - - - 10th March 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. 8 and Transitional Provisions) Order 2002.

(2) In this Order—

“1988 Act” means the Road Traffic Act 1988^(b);

“Registrar” means the person appointed to compile and maintain the register of approved instructors established under section 23 of the Road Traffic Act 1962 (and continued by virtue of section 125 of the 1988 Act).

Provisions coming into force on 1st April 2002

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

Transitional provisions: driving instructors

3.—(1) Where, on or before 31st March 2002, the Registrar has made any of the following decisions, namely—

- (a) a decision to refuse an application for the retention of a person’s name in the register under section 127 of the 1988 Act,
- (b) a decision to remove a person’s name from the register under section 128 of the 1988 Act, or

^(a) 2000 c.38.

^(b) 1988 c.52. Section 125 was amended by paragraph 3 of the Schedule to the Road Traffic (Driving Instruction by Disabled Persons) Act 1993 (c.31) (“the 1993 Act”) and by the Motor Cars (Driving Instruction) (Admission of Community Licence Holders) Regulations 1999 (S.I. 1999/357) (“the 1999 Regulations”); section 125A was inserted by section 1 of the 1993 Act; section 127 was amended by paragraph 5 of the Schedule to the 1993 Act; section 128 was amended by paragraph 6 of the Schedule to the 1993 Act and by the Motor Cars (Driving Instruction) (Amendment) Regulations 1991 (S.I. 1991/1229); and section 130 was amended by paragraph 7 of the Schedule to the 1993 Act and by the 1999 Regulations.

(c) a decision to revoke a licence under section 130 of the 1988 Act, and that decision has not (by virtue of the enactments then in force) taken effect by that date the decision shall take effect at the time specified in section 127, 128 or 130 of the 1988 Act, as the case may be, as if those enactments had not been amended by the 2000 Act.

(2) Section 131 of, and Schedule 3 to, the 1988 Act as originally enacted shall continue to apply in respect of an appeal against—

- (a) a decision to which paragraph (1) above applies, and
- (b) a decision made by the Registrar on or before 31st March 2002 to refuse the entry of a person's name in the register under section 125, 125A or 125B of the 1988 Act.

(3) Section 260 of the 2000 Act, in so far as it relates to paragraph 11 of Schedule 29, shall not come into force in respect of any—

- (a) test of continued ability and fitness to give instruction in the driving of motor cars (or appropriate motor cars), or
- (b) emergency control assessment,

which takes place on or before 31st March 2002.

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

David Jamieson
Parliamentary Under Secretary of State,
Department for Transport, Local
Government and the Regions

10th March 2002

SCHEDULE

Article 2

PART 1

PROVISIONS COMING INTO FORCE ON 1ST APRIL 2002 AS RESPECTS ENGLAND

Section 144, in so far as it is not already in force.

PART 2

PROVISIONS COMING INTO FORCE ON 1ST APRIL 2002

Sections 258 and 259;

Section 260, in so far as it relates to paragraphs 7 to 12 of Schedule 29;

Section 267, in so far as it is not already in force;

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

- Section 131(5) of and Schedule 3 to the Road Traffic Act 1988, and
- Road Traffic (Driver Licensing and Information Systems) Act 1989.

EXPLANATORY NOTE

(This note is not part of the Order)

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

- (a) (as respects England only) those parts of section 144 as are not already in force and which enable provision to be made for, and in connection with, the imposition of penalty charges in respect of contravention of bus lane restrictions on roads in Greater London and the payment, notification, adjudication and enforcement of such charges;
- (b) sections 258 and 259 and section 260, so far as it relates to paragraphs 7 to 12 of Schedule 29, and associated repeals, provisions which amend Part V of the Road Traffic Act 1998 as regards the date when decisions by the Registrar of Approved Driving Instructors come into effect, transfer the function of hearing appeals from decisions of the Registrar from the Secretary of State to the Transport Tribunal and make provision relating to tests of continuing fitness and ability to give driving instruction (“check tests”) and emergency control assessments;
- (c) those parts of section 267 as are not already in force and which amend the Greater London Authority Act 1999 by removing the power of the Mayor to determine appeals brought by applicants for a London service permit and transferring this function to an independent appeals panel.

The Order contains transitional provisions which preserve the provisions of pre-existing legislation in relation to decisions of the Registrar made on or before 31st March 2002 (including provisions about appeals from those decisions) and in relation to check tests and emergency control assessments undertaken on or before that date.

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 40	1st February 2001	2001/57
Sections 41 to 65	1st February 2001	2001/57
Sections 66 to 72	1st February 2001	2001/57
Sections 73 to 84	1st February 2001	2001/57
Sections 85 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
Sections 120 to 134 (as respects England)	26th October 2001	2001/3342
Sections 108 to 123 (as respects Wales)	1st August 2001	2001/2788
Section 119 (as respects England)	1st February 2001	2001/57
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 (in part) (as respects England)	1st February 2001	2001/57
Sections 135 to 144 (as respects Wales)	1st August 2001	2001/2788

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 162 (as respects England)	1st January 2001 (in 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
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

(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.

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 250	15th January 2001	2000/3376
Section 251	1st February 2001	2001/57
Section 252	15th January 2001 (in 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 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 (in part) (as respects England)	1st February 2001	2001/57
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 and 26th October 2001	2000/3376, 2001/57, 2001/869 and 2001/3342
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
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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
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) 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) 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 30	1st February 2001	2001/57
Schedule 31 (Part I)	1st April 2001	2001/869
Schedule 31 (Part II) (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) (part)	15th January 2001 1st February 2001	2000/3376 2001/57

£2.00

© Crown copyright 2002

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo,
Controller of Her Majesty's Stationery Office and Queen's Printer of
Acts of Parliament

E0438 3/02 ON (MFK)