

## SCHEDULES

### SCHEDULE 5

#### TRANSITIONAL PROVISIONS AND SAVINGS

##### *London bus services*

- 10 (1) Notwithstanding any repeal made by this Act, sections 23A and 23B of the 1969 Act (right of appeal where Executive refuses to make or vary an agreement authorising a London bus service)—
- (a) shall continue to apply in relation to any appeal made in accordance with section 23A which has not been determined or withdrawn before the appointed day and in relation to any appeal under section 23B from the decision of the Secretary of State on any such appeal under section 23A ; and
  - (b) subject to sub-paragraph (2) below, shall continue to authorise appeals to be brought on or after that day against a refusal or failure on the part of London Regional Transport to enter into an agreement to vary the terms of an agreement made under section 23(2) of that Act for the time being subsisting between any person and London Regional Transport.
- (2) Sub-paragraph (1)(b) above only applies to any agreement under section 23(2) which is in force immediately before the appointed day or is entered into by London Regional Transport in pursuance of any order made by the Secretary of State on any appeal to which sub-paragraph (1)(a) above applies.
- (3) Notwithstanding any repeal made by this Act, but subject to sub-paragraph (4) below, paragraphs 4 to 13 of Schedule 4 to the 1969 Act (provisions with respect to consents for London bus services continued in force or granted under that Schedule) shall continue to apply in relation to—
- (a) any consent continued in force or granted under that Schedule which is in force immediately before the appointed day ; and
  - (b) any application for the grant of a consent under paragraph 4 or 5 of that Schedule (consents as of right for certain successors in title) which has not been determined before the appointed day and any consent granted (or deemed by virtue of paragraph 6 of that Schedule to have been granted) in pursuance of any such application.
- (4) A consent continued in force or granted under Schedule 4 to the 1969 Act may not be renewed under paragraph 8(1) of that Schedule except on an application made before the appointed day.
- (5) Where on the date when any agreement to which sub-paragraph (1)(b) above applies would apart from this sub-paragraph expire there is pending in relation to that agreement any such appeal as is mentioned in that sub-paragraph, that agreement shall not cease to be in force until the appeal is determined or withdrawn.
- (6) Where on the date when any consent within sub-paragraph (3)(a) or (b) above would apart from this sub-paragraph expire there is pending in relation to that consent—

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- (a) any appeal under paragraph 7 or 9 of that Schedule (including paragraph 9 as applied by paragraph 10) ; or
  - (b) any appeal under paragraph 12 of that Schedule against the cancellation of that consent under that paragraph ;
- that consent shall not cease to be in force until the appeal is determined or withdrawn.
- (7) In any provision of the 1969 Act which by virtue of this paragraph continues to apply for any purpose after the appointed day, references to the Executive shall be read as references to London Regional Transport.
- (8) So far as relates to the purposes of section 23A of the 1969 Act as that section applies by virtue of this paragraph, section 248 of the Road Traffic Act 1960 (power of Secretary of State to hold inquiries) shall have effect as if the repeal made by this Act of words referring to section 23A had not been made.
- 11 (1) This paragraph applies to—
- (a) any agreement under section 23(2) of the 1969 Act to which paragraph 10(1) (b) above applies ; and
  - (b) any consent within paragraph 10(3)(a) or (b) above.
- (2) Subject to sub-paragraph (3) below, any agreement or consent to which this paragraph applies shall be treated for the purposes of this paragraph as remaining in force for an additional period of one month beginning with the day immediately following the date on which it expires (whether according to its terms or as extended by virtue of paragraph 10(5) or (6) above).
- (3) Sub-paragraph (2) above does not apply where in a case within paragraph 10(6)(b) above the cancellation of the consent takes effect on the determination of the appeal.
- (4) So long as any agreement or consent to which this paragraph applies remains in force, any person providing a London bus service in accordance with that agreement or consent shall be treated for the purposes of any reference in this or any other Act to any service or services provided in pursuance of an agreement entered into by virtue of section 3(2) of this Act (except the references in sections 8(a), 30(1)(a), 40(4)(b), and 51(3)(e) of this Act) as providing that service in pursuance of such an agreement (and shall accordingly be exempt by virtue of section 43(1) of this Act from the requirement of a road service licence in respect of that service and by virtue of subsection (2) of that section from the application to any such licence held by him which is within that subsection of any such condition as is there mentioned).
- (5) Subject to sub-paragraph (6) below, where at any time before any agreement or consent to which this paragraph applies ceases to be in force any person providing a London bus service in accordance with that agreement or consent applies to the metropolitan traffic commissioners for a road service licence in respect of that service, those commissioners shall grant that person a road service licence in accordance with paragraph 12 below.
- (6) Sub-paragraph (5) above does not apply in relation to a person providing a London bus service in accordance with a consent to which this paragraph applies where—
- (a) that consent has been cancelled under paragraph 12 of Schedule 4 to the 1969 Act; but
  - (b) the cancellation has not yet taken effect.
- (7) Where an application is made under sub-paragraph (5) above for a road service licence, as respects any period between the date on which the agreement or consent

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in question expires or (if later) the date of the application and the date of the grant of a road service licence in pursuance of the application—

- (a) a road service licence in the form applied for shall be regarded as having been granted to the applicant on the date of the making of the application ; and
- (b) sub-paragraph (4) above shall not apply to the agreement or consent in question.

(8) In this paragraph " metropolitan traffic commissioners " means the traffic commissioners for the Metropolitan Traffic Area.

- 12 (1) Subject to the following provisions of this paragraph, a road service licence granted on an application under paragraph 11(5) above in respect of a London bus service (referred to below in this paragraph as a concessionary licence) shall authorise the continuation of that service on the same terms and conditions as applied under the agreement or consent in question immediately before the date of that application.
- (2) Any terms or conditions as to fares, or the minimum or maximum fares, which might be charged for that service under that agreement or consent shall not apply to the licence.
- (3) The provisions of the Public Passenger Vehicles Act 1981 with respect to, and with respect to applications for and the grant of, road service licences are subject to the following provisions of this paragraph as they have effect in relation to, and in relation to an application for and the grant of, a concessionary licence.
- (4) Sections 31(2) to (4), 34 and 35 of that Act (considerations as to initial grant of licence) shall not apply in relation to an application for a concessionary licence.
- (5) Section 32(1) of that Act (attachment of conditions on granting licence) shall not apply on the grant of a concessionary licence, but any terms or conditions attached to any such licence by virtue of sub-paragraph (1) above may be altered or removed in accordance with that section and shall be treated for the purposes of subsection (5) of that section as attached under that section.
- (6) No condition as to fares shall be attached under section 33 of that Act to a concessionary licence at the time when it is granted.
- (7) The traffic commissioners granting a concessionary licence may not under section 37(2) of that Act determine that it shall continue in force only up to and including an earlier date than the one which would apply under that subsection apart from any such determination.