

2013 No. 685 (C. 30)

TRANSPORT

**The Local Transport Act 2008 (Commencement No. 3) Order
2013**

Made - - - - *21st March 2013*

The Secretary of State makes the following Order in exercise of the powers conferred by section 134 of the Local Transport Act 2008(a).

Citation and interpretation

1.—(1) This Order may be cited as the Local Transport Act 2008 (Commencement No. 3) Order 2013.

(2) In this Order “the Act” means the Local Transport Act 2008.

Appointed day

2. The appointed day for the coming into force of section 4(1) (in so far as it relates to section 4(2) and 4(3)) and section 4(2) and (3) of the Act (removal of traffic commissioner for inability or misbehaviour) is 6th April 2013.

3.—(1) The appointed day for the coming into force of the provisions listed in paragraph (2) is the day after the day on which the Secretary of State first makes an Order under section 6 of the Act.

(2) The provisions are—

- (a) section 2 of the Act (traffic commissioners);
- (b) section 3(1) of the Act, in so far as it is not already in force;
- (c) section 4(1) (in so far as it relates to section 4(4) to (9)) and section 4(4) to (9) of the Act (amendments of Schedule 2 to the PPVA 1981(b)); and
- (d) section 5 of the Act (transitional provision for existing traffic commissioners etc).

Signed by authority of the Secretary of State

Stephen Hammond
Parliamentary Under Secretary of State
Department for Transport

21st March 2013

(a) 2008 c. 26.

(b) The Public Passenger Vehicles Act 1981 (c.14), as defined in section 132 of the Local Transport Act 2008.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force those provisions in Part 1 of the Local Transport Act 2008 (“the Act”) which are not already in force.

Article 2 commences on 6th April 2013 section 4(2) and (3) of the Act. The effect is to amend paragraph 1 of Schedule 2 to the Public Passenger Vehicles Act 1981 (“PPVA 1981”) which enables the Secretary of State to remove a traffic commissioner from office for inability or misbehaviour. The amendment has effect in relation to traffic commissioners appointed both before and after the coming into force of the amendment.

Article 3 provides for the following sections in Part 1 of the Act to be commenced on the day after the day on which the Secretary of State first makes an order under section 6 of the Act (consequential amendments):

Section 2 of the Act, which amends provisions in the PPVA 1981 about traffic commissioners. The effect is to abolish the requirement for a single traffic commissioner to be appointed for each traffic area (as prescribed in section 3 of that Act), and to enable the Secretary of State to appoint such number of commissioners for England and Wales as are considered appropriate. A single traffic commissioner continues to be appointed for the Scottish traffic area. Traffic commissioners in England and Wales are granted full jurisdiction in respect of all their statutory functions throughout England and Wales, and also in relation to reserved matters (within the meaning of the Scotland Act 1998) in the Scottish traffic area. The Scottish commissioner is granted full jurisdiction in respect of all statutory functions in the Scottish traffic area, and also in relation to reserved matters in England and Wales.

Section 3(1) of the Act, in so far as it is not already in force. The effect is to insert new section 4B into the PPVA 1981. This enables the senior traffic commissioner (appointed under section 4A of the PPVA 1981, which was also inserted by section 3 of the Act and which is already in force) to require traffic commissioners and their deputies to carry out such of the functions of a traffic commissioner in such places as the senior traffic commissioner may determine. The effect is to enable the Senior Traffic Commissioner to deploy traffic commissioners and deputies in England and Wales so as to carry out their functions at any place within that jurisdiction, and also to carry out reserved functions in Scotland. The Senior Traffic Commissioner may also deploy the traffic commissioner for the Scottish traffic area, and deputies to the Scottish traffic commissioner, so as to carry out reserved functions in any place in England and Wales, as well as in Scotland.

Section 4(4) to (9) of the Act. The effect is to insert provisions into the PPVA 1981 relating to the appointment of deputy traffic commissioners for England and Wales, and the appointment of acting traffic commissioners during a vacancy.

Section 5 of the Act, which contains transitional provisions in respect of traffic commissioners and deputies appointed before the coming into force of section 2 or, as the case may be, section 4 of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Various provisions of the Local Transport Act 2008 have been brought into force by commencement orders made before the date of this Order. The relevant provisions of the Act are:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1	9.2.2009	2009/107
Section 3(1), partially	4.3.2009	2009/107
Section 3(2) to (4)	4.3.2009	2009/107
Section 6	9.2.2009	2009/107
Sections 7 and 8, as to England	9.2.2009	2009/107
Sections 7 and 8, as to Wales	1.4.2009	2009/579
Section 9, partially, as to England	9.2.2009	2009/107
Section 9, for remaining purposes, as to England	1.4.2011	2009/107
Section 9, as to Wales	1.4.2009	2009/579
Sections 10 to 12, as to England	9.2.2009	2009/107
Sections 10 to 12, as to Wales	1.4.2009	2009/579
Section 13, partially, as to England	9.2.2009	2009/107
Section 13, for remaining purposes, as to England	6.4.2009	2009/107
Section 13, partially, as to Wales	1.4.2009	2009/579
Section 13, for remaining purposes, as to Wales	31.1.2010	2009/3294
Sections 14 to 18, as to England	6.4.2009	2009/107
Sections 14 to 18, as to Wales	31.1.2010	2009/3294
Sections 19 to 45, as to England	11.1.2010	2009/3242
Section 46, as to England	9.2.2009	2009/107
Section 46, as to Wales	1.4.2009	2009/579
Section 47	9.2.2009	2009/107
Section 48	6.4.2009	2009/107
Section 49	11.1.2010	2009/3242
Sections 50 to 52	9.2.2009	2009/107
Sections 53 and 54	6.4.2009	2009/107
Sections 57 to 61	6.4.2009	2009/107
Sections 62 and 63	9.2.2009	2009/107
Section 64, as to England	9.2.2009	2009/107
Section 64, as to Wales	1.4.2009	2009/579
Section 65(1), as to England	9.2.2009	2009/107
Section 65(1), as to Wales	1.4.2009	2009/579
Section 65(2) to (4)	9.2.2009	2009/107
Sections 66 and 67	9.2.2009	2009/107
Section 68, as to England	9.2.2009	2009/107
Section 68(1) and (2), as to Scotland	9.2.2009	2009/107
Section 68(1) and (3), as to Wales	1.4.2009	2009/579
Section 68(2), as to Wales	31.1.2010	2009/3294
Sections 69 to 71, as to England	9.2.2009	2009/107
Sections 69 to 71, as to Wales	1.4.2009	2009/579
Section 72	6.4.2009	2009/107
Section 74	9.2.2009	2009/107
Section 75, as to England	9.2.2009	2009/107
Section 75, as to Wales	1.4.2009	2009/579
Section 76	9.2.2009	2009/107

Sections 77 to 102	9.2.2009	2009/107
Sections 103 to 111, as to England	9.2.2009	2009/107
Sections 103 to 111, as to Wales	1.4.2009	2009/579
Section 112(1), as to England	9.2.2009	2009/107
Section 112(1), as to Wales	1.4.2009	2009/579
Section 112(2)	9.2.2009	2009/107
Section 113(1) to (4), as to England	9.2.2009	2009/107
Section 113(1) to (4), as to Wales	1.4.2009	2009/579
Section 113(5) to (7)	9.2.2009	2009/107
Section 114, as to England	9.2.2009	2009/107
Section 114, as to Wales	1.4.2009	2009/579
Section 115(1) and (2), as to England	9.2.2009	2009/107
Section 115(1) and (2), as to Wales	1.4.2009	2009/579
Section 115(3) to (5)	9.2.2009	2009/107
Section 116(1) to (3), as to England	9.2.2009	2009/107
Section 116(1) to (3), as to Wales	1.4.2009	2009/579
Section 116(4) to (8)	9.2.2009	2009/107
Section 117(1), as to England	9.2.2009	2009/107
Section 117(1), as to Wales	1.4.2009	2009/579
Section 117(2)	9.2.2009	2009/107
Section 118(1) to (5), as to England	9.2.2009	2009/107
Section 118(1) to (5), as to Wales	1.4.2009	2009/579
Section 118(6) to (9)	9.2.2009	2009/107
Sections 119 and 120	9.2.2009	2009/107
Section 121, in so far as it relates to Part 1 of Schedule 6, as to England	9.2.2009	2009/107
Section 121, in so far as it relates to Part 1 of Schedule 6, as to Wales	1.4.2009	2009/579
Section 121, in so far as it relates to Part 2 of Schedule 6	9.2.2009	2009/107
Sections 125 and 126	9.2.2009	2009/107
Sections 128 to 130	9.2.2009	2009/107
Section 131, partially	9.2.2009	2009/107
Section 131, partially	6.4.2009	2009/107
Section 131, for remaining purposes, as to England	11.1.2010	2009/3242
Section 131, partially, as to Wales	31.1.2010	2009/3294
Schedules 1 and 2, as to England	9.2.2009	2009/107
Schedules 1 and 2, as to Wales	1.4.2009	2009/579
Schedules 3 and 4	9.2.2009	2009/107
Schedule 5, as to England	9.2.2009	2009/107
Schedule 5, as to Wales	1.4.2009	2009/579
Part 1 of Schedule 6, as to England	9.2.2009	2009/107
Part 1 of Schedule 6, as to Wales	1.4.2009	2009/579
Part 2 of Schedule 6	9.2.2009	2009/107
Schedule 7, partially	9.2.2009	2009/107
Schedule 7, partially	6.4.2009	2009/107
Schedule 7, for remaining purposes, as to England	11.1.2010	2009/3242
Schedule 7, partially, as to Wales	31.1.2010	2009/3294

STATUTORY INSTRUMENTS

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