Transport Act 1985

1985 CHAPTER 67

PART VI

MISCELLANEOUS AND GENERAL

Competition law: bus services and bus stations

114 Monopoly references with respect to bus services

(1) In section 11 of the Competition Act 1980 (references of public bodies and certain other persons subject to statutory controls to the Monopolies and Mergers Commission), in subsection (3) (which lists the persons who may be the subject of such a reference)—

(a) for paragraph (b) (any person not within paragraph (a) providing a bus service within the meaning of certain enactments) there shall be substituted the following paragraph—

"(b) any person (not falling within paragraph (a) above) who provides in Northern Ireland a bus service within the meaning of section 14 of the Finance Act (Northern Ireland) 1966 ; or"; and

(b) in paragraph (bb), for the words " last-mentioned Act " there shall be substituted the words " London Regional Transport Act 1984 ".

(2) In Part I of Schedule 5 to the Fair Trading Act 1973 (which lists certain goods and services in respect of which references under section 14 of that Act to the Consumer Protection Advisory Committee or under section 50 or 51 of that Act to the Monopolies and Mergers Commission are excluded or, as the case may be, subject to restrictions not applicable in other cases)—

(a) for paragraph 4 (which at the passing of this Act refers to the carriage of passengers by road or rail) there shall be substituted the following paragraph—

"4. The carriage of passengers by road in Northern Ireland"; and

(b) in paragraph 5 (which at the passing of this Act refers to the carriage of goods by rail), after the word " goods " there shall be inserted the words " or passengers ".

(3) In paragraph 15(1) of Schedule 6 to the London Regional Transport Act 1984, paragraph (a) (amendment of section 11(3)(b) of the Competition Act 1980) shall be omitted.

115 Application of Restrictive Trade Practices Act 1976 to agreements between road passenger transport operators

(1) In paragraph 4 of the Schedule to the Restrictive Trade Practices (Services) Order 1976 (which excepts certain agreements between road passenger transport operators from the agreements which by virtue of Article 3 of the Order are agreements to which the Restrictive Trade Practices Act 1976 applies)—

(a) in sub-paragraph (1) there shall be substituted for the words " of stage carriages or express carriages or both " the words " in Northern Ireland, or in Northern Ireland and the Republic of Ireland, of services, using one or more public service vehicles (within the meaning of the Public Passenger Vehicles Act 1981), for the carriage of passengers by road at separate fares." ; and

(b) sub-paragraph (2) shall be omitted.

(2) That Act shall have effect in relation to any agreement (within the meaning of that Act) made before this section comes into force as if the variation of that Order made by subsection (1) above had been made by an order under section 11 of that Act coming into force on the date on which this section comes into force.

116 Use of bus stations: monopolies, anti-competitive practices and restrictive trade practices

(1) In subsection (3) of section 137 of the Fair Trading Act 1973 (which defines " the supply of services " for the purposes of that Act and, by virtue of section 33(2) of the Competition Act 1980, for the purposes also of sections 2 to 24 of the latter Act) there shall be inserted after paragraph (c)—

"and

(d) includes the making of arrangements for the use by public service vehicles (within the meaning of the Public Passenger Vehicles Act 1981) of a parking place which is used as a point at which passengers on services provided by means of such vehicles may be taken up or set down."

(2) In section 20 of the Restrictive Trade Practices Act 1976 (interpretation of the Part of the Act dealing with services) there shall be inserted after paragraph (b) in the definition of " services —

"and

(c) includes arrangements for the use by public service vehicles (within the meaning of the Public Passenger Vehicles Act 1981) of a parking place which is used as a point at which passengers on services provided by means of such vehicles may be taken up or set down."

(3) The Act of 1976 shall have effect in relation to any agreement (within the meaning of that Act) which—

(a) was made before the date on which this section comes into force; and

(b) becomes subject to registration under that Act on that date by virtue of the effect which an order under section 11 of that Act has as a result of the coming into force of this section;

as if it had become subject to registration by virtue of an order under sections 11 coming into force on that date.