



# Transport Act 1985

## 1985 CHAPTER 67

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Road passenger transport services in place of railway services*

#### **122 Revocation or variation of bus service conditions**

- (1) Subject to subsection (2) below, where an objection to a proposed withdrawal of service is lodged under section 121 of this Act, the Secretary of State shall not revoke or (as the case may be) vary the bus service condition in question until he has received from the appropriate Area Committee the report required by subsection (3) of that section and any further report required by him under subsection (4) of that section.
- (2) If in any case the Secretary of State considers that any such report has been unreasonably delayed he may, after consulting the committee concerned and making such enquiries as he thinks fit, revoke or vary the condition without waiting for the report.
- (3) Where a statement opposing the proposed withdrawal is lodged by the Executive for a passenger transport area under section 121 of this Act, the Secretary of State shall have regard to that statement in determining whether to revoke or vary the bus service condition in question.
- (4) In any case within subsection (1) or (3) above the Secretary of State shall have regard, in determining whether to revoke or vary the bus service condition in question, to any matters which for the time being appear to him to be relevant, including any social or economic considerations, and shall not revoke or vary the condition in accordance with the Board's proposals—
  - (a) unless he is satisfied that a reasonable opportunity has been afforded for the making to him of representations with respect to the proposed withdrawal of service by or on behalf of employees of the Board affected by that withdrawal;
  - or

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*Status: This is the original version (as it was originally enacted).*

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- (b) before he has considered any representations made while that opportunity remains available which he is satisfied are either made by such employees or made on behalf of such employees by an organisation appearing to him to represent such employees.
- (5) The reference in subsection (4)(a) above to employees of the Board affected by the withdrawal of service is a reference to persons who are employed by the Board for the purposes of, or in connection with, the service in question and who appear to the Secretary of State to be likely to be directly affected by the withdrawal of service.
- (6) In any case other than one within subsection (1) or (3) above the Secretary of State shall revoke or vary the bus service condition in question in accordance with the Board's proposals if he is satisfied that adequate notice of those proposals was given in the notice published under section 120(1) of this Act in relation to the proposed withdrawal of service.
- (7) Where in any case within subsection (1) or (3) above the Secretary of State revokes a bus service condition—
  - (a) he may do so subject to such conditions as he thinks fit, including a condition requiring the Railways Board to secure the provision of an alternative service for the carriage of passengers by road; and
  - (b) he may from time to time give such directions to the Board as he thinks fit in connection with the withdrawal of the bus substitution service required by that condition;and, subject to section 119(4) of this Act, a condition imposed under paragraph (a) above may at any time be varied or revoked by the Secretary of State.