Transport Act 1985

1985 CHAPTER 67

PART I

GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

Modifications etc. (not altering text)

C1 Pt. I (ss. 1-33) modified by S.I. 1984/748, **regs. 5(2)**, 6(2) (as amended by S.I. 1987/1755, **reg. 2(2)**

C2 Pt. 1(ss. 1-33) modified (11.1.2006) by The Cambridgeshire Guided Busway Order 2005 (S.I. 2005/3523), **art. 36** (with art. 52)

C3 Pt. 1 (ss. 1-33) modified (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 37(3)**

Abolition of road service licensing

1 Abolition of road service licensing.

(1) The provisions of Part III of the 1981 Act (road service licences) shall cease to have effect.

(2) Those provisions are replaced—

(a) in relation to London local services, by Part II of this Act; and

(b) in relation to other local services, by sections 6 to 9 of this Act.

(3) Schedule 1 to this Act shall have effect for the purpose of making amendments in other enactments consequential on this section.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Meaning of "local service"

2 Local services.

(1) In this Act "local service" means a service, using one or more public service vehicles, for the carriage of passengers by road at separate fares other than one—

(a) which is excluded by subsection (4) below; or

(b) in relation to which (except in an emergency) one or both of the conditions mentioned in subsection (2) below are met with respect to every passenger using the service.

(2) The conditions are that—

(a) the place where he is set down is fifteen miles or more, measured in a straight line, from the place where he was taken up;

(b) some point on the route between those places is fifteen miles or more, measured in a straight line, from either of those places.

(3) Where a service consists of one or more parts with respect to which one or both of the conditions are met, and one or more parts with respect to which neither of them is met, each of those parts shall be treated as a separate service for the purposes of subsection (1) above.

(4) A service shall not be regarded for the purposes of this Act as a local service if—

(a) the conditions set out in Part III of Schedule 1 to the 1981 Act (trips organised privately by persons acting independently of vehicle operators, etc.) are met in respect of each journey made by the vehicles used in providing the service; or

(b) every vehicle used in providing the service is so used under a permit granted under section 19 of this Act.

(5) Subsections (5)(b), (c) and (6) of section 1 of the 1981 Act (meaning of "fares") shall apply for the purposes of this section.

Modifications etc. (not altering text)

C4 S. 2 excluded (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

Traffic commissioners

3 Traffic commissioners.

[F1](1) . . . . . .

(2) For sections 4 and 5 of the 1981 Act (traffic commissioners) there shall be substituted the following sections—

"**4 Traffic commissioners.**

(1) There shall be a commissioner for each traffic area constituted for the purposes of this Act.

(2) The commissioner for each traffic area shall be appointed by the Secretary of State and shall be known as the traffic commissioner for the area.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) The traffic commissioner for a traffic area shall be responsible for issuing licences under this Act and shall have such other functions as are given to him by, or in pursuance of, this Act or any other enactment.

(4) Any person appointed to be the traffic commissioner for a traffic area shall—
  (a) act under the general directions of the Secretary of State; and
  (b) vacate his office on attaining the age of sixty-five, or on such later date before he attains the age of sixty-six as the Secretary of State may at any time direct, but otherwise hold office during Her Majesty's pleasure.

(5) Where the Secretary of State proposes to appoint a person to be the traffic commissioner for a traffic area he shall, before making the appointment, require that person to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers or goods by road within Great Britain.

(6) Schedule 2 to this Act shall have effect with respect to traffic commissioners.

5 Publication of information by traffic commissioners.

(1) Every traffic commissioner shall publish, in such form and at such times as may be prescribed, such information with respect to the exercise, or proposed exercise, of any of his functions under this Act or the Transport Act 1985 as may be prescribed.

(2) Where the traffic commissioner for a traffic area publishes information under this section he shall—
  (a) send a copy of the publication—
    (i) to every chief officer of police, Passenger Transport Executive and local authority whose area falls partly or wholly within that traffic area; and
    (ii) where that traffic area falls wholly or partly within London, to London Regional Transport; and
  (b) make a copy of it available (by post if required and on payment of such fee as may be prescribed) to anyone who asks for one.

(3) In this section "local authority" means—
  (a) in England and Wales, the council of any non-metropolitan county, any district or London borough or the Common Council of the City of London; and
  (b) in Scotland, any regional or islands council."

(3) For Schedule 2 to the 1981 Act (traffic commissioners) there shall be substituted the Schedule set out in Part I of Schedule 2 to this Act.

(4) For subsection (1) of section 59 of the 1968 Act (licensing authority for Part V of that Act) there shall be substituted—

"(1) The traffic commissioner for any traffic area constituted for the purposes of the Public Passenger Vehicles Act 1981 shall exercise the functions conferred on him by this Part of this Act and is in this Part of this Act referred to as "the licensing authority.""

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Part II of Schedule 2 to this Act shall have effect for the purpose of making further consequential amendments in other enactments.

Textual Amendments

F1 S. 3(1) repealed (21.7.2008) by Statute Law (Repeals) Act 2008 (c. 12), **Sch. 1 Pt. 11**

4 Inquiries held by traffic commissioners.

For section 54 of the 1981 Act (procedure of traffic commissioners) there shall be substituted the following section—

"54 Inquiries held by traffic commissioners.

(1) A traffic commissioner may, at such places as appear to him to be convenient, hold such inquiries as he thinks fit in connection with the exercise of his functions.

(2) Where, as respects the proposed exercise of his powers on any occasion, a traffic commissioner receives a request for an inquiry from two or more persons he may hold a single inquiry in response to those requests.

(3) Subject to any provision made by regulations, any inquiry held under this section shall be public.

(4) Where a traffic commissioner proposes to hold an inquiry for the purpose of considering any application or proposal, he shall publish notice of the inquiry in the prescribed manner.

(5) Where a traffic commissioner holds an inquiry he may, in such circumstances as may be prescribed and subject to any provision made under subsection (6) below, make such order as he thinks fit as to the payment, by such party to the inquiry as he thinks fit, of costs incurred by him or by the Secretary of State in connection with the holding of the inquiry.

(6) Regulations may make provision, in relation to orders under subsection (5) above, as to—
   (a) the method of calculating the amount of any costs incurred as mentioned in that subsection; and
   (b) the maximum amount which may be ordered to be paid under such an order.

(7) Any amount so ordered to be paid by any person may be recoverable from him—
   (a) in England and Wales, as a debt due to the Crown; or
   (b) in Scotland, by the Secretary of State.

(8) Information with respect to any particular trade or business which is given at any such inquiry while admission to the inquiry is restricted in accordance with regulations shall not be disclosed, so long as that trade or business continues to be carried on, except—
   (a) with the consent of the person for the time being carrying it on;

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) for the purpose of the discharge by any person of his functions under any enactment mentioned in subsection (9) below; or

(c) with a view to the institution of, or otherwise for the purposes of, any legal proceedings pursuant to or arising out of any such enactment (including proceedings before the Transport Tribunal);

and any person who discloses any information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(9) The enactments referred to in subsection (8)(b) and (c) above are—

(a) sections 12 to 21 of this Act; and

(b) sections 24 to 28 of the Transport Act 1985.

(10) The Secretary of State may by order made by statutory instrument amend subsection (9) above by adding a reference to an enactment or by removing any such reference; and any statutory instrument made in exercise of the power conferred by this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament."

5 Assistance for traffic commissioners in considering financial questions.

After section 17 of the 1981 Act, there shall be inserted the following section—

"**17A Assessors to assist traffic commissioners.**

(1) In considering any financial question which appears to him to arise in relation to the exercise of his functions under section 14, 16 or 17 of this Act, a traffic commissioner may be assisted by an assessor drawn from a panel of persons appointed by the Secretary of State for the purposes of this section.

(2) A traffic commissioner shall pay to any such assessor, in respect of his services, such remuneration as may be determined by the Secretary of State with the consent of the Treasury."

Registration of local services

6 Registration of local services. **E+W**

(1) In this section "service" means a local service which is neither a London local service **[**[F2]nor a service which falls within subsection (1A) below**]** nor a service provided under an agreement **[**[F3]entered into, where a railway service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the National Assembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services)**]** .

[[F4](1A) A service falls within this subsection if conditions A and B are satisfied in relation to it.

(1B) Condition A is satisfied if the service is provided in pursuance of—

(a) the obligation placed on a local education authority by section 508B(1), section 508F(1), section 509(1) or (1A), or section 509AA(7)(b) or (9)(a) of the Education Act 1996 (provision of transport etc);

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) the exercise of the power of a local education authority under section 508C(1) of that Act; or

(c) arrangements made by a local education authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes).

(1C) Condition B is satisfied if the service is for the carriage of any of the following persons (and no other)—

(a) a person receiving education or training at premises to or from which transport is provided in pursuance of the obligation, the exercise of the power or the arrangements, as the case may be, mentioned in paragraph (a), (b) or (c) of subsection (1B);

(b) a person supervising or escorting any such person while he is using such transport;

(c) a person involved with the provision of education or training at any such premises.**]**

(2) Subject to regulations under this section, no service shall be provided in any traffic area in which there is a stopping place for the service unless—

(a) the prescribed particulars of the service have been registered with the traffic commissioner for that area by the operator of the service;

(b) the period of notice in relation to the registration has expired; and

(c) the service is operated in accordance with the registered particulars.

(3) In subsection (2) above "the period of notice", in relation to any registration, means, subject to regulations under this section—

(a) the period prescribed for the purposes of this subsection; or

(b) if longer, the period beginning with the registration and ending with the date given to the traffic commissioner by the operator as the date on which the service will begin.

(4) An application for registration shall only be accepted from a person who either holds an unconditional PSV operator's licence or a permit under section 22 of this Act or is using, or proposing to use, a school bus belonging to that person for farepaying passengers in accordance with section 46(1) of the 1981 Act.

(5) In subsection (4) above "unconditional", in relation to a PSV operator's licence, means a licence which does not have attached to it a condition imposed under section 26(1) of this Act prohibiting, or having the effect of prohibiting, the operator from using vehicles under the licence to provide the service to which the application in question relates.

(6) In this Act any reference to a service registered under this section is a reference to a service in respect of which the prescribed particulars are registered under this section.

(7) Any registration may be varied or cancelled on an application made by the operator of the service to which it relates.

(8) Subject to regulations under this section, the variation or cancellation of a registration shall become effective—

(a) on the expiry of the period beginning with the date on which the traffic commissioner accepts the application and ending with the date determined in accordance with regulations under this section; or

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(b) if later, on the day given to the traffic commissioner by the operator as the effective date for the variation or (as the case may be) cancellation.

(9) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—

(a) for permitting the variation of a registered service, in such circumstances as may be prescribed, without variation of the registration;

(b) for excluding or modifying the application of subsection (3) or (8) above in such cases or classes of case as may be prescribed;

(c) that in such cases or classes of case as may be prescribed—

(i) subsection (2) above shall have effect as if for the reference in paragraph (b) to the period of notice there were substituted a reference to such period as the traffic commissioner may determine;

(ii) subsection (8) above shall have effect as if for the reference in paragraph (a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as he may determine;

(d) as to the procedure for applying for registration or for the variation or cancellation of a registration;

(e) for an application for registration or for the variation or cancellation of a registration not to be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner such information as he may reasonably require in connection with the application;

(f) as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;

(g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations;

(h) as to the cancellation of registrations relating to discontinued services;

(i) for enabling a traffic commissioner to require the operator of a registered service, in such circumstances as may be prescribed, to keep records of such matters relating to the operation of the service, in such manner, as may be prescribed;

(j) for requiring the operator of a registered service who is required to keep records by regulations made by virtue of paragraph (i) above to make those records available to the traffic commissioner;

(k) for requiring the operator or prospective operator of a registered service to give, to such persons and at such times as may be prescribed, such information as may be prescribed with respect to the service, or proposed service, or any proposal to vary or cancel the registration of the service;

(l) for excluding from the application of this section services which are—

(i) excursions or tours; or

(ii) excursions or tours falling within a prescribed class.

Extent Information

E1 This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F2 Words in s. 6(1) inserted (E.W.) (1.9.2007) by Education and Inspections Act 2006 (c. 40), ss. 85, 188, {Sch. 10 para. 2(2}; S.I. 2007/1801, **art. 4(l)**

F3 Words in s. 6(1) substituted (24.7.2005 for specified purposes and otherwise 16.10.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 12 para. 8**; S.I. 2005/1909, **art. 2**; S.I. 2005/2182, **art. 2**, Sch. 1

F4 S. 6(1A)-(1C) inserted (E.W.) (1.9.2007 for specified purposes and otherwise prosp.) by Education and Inspections Act 2006 (c. 40), ss. 85, 188, **Sch. 10 para. 2(3)**; S.I. 2007/1801, **art. 4(l)**

Modifications etc. (not altering text)

C5 S. 6 excluded by S.I. 1986/1671, **reg. 10**

C6 S. 6 excluded (21.7.1994) by 1994 c. xv, **s. 73(3)**
S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order
Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise
prosp.) by 2000 c. 38, **ss. 129(1)-(3)**, 275; S.I. 2001/3342, art. 2, **Sch.**
Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by 2000 c. 38, **s. 134(2)(a)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**
S. 6 excluded (24.7.2001) by S.I. 2001/3627, **art. 62(3)**

C7 S. 6 excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **art. 55(3)** (with arts. 65, 66)

C8 S. 6 excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005; S.I. 2005/3523, **art. 37(3)** (with art. 52)

C9 S. 6 excluded (13.12.2006) by The Luton Dunstable Translink Order 2006 (S.I. 2006/3118), **art. 38(3)**

C10 S. 6(9): functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

6 Registration of local services. S

(1) In this section "service" means a local service which is neither a London local service nor a service provided under an agreement **[**[F3]entered into, where a railway service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the National Assembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services)**]**.

(2) Subject to regulations under this section, no service shall be provided in any traffic area in which there is a stopping place for the service unless—
- (a) the prescribed particulars of the service have been registered with the traffic commissioner for that area by the operator of the service;
- (b) the period of notice in relation to the registration has expired; and
- (c) the service is operated in accordance with the registered particulars.

(3) In **[**[F40]this section**]**"the period of notice", in relation to any registration, means, subject to regulations under this section—
- (a) the period prescribed for the purposes of this subsection; or
- (b) if longer, the period beginning with the registration and ending with the date given to the traffic commissioner by the operator as the date on which the service will begin.

(4) An application for registration shall only be accepted from a person who either holds an unconditional PSV operator's licence or a permit under section 22 of this Act or is using, or proposing to use, a school bus belonging to that person for farepaying passengers in accordance with section 46(1) of the 1981 Act.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) In subsection (4) above "unconditional", in relation to a PSV operator's licence, means a licence which does not have attached to it a condition imposed under section 26(1) of this Act prohibiting, or having the effect of prohibiting, the operator from using vehicles under the licence to provide the service to which the application in question relates.

(6) In this Act any reference to a service registered under this section is a reference to a service in respect of which the prescribed particulars are registered under this section.

(7) Any registration may be varied or cancelled on an application made by the operator of the service to which it relates.

(8) Subject to regulations under this section, the variation or cancellation of a registration shall become effective—

(a) on the expiry of the period beginning with the date on which the traffic commissioner accepts the application and ending with the date determined in accordance with regulations under this section; or

(b) if later, on the day given to the traffic commissioner by the operator as the effective date for the variation or (as the case may be) cancellation.

[[F41](8A) Where a service is registered under this section or, as the case may be, a registration is varied under this section, the operator of the service which has been registered, or in respect of which the registration has been varied, shall provide that service for a period of at least 90 days (or, as the case may be, such other period as the traffic commissioner may specify) beginning with the day on which the period of notice expires or, as the case may be, the variation becomes effective.**]**

(9) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—

(a) for permitting the variation of a registered service, in such circumstances as may be prescribed, without variation of the registration;

(b) for excluding or modifying the application of subsection (3) or (8) above in such cases or classes of case as may be prescribed;

(c) that in such cases or classes of case as may be prescribed—

(i) subsection (2) above shall have effect as if for the reference in paragraph (b) to the period of notice there were substituted a reference to such period as the traffic commissioner may determine;

(ii) subsection (8) above shall have effect as if for the reference in paragraph (a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as he may determine;

(d) as to the procedure for **[**[F42]or in connection with**]**applying for registration or for the variation or cancellation of a registration;

[[F43](da) subject to subsection (10) below, specifying dates as the only dates on which the operator of a local service in the area (or areas) of such local authority (or authorities) as may be specified in the regulations may vary a registration in so far as it relates to the scheduled times of the local service in respect of which the registration is made;**]**

(e) for an application for registration or for the variation or cancellation of a registration not to be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner **[**[F44], in such form as he may

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

require,**]** such information as he may reasonably require in connection with the application;

(f) as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;

(g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations;

(h) as to the cancellation of registrations relating to discontinued services;

(i) for enabling a traffic commissioner to require the operator of a registered service, in such circumstances as may be prescribed, to keep records of such matters relating to the operation of the service, in such manner, as may be prescribed;

(j) for requiring the operator of a registered service who is required to keep records by regulations made by virtue of paragraph (i) above to make those records available to the traffic commissioner;

(k) for requiring the operator or prospective operator of a registered service to give, to such persons and at such times as may be prescribed, such information as may be prescribed with respect to the service, or proposed service, or any proposal to vary or cancel the registration of the service;

(l) for excluding from the application of this section services which are—

(i) excursions or tours; or

(ii) excursions or tours falling within a prescribed class.

[[F45](10) Regulations making provision such as is mentioned in subsection (9)(da) above may not—

(a) have effect for a period of more than three years;

(b) specify more than four dates in a calendar year as dates on which a registration may be varied.**]**

Extent Information

E2 This version of this provision extends to Scotland only; a separate version has been created for England and Wales only

Textual Amendments

F3 Words in s. 6(1) substituted (24.7.2005 for specified purposes and otherwise 16.10.2005) by Railways Act 2005 (c. 14), ss. 59, 60, **Sch. 12 para. 8**; S.I. 2005/1909, **art. 2**; S.I. 2005/2182, **art. 2**, Sch. 1

F40 Words in s. 6(3) substituted (S.) (1.7.2001) by 2001 asp 2, **s. 45(a)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. 2 Pt. II**

F41 S. 6(8A) inserted (S.) (1.7.2001) by 2001 asp 2, **s. 45(b)** (with s. 66); S.S.I. 2001/132, art. 2(3), **Sch. 2 Pt. II**

F42 Words in s. 6(9)(d) inserted (S.) (1.4.2001) by 2001 asp 2, s. 83, **Sch. 2 para. 4(2)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. 2 Pt. I**

F43 S. 6(9)(da) inserted (S.) (1.4.2001) by 2001 asp 2, **s. 46(a)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. 2 Pt. I**

F44 Words in s. 6(9)(e) inserted (S.) (1.4.2001) by 2001 asp 2, s. 83, **Sch. 2 para. 4(2)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. 2 Pt. I**

F45 S. 6(10) inserted (S.) (1.4.2001) by 2001 asp 2, **s. 46(b)** (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. 2 Pt. I**

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C7 S. 6 excluded (11.2.2005) by The Merseytram (Liverpool City Centre to Kirkby) Order 2005 (S.I. 2005/120), **art. 55(3)** (with arts. 65, 66)

C8 S. 6 excluded (11.1.2006) by The Cambridgeshire Guided Busway Order 2005; S.I. 2005/3523, **art. 37(3)** (with art. 52)

C26 S. 6 excluded by S.I. 1986/1671, **reg. 10**

C27 S. 6 excluded (21.7.1994) by 1994 c. xv, **s. 73(3)**
S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order
Ss. 6-9 restricted (S.) (1.7.2001) by 2001 asp 2, **s. 22(1)(a)** (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. II**
S. 6 extended (S.) (1.7.2001) by 2001 asp 2, **s. 8(5)(7)** (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. II**
S. 6 extended (S.) (1.7.2001) by 2001 asp 2, **s. 22(3)** (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. II**
S. 6 extended (S.) (1.7.2001) by 2001 asp 2, **s. 32(2)** (with s. 66); S.S.I. 2001/132, art. 2, **Sch. Pt. II**
S. 6 excluded (S.) (1.7.2001) by S.S.I. 2001/219, **reg. 11**
S. 6 excluded (24.7.2001) by S.I. 2001/3627, **art. 62(3)**

C28 S. 6(2) modified (S.) (1.7.2001) by S.S.I. 2001/219, **reg. 7(1)(a)**

C29 S. 6(3) modified (S.) (1.7.2001) by S.S.I. 2001/219, **reg. 8(1)**

C30 S. 6(8) modified (S.) (1.7.2001) by S.S.I. 2001/219, **reg. 7(1)(b)**
S. 6(8) modified (S.) (1.7.2001) by S.S.I. 2001/219, **reg. 8(1)**

C31 S. 6(9): functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

7 Application of traffic regulation conditions to local services subject to registration under section 6.

(1) If a traffic authority asks him to exercise his powers under this section in relation to a particular traffic problem, the traffic commissioner for any traffic area may determine conditions ("traffic regulation conditions") which must be met in the provision of services in the area to which the conditions are expressed to apply.

(2) In this section "service" means any local service to which section 6 of this Act applies.

(3) The area to which traffic regulation conditions may be expressed to apply is any part of the traffic area of the traffic commissioner determining them.

(4) No traffic commissioner shall determine traffic regulation conditions unless he is satisfied, after considering the traffic in the area in question, that such conditions are required in order to—
   (a) prevent danger to road users; [F5]. . .
   (b) reduce severe traffic congestion **[**[F6]; or
   (c) reduce or limit noise or air pollution.**]**

(5) In considering what traffic regulation conditions to apply to a particular area a traffic commissioner shall have regard in particular to the interests of—
   (a) those who have registered under section 6 of this Act services which are or will be operated in the area;
   (b) those who are, or are likely to be, users of such services; and
   (c) persons who are elderly or disabled.

(6) The purposes for which traffic regulation conditions may be determined are the regulation of—

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) the routes of services;
(b) the stopping places for services;
(c) when vehicles used in providing services may stop at such stopping places and for how long they may do so; and
(d) such other matters as may be prescribed.

(7) Subject to subsection (8) below, traffic regulation conditions shall apply—
(a) to all services operated in the area to which the conditions are expressed to apply; or
(b) to such class of service operated there as may be specified in the conditions.

(8) Where the traffic commissioner for any traffic area is satisfied that traffic regulation conditions applying generally to a particular part of his traffic area would be inappropriate as a means of achieving the regulation of traffic which he considers is required there, he may determine traffic regulation conditions which apply only to the service or services specified in the conditions.

(9) Before determining any traffic regulation conditions, a traffic commissioner shall hold an inquiry if he has received (within the prescribed period) a request for an inquiry from—
(a) the traffic authority which made the request under subsection (1) above;
(b) any other traffic authority likely to be affected by traffic regulation conditions determined in response to that request; or
(c) any person who has registered under section 6 of this Act a service which is or will be operated in the area in question;

and the request has not been withdrawn.

(10) Subsection (9) above shall not apply where the traffic commissioner is satisfied that the conditions should be determined without delay.

(11) Where, in reliance on subsection (10) above, a traffic commissioner determines traffic regulation conditions without first holding an inquiry, he shall hold one as soon as is reasonably practicable if any person mentioned in subsection (9)(a) or (c) above or any other traffic authority affected by the conditions has, before the end of the prescribed period, asked him to do so.

(12) Before asking a traffic commissioner to exercise his powers under this section in relation to a **[**[F7]a road for which the Secretary of State is the highway or roads authority**]**, a traffic authority shall obtain leave of the Secretary of State; but leave given under this subsection shall not be taken to indicate the Secretary of State's approval of any conditions determined by the traffic commissioner in response to the request.

(13) Traffic regulation conditions may make different provision with respect to the operation of any service to which they apply during different periods of the year, on different days of the week, or at different times during any period of 24 hours.

(14) A traffic commissioner may vary or revoke any traffic regulation conditions determined by him on being requested to do so by—
(a) any traffic authority; or
(b) the operator of any service affected by the conditions.

(15) In this section "traffic authority" means—

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) in relation to England and Wales, the council of any metropolitan district or non-metropolitan county; and

(b) in relation to Scotland, the council of any **[**[F8]local government**]** area.

Textual Amendments

F5 Word in s. 7(4)(a) repealed (1.2.2001 for E. and 14.8.2002 for W.) by 2000 c. 38, s. 274, Sch. 31 Pt. II; S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II (as amended by S.I. 2001/115, art. 3));S.I. 2002/2024, **art. 2**
Word in s. 7(4)(a) repealed (S.) (1.4.2001) by asp 2, s. 42 (with s. 66): S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**

F6 S. 7(4)(c) and the preceding word "or" inserted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by 2000 c. 38, **s. 142**; S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in Sch. 3 Pt. II (as amended by S.I. 2001/115, **art. 3**)); S.I. 2001/2788, art. 2, **Sch. 1 para. 2**
S. 7(4)(c) and the preceding word "or" inserted (S.) (1.4.2001) by asp 2, s. 42 (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**

F7 Words in s. 7(12) substituted (S.)(1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 Pt. IV para. 117(2)**; S.I. 1991/2286, art. 2(2), **Sch. 2**
Words in s. 7(12) substituted (E.W.)(1.11.1991) by New Roads and Street works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 Pt. IV para. 117(2): S.I. 1991/2288, art. 3, **Sch.**

F8 Words in s. 7(15)(b) substituted (S.) (1.4.1996) by S.I. 1996/974, art. 2(1), **Sch. 1 Pt. I para. 7(a)**

Modifications etc. (not altering text)

C11 S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order
Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise*prosp.*) by 2000 c. 38, **ss. 129(1)-(3)**, 275; S.I. 2001/3342, art. 2, **Sch.**
Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by 2000 c. 38, **s. 134(2)(a)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**

C12 S. 7(6)(d): functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

C13 S. 7(9): functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

C14 S. 7(11): functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

8 Enforcement of traffic regulation conditions, etc.

(1) Where traffic regulation conditions have been determined under section 7 of this Act, it shall be the duty of the traffic commissioner by whom any relevant licence or permit has been granted to attach the conditions to that licence or, as the case may be, to that permit.

(2) In this section—

"licence" means a PSV operator's licence;

"permit" means a permit under section 22 of this Act;

and a licence or permit is relevant for the purposes of this section if a local service registered under section 6 of this Act by the holder of the licence or permit is affected by the conditions.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) Where the traffic commissioner who determined the traffic regulation conditions and the traffic commissioner who granted the relevant licence or permit are different, it shall be the duty of the commissioner determining the conditions to send to the other commissioner—

(a) details of the conditions; and

(b) the name of the person registering the particulars of the local service.

(4) If traffic regulation conditions which have been attached to a licence or permit under this section are subsequently varied or revoked, it shall be the duty of the traffic commissioner or commissioners concerned to secure that the conditions as so attached are correspondingly varied or (as the case may be) removed.

(5) Traffic regulation conditions shall be of no effect to the extent to which they are incompatible with any provision made by or under any enactment prohibiting or restricting the use of any road by traffic.

(6) Where the operator of a local service is unable both to operate the service in accordance with the particulars of the service registered under section 6 of this Act and to comply with—

(a) traffic regulation conditions; or

(b) any other provision of a kind mentioned in subsection (5) above;

any failure to operate the service in accordance with those particulars which occurs at any time before the expiry of the prescribed period beginning with the coming into force of the conditions or provision shall be disregarded to the extent to which it is attributable to his having to comply with the conditions or provision.

Modifications etc. (not altering text)

C15 S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise*prosp.*) by 2000 c. 38, **ss. 129(1)-(3)**, 275; S.I. 2001/3342, art. 2, **Sch.**

Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for E. and 26.10.2001 for W.) by 2000 c. 38, **s. 134(2)(a)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**

9 Appeals against traffic regulation conditions.

(1) Any person to whom subsection (2) below applies may appeal to the Secretary of State against—

(a) the determination, variation or revocation of any traffic regulation conditions under section 7 of this Act; or

(b) the refusal by a traffic commissioner to comply with a request duly made under that section to determine, vary or revoke any such conditions.

(2) The persons to whom this subsection applies are—

(a) in relation to any determination, variation or revocation of conditions—

(i) any person who has registered under section 6 of this Act a local service which is, or is likely to be, affected by them; and

(ii) any traffic authority aggrieved by the decision in question; and

(b) in relation to any refusal to comply with a request, the person making the request.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) An appeal under this section must be made within the prescribed time and in the prescribed manner, and provision may be made by regulations as to the procedure to be followed in connection with such appeals.

(4) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against and may give such directions as he thinks fit to the traffic commissioner for giving effect to his decision.

(5) An appeal lies at the instance of any of the persons mentioned in subsection (6) below on any point of law arising from a decision of the Secretary of State on an appeal under this section—
  (a) to the High Court, where the area of the traffic commissioner concerned is in England or Wales; and
  (b) to the Court of Session, where it is in Scotland.

(6) The persons who may appeal against any such decision of the Secretary of State are—
  (a) the person who appealed to him;
  (b) any person who had a right to appeal to him against the relevant decision of the traffic commissioner but did not exercise that right;
  (c) any traffic authority aggrieved by the decision; and
  (d) the traffic commissioner whose decision was appealed against.

(7) If on an appeal under subsection (5) above the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Secretary of State with the opinion of the court for rehearing and determination by him.

(8) No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.

(9) An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the House of Lords determine.

(10) In this section "traffic authority" has the same meaning as in section 7 of this Act.

Modifications etc. (not altering text)

C16 S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order
Ss. 6-9 restricted (E.W.) (26.10.2001 for E.) by 2000 c. 38, **ss. 129(1)-(3)**, 275; S.I. 2001/3342, art. 2, **Sch.**
Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for E. and 26.10.2001 for W.) by 2000 c. 38, **s. 134(2)(a)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**
S. 9: functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Taxis and hire cars

10 Immediate hiring of taxis at separate fares.

(1) In the circumstances mentioned in subsection (2) below, a licensed taxi may be hired for use for the carriage of passengers for hire or reward at separate fares without thereby—
- (a) becoming a public service vehicle for the purposes of the 1981 Act or any related enactment; or
- (b) ceasing (otherwise than by virtue of any provision made under section 13 of this Act) to be subject to the taxi code.

(2) The circumstances are that—
- (a) the taxi is hired in an area where a scheme made under this section is in operation;
- (b) the taxi is licensed by the licensing authority for that area; and
- (c) the hiring falls within the terms of the scheme.

(3) In this section "licensing authority" means—
- (a) in relation to the London taxi area, **[**[F9]Transport for London**]** or the holder for the time being of any office designated by **[**[F9]Transport for London**]** for the purposes of this section; and
- (b) in relation to any other area in England and Wales, the authority having responsibility for licensing taxis in that area.

(4) For the purposes of this section, a licensing authority may make a scheme for their area and shall make such a scheme if the holders of at least ten per cent. of the current taxi licences issued by the authority request the authority in writing to do so.

(5) Any scheme made under this section shall—
- (a) designate the places in the area from which taxis may be hired under the scheme ("authorised places");
- (b) specify the requirements to be met for the purposes of the scheme in relation to the hiring of taxis at separate fares; and
- (c) [F10]. . .—
  - (i) include such provision, or provision of such description, as may be prescribed for the purposes of this sub-paragraph;
  - (ii) not include provision of any such description as may be prescribed for the purposes of this sub-paragraph.

(6) Subject to subsection (5) above, any scheme made under this section may, in particular, make provision with respect to—
- (a) fares;
- (b) the display of any document, plate, mark or sign for indicating an authorised place or that a taxi standing at an authorised place is available for the carriage of passengers at separate fares;
- (c) the manner in which arrangements are to be made for the carriage of passengers on any such hiring as is mentioned in subsection (1) above; and
- (d) the conditions to apply to the use of a taxi on any such hiring.

(7) A licensing authority may, subject to subsection (5) above, vary any scheme made by them under this section.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(8) [F11]. . . any scheme under this section, and any variation of such a scheme, shall be made in accordance with the prescribed procedure.

(9) For the purposes of this section—

(a) the hiring of a taxi falls within the terms of a scheme if—

(i) it is hired from an authorised place; and

(ii) the hiring meets the requirements specified by the licensing authority as those to be met for the purposes of the scheme; and

(b) a taxi is hired from an authorised place if it is standing at that place when it is hired and the persons hiring it are all present there.

[F12](10) . . . . . .

Textual Amendments

F9 Words in s. 10(3)(a) substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 8(2)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F10 Words in s. 10(5)(c) repealed (3.7.2000) by 1999 c. 29, ss. 253, 423, Sch. 20 Pt. I para. 8(2)(b), **Sch. 34 Pt. V** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F11 Words in s. 10(8) repealed (3.7.2000) by 1999 c. 29, ss. 253, 423, Sch. 20 Pt. I para. 8(2)(c), **Sch. 34 Pt. V** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F12 S. 10(10) repealed (3.7.2000) by 1999 c. 29, ss. 253, 423, Sch. 20 Pt. I para. 8(2)(d), **Sch. 34 Pt. V** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

11 Advance booking of taxis and hire cars at separate fares.

(1) Where the conditions mentioned in subsection (2) below are met, a licensed taxi or licensed hire car may be used for the carriage of passengers for hire or reward at separate fares without thereby—

(a) becoming a public service vehicle for the purposes of the 1981 Act or any related enactment; or

(b) ceasing (otherwise than by virtue of any provision made under section 13 of this Act) to be subject to the taxi code or (as the case may be) the hire car code.

(2) The conditions are that—

(a) all the passengers carried on the occasion in question booked their journeys in advance; and

(b) each of them consented, when booking his journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for his own journey on that occasion.

12 Use of taxis in providing local services.

(1) Where the holder of a taxi licence—

(a) applies to the appropriate traffic commissioner for a restricted PSV operator's licence to be granted to him under Part II of the 1981 Act; and

(b) states in his application that he proposes to use one or more licensed taxis to provide a local service;

section 14 of the 1981 Act (conditions to be met before grant of PSV operator's licence) shall not apply and the commissioner shall grant the application.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) In this section "special licence" means a restricted PSV operator's licence granted by virtue of this section.

[F13](3) . . . . . .

(4) Without prejudice to his powers to attach other conditions under section 16 of the 1981 Act, any traffic commissioner granting a special licence shall attach to it, under that section, the conditions mentioned in subsection (5) below.

(5) The conditions are—

(a) that every vehicle used under the licence shall be one for which the holder of the licence has a taxi licence; and

(b) that no vehicle shall be used under the licence otherwise than for the purpose of providing a local service with one or more stopping places within the area of the authority which granted the taxi licence of the vehicle in question.

(6) In subsection (5)(b) above "local service" does not include an excursion or tour.

(7) The maximum number of vehicles which the holder of a special licence may at any one time use under the licence shall be the number of vehicles for which (for the time being) he holds taxi licences; and a condition to that effect shall be attached to every special licence under section 16(1) of the 1981 Act.

(8) Section 1(2) of the 1981 Act (vehicle used as public service vehicle to be treated as such until that use is permanently discontinued) shall not apply to any use of a licensed taxi for the provision of a local service under a special licence.

(9) At any time when a licensed taxi is being so used it shall carry such documents, plates and marks, in such manner, as may be prescribed.

(10) Such provisions in the taxi code as may be prescribed shall apply in relation to a licensed taxi at any time when it is being so used; and any such provision may be so applied subject to such modifications as may be prescribed.

(11) For the purposes of section 12(3) of the 1981 Act (which provides that where two or more PSV operators' licences are held they must be granted by traffic commissioners for different traffic areas), special licences shall be disregarded.

(12) A person may hold more than one special licence but shall not at the same time hold more than one such licence granted by the traffic commissioner for a particular traffic area.

(13) The following provisions shall not apply in relation to special licences or (as the case may be) the use of vehicles under such licences—

(a) sections 16(1A) and (2), 17(3)(d), 18 to 20 . . . [F14] and 26 of the 1981 Act; and

(b) section 26(5) and (6) of this Act;

and for the purposes of section 12 of that Act this section shall be treated as if it were in Part II of that Act.

Textual Amendments

F13 S. 12(3) repealed (1.1.1996) by 1994 c. 40, ss. 68, 81, Sch. 14 para. 8, **Sch. 17**; S.I. 1995/2835, **art. 2**

F14 Word in s. 12 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)
C17 S. 12(12) amended by S.I. 1986/1628, **reg. 5(1)**

13 Provisions supplementary to sections 10 to 12.

(1) The Secretary of State may by order make such modifications of the taxi code and the hire car code as he sees fit for the purpose of supplementing the provisions of sections 10 to 12 of this Act.

(2) Any order made under subsection (1) above may, in particular, modify any provision—
- (a) relating to fares payable by the hirer of a vehicle;
- (b) requiring the driver of any vehicle to accept any hiring, or to drive at the direction of a hirer, or (as the case may be) of a prospective hirer, to any place within or not exceeding any specified distance or for any period of time not exceeding a specified period from the time of hiring;
- (c) making the carriage of additional passengers in any vehicle which is currently subject to a hiring dependent on the consent of the hirer.

(3) In this section, and in sections 10 to 12 of this Act—

"licenced taxi" means—

(a) in England and Wales, a vehicle licensed under—
- (i) section 37 of the [M1]Town Police Clauses Act 1847; or
- (ii) section 6 of the [M2]Metropolitan Public Carriage Act 1869;

or under any similar enactment; and

(b) in Scotland, a taxi licensed under section 10 of the [M3]Civic Government (Scotland) Act 1982;

"London taxi area" means the area to which the Metropolitan Public Carriage Act 1869 applies;

"licensed hire car" means a vehicle which is licensed under section 48 of the [M4]Local Government (Miscellaneous Provisions) Act 1976; **[**[F15]or section 7 of the Private Hire Vehicles (London Act) 1998**]**

"hire car code", in relation to a licensed hire car used as mentioned in section 11 of this Act, means those provisions made by or under any enactment which would apply if it were hired by a single passenger for his exclusive use;

"related enactment", in relation to the 1981 Act, means any statutory provision (whenever passed or made) relating to public service vehicles in which "public service vehicle" is defined directly or indirectly by reference to the provisions of the 1981 Act;

"taxi code", in relation to any licensed taxi used as mentioned in section 10, 11 or 12 of this Act, means—

(a) in England and Wales, those provisions made by or under any enactment which would apply if the vehicle were plying for hire and were hired by a single passenger for his exclusive use; and

(b) in Scotland, the provisions of sections 10 to 23 of the [M5]Civic Government (Scotland) Act 1982, and Part I of that Act as it applies to these provisions; and

"taxi licence" means a licence under section 6 of the [M6]Metropolitan Public Carriage Act 1869, section 37 of the [M7]Town Police Clauses Act 1847 or any similar enactment, or a taxi licence under section 10 of the Civic Government (Scotland) Act 1982.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(4) Any order made under subsection (1) above may contain such supplementary, incidental, consequential and transitional provisions (including provisions modifying any enactment contained in any Act other than this Act) as appear to the Secretary of State to be necessary or expedient in consequence of any modification of the taxi code or the private hire car code made by the order.

Textual Amendments

F15 Words in s. 13(3) inserted (8.6.2004) by 1998 c. 34, ss. 39(1), 40, Sch. 1 para. 4 (with s. 29); S.I. 2004/241, **art. 2(2)**

Marginal Citations

M1 1847 c. 89.
M2 1869 c. 115.
M3 1982 c. 45.
M4 1976 c. 57.
M5 1982 c. 45.
M6 1869 c. 115.
M7 1847 c. 89.

14 Operation of taxis and private hire cars in Scotland for the carriage of passengers at separate fares.

(1) As respects Scotland, a taxi (other than a taxi which is for the time being operating a local service which is or requires to be registered under this Part of this Act, has been previously advertised and has a destination and route which are not entirely at the discretion of the passengers) or private hire car which is used for the carriage of passengers for hire or reward at separate fares shall not by reason of such use become a public service vehicle for the purposes of the 1981 Act or any related enactment.

(2) In this section "taxi" and "private hire car" have the meanings given in section 23 of the Civic Government (Scotland) Act 1982 and "related enactment" has the meaning given in section 13(3) of this Act.

15 Extension of taxi licensing in England and Wales.

(1) Where, immediately before the commencement of this section, the provisions of the [M8]Town Police Clauses Act 1847 with respect to hackney carriages and of the [M9]Town Police Clauses Act 1889 (as incorporated in each case in the [M10]Public Health Act 1875) were not in force throughout the whole of the area of a district council in England and Wales whose area lies outside the area to which the [M11]Metropolitan Public Carriage Act 1869 applies, those provisions (as so incorporated) shall—
   (a) if not then in force in any part of the council's area, apply throughout that area; and
   (b) if in force in part only of its area, apply also in the remainder of that area.

(2) Where part only of a district council's area lies outside the area to which the Act of 1869 applies, that part shall, for the purposes of subsection (1) above, be treated as being the area of the council.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(3) So much of any local Act as enables a district council to bring to an end the application of the provisions mentioned in subsection (1) above to the whole or any part of their area shall cease to have effect.

Modifications etc. (not altering text)

C18 S. 15 functions of local authority not to be the responsibility of an executive of the authority (E.) (16.11.2000) by virute of S.I. 2000/2853, reg. 2(1), **Sch. 1**

Marginal Citations

M8 1847 c. 89.
M9 1889 c. 14.
M10 1875 c. 55.
M11 1869 c. 115

16 Taxi licensing: control of numbers.

The provisions of the Town Police Clauses Act 1847 with respect to hackney carriages, as incorporated in any enactment (whenever passed), shall have effect—

(a) as if in section 37, the words "such number of" and "as they think fit" were omitted; and

(b) as if they provided that the grant of a licence may be refused, for the purpose of limiting the number of hackney carriages in respect of which licences are granted, if, but only if, the person authorised to grant licences is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet.

17 London taxi and taxi driver licensing: appeals.

(1) In this section—

"licence" means a licence under section 6 of the Metropolitan Public Carriage Act 1869 (taxi licences) or under section 8 of that Act (taxi driver licences); and

"licensing authority" means the person empowered to grant a licence.

(2) Where the licensing authority has refused to grant, or has suspended or revoked, a licence the applicant for, or (as the case may be) holder of, the licence may, before the expiry of the **[**[F16]designated period**]**—

(a) require the authority to reconsider his decision; or

(b) appeal to **[**[F17]a magistrates'**]** court.

(3) Any call for a reconsideration under subsection (2) above must be made to the licensing authority in writing.

(4) On any reconsideration under this section the person calling for the decision to be reconsidered shall be entitled to be heard either in person or by his representative.

(5) If the person calling for a decision to be reconsidered under this section is dissatisfied with the decision of the licensing authority on reconsideration, he may, before the expiry of the **[**[F16]designated period**]**, appeal to **[**[F17]a magistrates'**]** court.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(6) On any appeal to it under this section, the court may make such order as it thinks fit; and any order which it makes shall be binding on the licensing authority.

(7) Where a person holds a licence which is in force when he applies for a new licence in substitution for it, the existing licence shall continue in force until the application for the new licence, or any appeal under this section in relation to that application, is disposed of, but without prejudice to the exercise in the meantime of any power of the licensing authority to revoke the existing licence.

(8) For the purposes of subsection (7) above, where the licensing authority refuses to grant the new licence the application shall not be treated as disposed of—

(a) where no call for a reconsideration of the authority's decision is made under subsection (2) above, until the expiry of the **[**[F16]designated period**]**;

(b) where such a reconsideration is called for, until the expiry of the **[**[F16]designated period**]**which begins by reference to the decision of the authority on reconsideration.

(9) Where the licensing authority suspends or revokes a licence, or confirms a decision to do so, he may, if the holder of the licence so requests, direct that his decision shall not have effect until the expiry of the **[**[F16]designated period**]**.

(10) In this section [F18]. . . .

[[F19]"designated period" means such period as may be specified for the purpose by London cab order;

"London cab order" means an order made by Transport for London**]**

[[F20](11) Any power to make a London cab order under this section includes power to vary or revoke a previous such order.**]**

Textual Amendments

F16 Words in s. 17(2)(5)(8)(a)(b)(9) substituted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 8(3)(a)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F17 Words in s. 17(2)(b)(5) substituted (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1), 110, **Sch. 8 para. 293(2)**; S.I. 2005/910, **art. 3(y)**

F18 S. 17(10): Definition of "the appropriate court" repealed (1.4.2005) by Courts Act 2003 (c. 39), ss. 109(1)(3), 110, Sch. 8 para. 293(3), **Sch. 10**; S.I. 2005/910, **art. 3(y)**

F19 Definitions of "designated period" and "London cab order" in s. 10(10) inserted (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 8(3)(b)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

F20 S. 10(11) added (3.7.2000) by 1999 c. 29, s. 253, **Sch. 20 Pt. I para. 8(3)(c)** (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

Modification of PSV requirements in relation to vehicles used for certain purposes

18 Exemption from PSV operator and driver licensing requirements of vehicles used under permits.

[[F21](1)**]** **[**[F22]Section 12(1)**]** of the 1981 Act (licensing of operators . . . [F23] in relation to the use of public service vehicles for the carriage of passengers) shall not apply—

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) to the use of any vehicle under a permit granted under section 19 of this Act, if and so long as the requirements under subsection (2) of that section are met; **[**[F24]or**]**

(b) to the use of any vehicle under a permit granted under section 22 of this Act;

[[F25](2) Where a holder of a licence under Part III of the Road Traffic Act 1988 was first granted a licence under that Part before 1st January 1997, he may drive any small bus at a time when it is being used as mentioned in paragraph (a) or (b) of subsection (1) above, notwithstanding that his licence under that Part does not authorise him to drive a small bus when it is being so used.

(3) Where—

(a) a holder of a licence under Part III of the Road Traffic Act 1988 was first granted a licence under that Part on or after 1st January 1997, or

(b) a Community licence holder is authorised by virtue of section 99A(1) of that Act to drive in Great Britain a motor vehicle of any class,

he may drive any small bus to which subsection (4) below applies at a time when it is being used as mentioned in paragraph (a) or (b) of subsection (1) above, notwithstanding that he is not authorised by his licence under that Part or by virtue of that section (as the case may be) to drive such a bus.

(4) This subsection applies to any small bus which, when laden with the heaviest load which it is constructed to carry, weighs—

(a) not more than 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and

(b) not more than 4.25 tonnes otherwise.

(5) In this section—

"Community licence" has the same meaning as in Part III of the Road Traffic Act 1988, and

"small bus" has the same meaning as in sections 19 to 21 of this Act.**]**

Textual Amendments

F21 S. 18 renumbered as s. 18(1) (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, regs. 1(2)(a)(iii)(b), 4, **Sch. 3 para. 1(2)**

F22 Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 4(a)**

F23 Words repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

F24 Word inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 4(b)**

F25 S. 18(2)-(5) substituted for words in s. 18 (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, regs. 1(2)(a)(iii)(b), 4, **Sch. 3 para. 1(3)**

19 Permits in relation to use of buses by educational and other bodies.

(1) In this section and sections 20 and 21 of this Act—

"bus" means a vehicle which is adapted to carry more than eight passengers;

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

"large bus" means a vehicle which is adapted to carry more than sixteen passengers;

"small bus" means a vehicle which is adapted to carry more than eight but not more than sixteen passengers; and

"permit" means a permit granted under this section in relation to the use of a bus for carrying passengers for hire or reward.

(2) The requirements that must be met in relation to the use of a bus under a permit for the exemption under section 18(a) of this Act to apply are that the bus—

(a) is being used by a body to whom a permit has been granted under this section;

(b) is not being used for the carriage of members of the general public nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit;

(c) is being used in every respect in accordance with any conditions attached to the permit; and

(d) is not being used in contravention of any provision of regulations made under section 21 of this Act.

(3) A permit in relation to the use of a small bus may be granted by a body designated by an order under subsection (7) below either to itself or to any other body to whom, in accordance with the order, it is entitled to grant a permit.

(4) A permit in relation to the use of a small bus may be granted by a traffic commissioner to any body appearing to him to be eligible in accordance with subsection (8) below and to be carrying on in his area an activity which makes it so eligible.

(5) A permit in relation to the use of a large bus may be granted by a traffic commissioner to any body which assists and co-ordinates the activities of bodies within his area which appear to him to be concerned with—

(a) education;

(b) religion;

(c) social welfare; or

(d) other activities of benefit to the community.

(6) A traffic commissioner shall not grant a permit in relation to the use of a large bus unless satisfied that there will be adequate facilities or arrangements for maintaining any bus used under the permit in a fit and serviceable condition.

(7) The Secretary of State may by order designate for the purpose of this section bodies appearing to him to be eligible in accordance with subsection (8) below and, with respect to any body designated by it, any such order—

(a) shall specify the classes of body to whom the designated body may grant permits;

(b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either generally or in such cases as may be specified in the order, unless there are attached to the permit such conditions as may be so specified; and

(c) may require the body to make returns with regard to the permits granted by it.

(8) A body is eligible in accordance with this subsection if it is concerned with—

(a) education;

(b) religion;

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) social welfare;
(d) recreation; or
(e) other activities of benefit to the community.

(9) A body may hold more than one permit but may not use more than one bus at any one time under the same permit.

Modifications etc. (not altering text)
C19 S. 19(7): transfer of functions (1.7.1999) by S.I. 1999/672, art. 2, **Sch. 1**
S. 19(7): transfer of functions (1.7.1999) by S.I. 1999/1750, art. 2, **Sch. 1** (with art. 7)

20 Further provision with respect to permits under section 19.

(1) Subject to subsection (2) below, a permit shall specify the body to whom it is granted.

(2) A permit may be granted to a named individual on behalf of a body if, having regard to the nature of that body, it appears to the traffic commissioner or body granting the permit appropriate to do so.

(3) Where a permit is granted to a named individual on behalf of a body, it shall be treated for the purposes of this section and section 19 of this Act as granted to that body.

(4) In addition to any conditions attached to such a permit by virtue of section 19(7)(b) of this Act, the traffic commissioner or other body granting such a permit may attach to it such conditions as he or that body considers appropriate, including, in particular, conditions—
(a) limiting the passengers who may be carried in any bus used under the permit to persons falling within such classes as may be specified in the permit; and
(b) with respect to such other matters as may be prescribed.

(5) Subject to subsection (6) below, a permit may be varied or revoked—
(a) by the traffic commissioner or body who granted it; and
(b) in the case of a permit granted by a body designated under section 19(7) of this Act, after consultation with that body, by the traffic commissioner for any traffic area in which any bus has been used under the permit.

(6) A permit may not be varied so as to substitute another body for the body to whom it was granted.

(7) A permit shall remain in force until—
(a) it is revoked under subsection (5) above; or
(b) in the case of a permit granted by a body designated under section 19(7) of this Act, that body ceases to be so designated.

21 Permits under section 19: regulations.

(1) Regulations may prescribe—
(a) the conditions to be fulfilled by any person driving a bus while it is being used under a permit;
(b) the conditions as to fitness which are to be fulfilled by any small bus used under a permit;

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(c) the form of permits; and

(d) the documents, plates and marks to be carried by any bus while it is being used under a permit and the manner and position in which they are to be carried.

(2) Where regulations are made by virtue of subsection (1)(b) above, section 6 of the 1981 Act (certificate of initial fitness for public service vehicles) shall not apply in relation to any small bus subject to the regulations.

(3) Regulations under this section may contain such transitional provisions as the Secretary of State thinks fit.

22 Community bus permits.

(1) In this section and section 23 of this Act—

"community bus service" means a local service provided—

(a) by a body concerned for the social and welfare needs of one or more communities;

(b) without a view to profit, either on the part of that body or of anyone else; and

(c) by means of a vehicle adapted to carry more than eight but not more than sixteen passengers; and

"community bus permit" means a permit granted under this section in relation to the use of a public service vehicle—

(a) in providing a community bus service; or

(b) in providing a community bus service and (other than in the course of a local service) carrying passengers for hire or reward where the carriage of those passengers will directly assist the provision of the community bus service by providing financial support for it.

(2) A community bus permit may be granted by the traffic commissioner for the area in which the operating centre for any vehicle used under the permit will be.

(3) A traffic commissioner shall not grant a community bus permit unless he is satisfied that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition any vehicle used under the permit.

(4) A body may hold more than one community bus permit but may not use more than one vehicle at any one time under the same permit.

23 Further provision with respect to community bus permits.

(1) The requirements mentioned in subsection (2) below shall be conditions of every community bus permit and shall apply in relation to any use of a vehicle under such a permit.

(2) Those requirements are that—

(a) the driver receives no payment for driving except—

(i) reimbursement of any reasonable expenses incurred by him in making himself available to drive; and

(ii) an amount representing any earnings lost as a result of making himself available to drive in exceptional circumstances;

(b) the driver either holds **[**[F26]a passenger-carrying vehicle driver's licence **[**[F27]or PCV Community licence**]]** (within the meaning of Part IV of the Road

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Traffic Act 1988) **[**[F28]or**]** a public service vehicle driver's licence **[**[F27]or PCV Community licence**]** or fulfils any conditions prescribed in relation to a person driving a vehicle which is being used under a community bus permit; and

(c) any vehicle used under the permit fulfils any prescribed conditions of fitness for such use.

(3) A traffic commissioner may at any time attach to a community bus permit granted by him such conditions (or additional conditions) of a prescribed description as he thinks fit for restricting or regulating the use of any vehicle under the permit.

(4) The traffic commissioner by whom a community bus permit was granted may at any time while the permit is in force vary or remove any condition attached to it under subsection (3) above.

(5) Subject to section 68(3) of the 1981 Act (as applied by section 127(4) of this Act), if a condition attached to a community bus permit is contravened, the holder of the permit shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(6) The traffic commissioner by whom a community bus permit was granted may at any time revoke the permit on the ground—

(a) that he is no longer satisfied with respect to the adequacy of facilities or arrangements for maintaining in a fit and serviceable condition any vehicle used under the permit;

(b) that there has been a contravention of any condition attached to the permit; or

(c) that a prohibition under section 9 of the 1981 Act (power to prohibit driving of unfit public service vehicles) has been imposed with respect to a vehicle used under the permit which has its operating centre in his area.

(7) Where regulations are made by virtue of subsection (1)(c) above, section 6 of the 1981 Act (certificate of initial fitness for public service vehicles) shall not apply in relation to any vehicle subject to the regulations.

(8) Regulations may prescribe—

(a) the form of community bus permits; and

(b) the documents, plates and marks to be carried by any vehicle while it is being used under a community bus permit and the manner and position in which they are to be carried.

Textual Amendments

F26 Words from "a passenger-carrying" to "1988) or" inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 5**

F27 Words in s. 23(2)(b) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, regs. 1(2)(a)(iii)(b), 4, **Sch. 3 para. 2**

F28 Words "or a public service vehicle driver's licence" repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Further amendments with respect to PSV operators' licences

24 Limit on number of vehicles to be used under a restricted licence.

(1) In section 16 of the 1981 Act (conditions attached to PSV operators' licences)—

(a) the following subsection shall be inserted after subsection (1)—

"(1A) In the case of a restricted licence, the number specified as the maximum in any condition imposed under subsection (1) above shall not, except in any prescribed case or class of case, exceed two.";

(b) in subsection (8) of that section (power of traffic commissioner to dispense temporarily with conditions attached under that subsection), after the words "under this section" there shall be inserted the words "(other than a condition so attached under subsection (1A) above)"; and

(c) in subsection (9) of that section (limited effect of conditions attached under subsection (1)), after the words "subsection (1)" there shall be inserted the words "or (1A)".

[F29](2) . . . . . .

Textual Amendments

F29 S. 24(2) repealed (1.1.1996) by 1994 c. 40, s. 81, **Sch. 17**; S.I. 1995/2835, **art. 2**

25 Objections to application for PSV operator's licence.

After section 14 of the 1981 Act (grant of licences) there shall be inserted the following section—

"**14A Objections to application for PSV operator's licence.**

(1) Where an application is made for the grant of a PSV operator's licence under this Act, any chief officer of police or local authority may object to the grant of the licence on the ground that one or more of the requirements mentioned in section 14(1) and (3) of this Act are not satisfied in relation to the application.

(2) An objection under this section shall be made within the prescribed time and in the prescribed manner and shall contain particulars of the ground on which it is made.

(3) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.

(4) In this section "local authority" means—

(a) in England and Wales, the council of a county, district or London borough or the Common Council of the City of London or a Passenger Transport Executive; and

(b) in Scotland, a regional or islands council.

(5) This section does not apply in relation to any application for a special licence (within the meaning of section 12 of the Transport Act 1985)."

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

26 Conditions attached to PSV operator's licence.

(1) Where it appears to a traffic commissioner, in relation to a person ("the operator") to whom he has granted or is proposing to grant a PSV operator's licence, that—

(a) the operator has failed to operate a local service registered under section 6 of this Act; or

(b) the operator has operated a local service in contravention of that section **[**[F30]or section 118(4) or 129(1)(b) of the Transport Act 2000;**][**[F31]or section 8(4) or section 22(1)(b) of the Transport (Scotland) Act 2001**][**[F32]; or

(ba) the operator has failed to comply with section 138 or 140(3) of **[**[F33]the Transport Act 2000**]**; or

[[F34]; or

(bb) the operator has failed to comply with section 32(1) or 34(3) of the Transport (Scotland) Act 2001;**]**

(c) the arrangements for maintaining the vehicles used under the licence in a fit and serviceable condition are not adequate for the use of those vehicles in providing the local service or services in question; or

(d) the operator, or any employee or agent of his, has—

(i) intentionally interfered with the operation of a local service provided by another operator;

(ii) operated a local service in a manner dangerous to the public; or

(iii) been guilty of any other serious misconduct (whether or not constituting a criminal offence) in relation to the operation of a local service; or

(e) a condition attached under section 8 of this Act to the operator's licence has been contravened;

he may (on granting the licence or at any later time) attach to it either a condition prohibiting the operator from using vehicles under the licence to provide any local service of a description specified in the condition or one prohibiting him from so using vehicles to provide local services of any description.

(2) The commissioner may attach a condition to a PSV operator's licence under subsection (1) above, by reference to circumstances falling within paragraph (a) or (b) of that subsection if, but only if, it appears to him that the operator did not have a reasonable excuse for his conduct or that it is appropriate to attach the condition in view of—

(a) the danger to the public involved in the operator's conduct; or

(b) the frequency of conduct of the kind in question on the part of the operator.

(3) Where the effect of a condition attached to a PSV operator's licence under subsection (1) above is that the operator of a local service registered under section 6 of this Act is prohibited from using vehicles under the licence to provide that service, the traffic commissioner attaching the condition may—

(a) cancel the registration; or

(b) where the service is registered with another traffic commissioner, direct that it be cancelled.

(4) Where a direction is given under subsection (3)(b) above, it shall be the duty of the traffic commissioner with whom the service is registered to cancel the registration.

(5) Where it appears to the commissioner that—

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(a) vehicles used under the licence (or under any PSV operator's licence previously held by the operator) have not been maintained in a fit and serviceable condition; or

(b) the operator has been involved in arrangements with any other operator for the use of each other's vehicles with a view to hindering enforcement of any requirements of the law relating to the operation of those vehicles;

he may (on granting the licence or at any later time) attach to the licence a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.

(6) A condition attached to a licence under subsection (5) above shall—

(a) apply only to vehicles which have their operating centre in the traffic area for which the commissioner acts; and

(b) be in addition to (and not be taken as prejudicing in any way) any conditions attached to the licence under section 16 of the 1981 Act as to the maximum number of vehicles which the operator may at any one time use under the licence.

Textual Amendments

F30 Words in s. 26(1)(b) inserted (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by 2000 c. 38, s. 161, **Sch. 11 para. 10(1)(2)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 11**; S.I. 2001/3342, art. 2, **Sch.**

F31 Words in s. 26(1)(b) inserted (25.7.2001) by S.I. 2001/2748, **art. 3(1)(2)**

F32 S. 26(1)(ba) and the word "or" at the end of para. (b) inserted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by 2000 c. 38, s. 161, **Sch. 11 para. 10(1)(3)**; S.I. 2001/57, art.3(2), **Sch. 3 Pt. I** (subject to savings in Sch. 3 Pt. II (as amended by S.I. 2001/115, **art. 3**)); S.I. 2001/2788, art. 2, **Sch. 1 para. 11**

F33 Words in s. 26(1)(ba) substituted (25.7.2001) by S.I. 2001/2748, **art. 3(1)(3)**

F34 S. 26(1)(bb) and the word "or" inserted (25.7.2001) by S.I. 2001/2748, **art. 3(1)(4)**

Modifications etc. (not altering text)

C20 S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

27 Supplementary provisions with respect to conditions attached to PSV operator's licence under section 26.

(1) Before attaching any condition to a PSV operator's licence under section 26 of this Act, a traffic commissioner shall hold an inquiry if he has, within the prescribed period, received a request for an inquiry from the holder of, or (as the case may be) applicant for, the licence.

(2) Subsection (1) above shall not apply where the traffic commissioner is satisfied that the condition should be attached without delay.

(3) Where, in reliance on subsection (2) above, a traffic commissioner attaches any such condition to a PSV operator's licence without first holding an inquiry, he shall hold one as soon as is reasonably practicable if the holder of the licence has, before the end of such period as may be prescribed, asked him to do so.

(4) For the purposes of section 16(5) of the 1981 Act (traffic commissioner's power to vary or remove conditions attached under section 16(3) of that Act to a PSV operator's licence), a condition attached under section 26 of this Act shall be treated as attached under section 16(3) of that Act.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(5) Nothing in section 26 shall be taken as prejudicing the generality of the power under that Act to prescribe descriptions of conditions for the purposes of section 16(3) of that Act.

Modifications etc. (not altering text)
C21 S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

28 Power to disqualify PSV operators.

(1) Where the traffic commissioner for any traffic area revokes a PSV operator's licence, he may order the former holder to be disqualified, indefinitely or for such period as he thinks fit, from holding or obtaining a PSV operator's licence.

(2) So long as a disqualification imposed under subsection (1) above is in force with respect to any person,

[[F35](a) any PSV operator's licence held by him at the date of the making of the order under subsection (1) above (other than the licence revoked) shall be suspended (that is, shall remain in force subject to the limitation that no vehicles are authorised to be used under it); and

(b) notwithstanding section 14(4) of the 1981 Act, no PSV operator's licence may be granted to him.**]**

[[F36](2A) If a person obtains a PSV operator's licence while he is disqualified under subsection (1) above, the licence shall be void.**]**

(3) An order under subsection (1) above may be limited so as to apply only to the holding or obtaining of a PSV operator's licence in respect of the area of one or more specified traffic commissioners and, if the order is so limited, subsection (2) above shall apply only to any PSV operator's licence to which the order applies.

(4) Where a traffic commissioner makes an order under subsection (1) above with respect to any person, he may direct that if that person, at any time during such period as he may specify—

(a) is a director of, or holds a controlling interest in—

(i) a company which holds a licence of the kind to which the order applies; or

(ii) a company of which a company which holds such a licence is a subsidiary; or

(b) operates any public service vehicles in partnership with a person who holds such a licence;

the powers under section 17(2) of the 1981 Act (revocation, suspension, etc., of PSV operators' licences) shall be exercisable in relation to that licence by the traffic commissioner by whom it was granted.

(5) The powers conferred by this section in relation to the person who was the holder of a licence shall be exercisable also—

(a) where that person was a company, in relation to any officer of that company; and

(b) where that person operated the vehicles used under the licence in partnership with other persons, in relation to any of those other persons**[**[F37]and any

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

reference in subsection (6A) below to subsection (1) above or to subsection (4) above includes that subsection as it applies by virtue of this subsection.**]**

(6) A traffic commissioner shall not make any such order or give any such direction without first holding an inquiry if any person affected by the proposed order or direction requests him to do so.

[[F38](6A) The traffic commissioner by whom any order disqualifying a person was made under subsection (1) above may at any time—

(a) cancel that order together with any direction that was given under subsection (4) above when the order was made;

(b) cancel any such direction; or

(c) with the consent of the person disqualified, vary the order or any such direction (or both the order and any such direction).**]**

(7) For the purposes of this section a person holds a controlling interest in a company if he is the beneficial owner of more than half its equity share capital.

Textual Amendments

F35 Paras. (a) and (b) substituted for words in s. 28(2) (3.1.1995) by 1995 c. 40, **s. 67(2)**; S.I. 1994/3188, **arts. 2**, 3(1)

F36 S. 28(2A) inserted (3.1.1995) by 1994 c. 40, **s. 67(3)**; S.I. 1994/3188, **arts. 2**, 3(1)

F37 Words in s. 28(5) added (3.1.1995) by 1994 c. 40, **s. 67(4)**; S.I. 1994/3188, **arts. 2**, 3(1)

F38 S. 28(6A) inserted (3.1.1995) by 1994 c. 40, **s. 67(5)**; S.I. 1994/3188, **arts. 2**, 3(1)

Modifications etc. (not altering text)

C22 S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

29 Duty to give Secretary of State information about certain matters.

In subsections (1) and (2) of section 20 of the 1981 Act (which require the holder of a PSV operator's licence to inform the traffic commissioners of certain kinds of failure of, or damage or alteration to, a public service vehicle owned by him), for the words "traffic commissioners who granted the licence" there shall be substituted the words "Secretary of State".

Modifications etc. (not altering text)

C23 S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

30 Plying for hire by large public service vehicles.

(1) A public service vehicle which is adapted to carry more than eight passengers shall not be used on a road in plying for hire as a whole.

(2) Subject to section 68(3) of the 1981 Act (as applied by section 127(4) of this Act), if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Modifications etc. (not altering text)

C24 S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

31 Appeals under the 1981 Act.

For sections 50 and 51 of the 1981 Act (appeals) there shall be substituted the following sections—

"50 Appeals to the Transport Tribunal.

(1) An applicant for the grant of a PSV operator's licence under this Act may appeal to the Transport Tribunal against any decision of the traffic commissioner—

(a) to refuse to grant the licence in accordance with the application; or

(b) to attach any condition to the licence otherwise than in accordance with the application.

(2) Where a person who has applied for a new PSV operator's licence in substitution for a licence held by him and in force at the date of his application appeals to the Transport Tribunal under subsection (1) above, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.

(3) Where an application for a PSV operator's licence is granted under this Act and a person who duly made an objection to the grant under section 14A of this Act is aggrieved by the grant of the licence he may appeal to the Transport Tribunal.

(4) The holder of a PSV operator's licence may appeal to the Transport Tribunal against any decision of the traffic commissioner—

(a) to refuse his application for the variation or removal of any condition attached to the licence;

(b) to vary any such condition, or to attach any new condition to the licence, otherwise than on his application; or

(c) to revoke or suspend the licence or to curtail its period of validity.

(5) Where—

(a) the holder of a PSV operator's licence in respect of which an order or direction has been made or given under section 28 of the Transport Act 1985 (power to disqualify PSV operators); or

(b) any person in respect of whom any such order or direction has been made or given;

is aggrieved by the order or direction he may appeal to the Transport Tribunal.

(6) The traffic commissioner—

(a) making any such decision with respect to a licence as is mentioned in subsection (4)(b) or (c) above;

(b) making any such order or giving any such direction as is mentioned in subsection (5) above;

may, if the holder of the licence or any such person as is mentioned in subsection (5)(b) above so requests, direct that his decision shall not have effect

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

until the expiration of the period within which an appeal against it may be made to the Transport Tribunal and, if an appeal is made, until it is disposed of.

(7) Where a traffic commissioner has given a direction under subsection (6) above he may withdraw it at any time.

(8) If the traffic commissioner refuses to give a direction under subsection (6) above or withdraws such a direction, the person requesting it may apply for such a direction to the Transport Tribunal and the Transport Tribunal shall give their decision on the application within fourteen days.

(9) This section does not apply in relation to conditions attached to a PSV operator's licence under section 8 of the Transport Act 1985 (enforcement of traffic regulation conditions).

51 Appeals to the Secretary of State.

(1) A person applying for—

(a) a certificate of initial fitness under section 6 of this Act; or

(b) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;

may appeal to the Secretary of State against the refusal of a certifying officer to issue such a certificate.

(2) Where the refusal by a certifying officer or public service vehicle examiner to remove a prohibition under subsection (1) of section 9 of this Act (including a prohibition under that subsection as it applies by virtue of section 9A of this Act) has been referred to a certifying officer ("the referee") under subsection (8) of that section by a traffic commissioner, any person aggrieved by the refusal of the referee to remove the prohibition may appeal to the Secretary of State.

(3) An appeal under this section must be made within the prescribed time and in the prescribed manner; and provision may be made by regulations as to the procedure to be followed in connection with such appeals.

(4) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against, and may give such directions as he thinks fit to the certifying officer for giving effect to his decision; and it shall be the duty of the certifying officer to comply with any such directions."

Modifications etc. (not altering text)
C25 S. 31 excluded by S.I. 1986/1450, **art. 3(2)**

Miscellaneous

32 Repeal of sections 28, 47 and 48 of the 1981 Act.

F39 . . . . . .

Status: *Point in time view as at 21/07/2008.*
Changes to legislation: *Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

Textual Amendments

F39 S. 32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

33 Extension of safety controls to certain passenger vehicles other than public service vehicles.

The following section shall be inserted in the 1981 Act after section 9 (prohibition on driving unfit public service vehicle following inspection under section 8)—

"9A Extension of sections 8 and 9 to certain passenger vehicles other than public service vehicles.

(1) Section 8 of this Act shall apply, with the omission of subsection (1)(b), to any motor vehicle (other than a tramcar) which is adapted to carry more than eight passengers but is not a public service vehicle as it applies to a public service vehicle.

(2) Section 9 of this Act shall apply to any such motor vehicle as it applies to a public service vehicle with the omission of subsection (4)."

Status:
Point in time view as at 21/07/2008.

Changes to legislation:
Transport Act 1985, Part I is up to date with all changes known to be in force on or before 27 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.