

Annex V – The Council’s legal duty

Introduction

The Council’s legal duty regarding subsidised bus services

1. The Council’s legal duty in relation to subsidised bus services is outlined in the Transport Act 1985, Section 63(1)(a), which explains that local transport authorities must:

“secure the provision of such public passenger transport services as the council consider it appropriate to secure to meet any public transport requirements within the county which would not in their view be met apart from any action taken by them for that purpose.”

In essence, this means that the Council must 1) identify public transport requirements which would not otherwise be met and then 2) once identified, secure what is appropriate. It does not mean that the Council is obliged to subsidise services.

However, under Section 63(8), the Council has a duty to have regard to the transport needs of members of the public who are elderly or disabled when exercising the s63(1) duty referred to above.

Under Section 88, in exercising/performing our functions with respect to securing provision of public passenger transport services the Council must cooperate with:

- (i) other authorities exercising/performing those functions;
- (ii) other local authorities, in relation to expenditure on transport for the purposes of or in connection with the exercise/performance of their education and/or social care functions, so as to secure, in the interests of the ratepayers in our areas, best value for money from our expenditure, taken as a whole.

Under Section 92, in the exercise and performance of our functions in relation to agreements providing for service subsidies, the Council must have regard to the interests of the public and of persons providing public passenger transport services in our area.

As part of this process, Councils are entitled to take into account the funds that are available to them.