
STATUTORY INSTRUMENTS

2005 No. 157

**The Local Authorities' Plans and Strategies
(Disapplication) (England) Order 2005**

Disapplication of duties to prepare local transport plans and bus strategies, and amendment of provisions relating to such plans

7.—(1) Sections 108(3) and 110(1) (duties to prepare local transport plan and bus strategy) of the Transport Act 2000⁽¹⁾ shall not apply to local transport authorities⁽²⁾ which are excellent authorities.

(2) In consequence of paragraph (1)—

- (a) the provisions of Part 2 of the Transport Act 2000 mentioned in Part 1 of Schedule 2 to this Order shall apply in relation to excellent authorities subject to the modifications set out in that Part of that Schedule;
- (b) the provisions of the Transport Act 1985⁽³⁾ mentioned in Part 2 of Schedule 2 to this Order shall apply in relation to excellent authorities subject to the modifications set out in that Part of that Schedule.

(3) An excellent authority who, at the date on which this Order comes into force—

- (a) have prepared a local transport plan or
- (b) are taken by the operation of section 109(5) of the Transport Act 2000 to have a local transport plan,

may at any time decide that they will cease to exercise their powers under Part 2 of that Act by reference to the plan and, if they do so, the plan shall cease to have effect from the date of their decision.

(4) Notwithstanding paragraphs (1) and (3), an excellent authority may prepare a local transport plan and, if they do so, the Transport Act 2000 and the Transport Act 1985 shall apply in relation to the authority as though unmodified by this Order.

(5) Paragraph (6) applies where a local transport authority—

- (a) by virtue of paragraph (1), do not have a local transport plan, or
- (b) by virtue of paragraph (4), decide not to implement a local transport plan.

(6) Where this paragraph applies and the authority cease, by reason of an order made by the Secretary of State under section 99(4) of the Local Government Act 2003, to be categorised as excellent, the authority shall be treated as an excellent authority for the purposes of paragraph (1), for a period—

- (a) of such length, no shorter than one year and not exceeding two years, as the Secretary of State may specify in writing to the authority, and
- (b) beginning with the date on which the order comes into force.

(1) 2000 c. 38.

(2) For the relevant definition of “local transport authority” in relation to England, *see* section 108(4) of the Transport Act 2000.

(3) 1985 c. 67.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
