



Transport Act 1985

1985 CHAPTER 67

PART VI

MISCELLANEOUS AND GENERAL

Road passenger transport services in place of railway services

118 Railways Board's road passenger transport services

- (1) After section 4 of the 1962 Act (Railways Board's road services) there shall be inserted the following section—

“4A Railways Board's road passenger transport services.

- (1) Subject to this section, the Railways Board shall have power to secure the provision by other persons of services for the carriage of passengers by road where a railway service has been temporarily interrupted, or has been discontinued.
- (2) The route (and stopping places) of any such service provided where a railway service has been discontinued need not correspond precisely with the route of the discontinued service (even where it is practicable to do so), so long as the service so provided broadly corresponds with the discontinued service, in terms of the localities it serves.
- (3) Subsection (2) above is not to be taken as prejudicing the power of the Board under subsection (1) above to secure the provision of a service which deviates in any respect from the route of a railway service which has been interrupted or discontinued where it is not practicable for a service by road to correspond precisely to the railway service in question.
- (4) Before entering into any agreement in pursuance of subsection (1) above for the provision by any other person of a service for the carriage of passengers by road in a case where a railway service has been discontinued, the Board

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shall invite other persons to submit tenders to provide that service for such period and on such basis as may be specified in the invitation to tender.

- (5) Subsection (4) above shall not apply in relation to an agreement for the provision of such a service on a temporary basis in a case where a service for the carriage of passengers by road provided under an agreement entered into by the Board in pursuance of subsection (1) above has been temporarily interrupted.
- (6) Nothing in subsection (4) above shall be read as requiring the Board to accept any tender submitted in response to an invitation to tender issued under that subsection.
- (7) The Railways Board may not under this section secure the provision by any person of a service for the carriage of passengers by road provided otherwise than by means of public service vehicles or licensed taxis.
- (8) The Railways Board may not themselves directly provide services for the carriage of passengers by road.
- (9) In this section—
 - (a) " licensed taxi " means—
 - (i) in England and Wales, a vehicle licensed under section 37 of the Town Police Clauses Act 1847 or section 6 of the Metropolitan Public Carriage Act 1869 or under any similar enactment; and
 - (ii) in Scotland, a taxi licensed under section 10 of the Civic Government (Scotland) Act 1982 ; and
 - (b) " stopping place " means a point at which passengers are taken up or set down in the course of the service in question."
- (2) Section 4 of the 1962 Act shall cease to apply in relation to services for the carriage of passengers by road ; and, accordingly, in that section—
 - (a) in subsection (1)—
 - (i) in paragraph (a), sub-paragraph (iii) and the words " and passengers " shall be omitted ; and
 - (ii) in paragraph (b) (Board's power to exercise powers conferred by the Railway Road Transport Acts of 1928), after the word " exercise " there shall be inserted the words " in relation to the carriage of goods by road ";
 - (b) subsection (5) (nothing in that section to authorise Board to use hackney carriages plying or standing for hire) shall be omitted ; and
 - (c) in subsection (6) (exclusion of Board's power to provide road transport services apart from that section) the words " or passengers " shall be omitted.

119 Bus substitution services and bus service conditions

- (1) This section applies where the Secretary of State imposes a condition requiring the Railways Board to secure the provision of an alternative service for the carriage of passengers by road—
 - (a) under section 54(5) of the 1968 Act, in giving his consent to the discontinuance by the Board of all railway passenger services from any station or on any line (referred to below in this section as a closure); or

- (b) under section 122 of this Act, in revoking any previous condition to that effect (whether imposed as mentioned in paragraph (a) above or imposed under section 122);

and any such service required by a condition so imposed is referred to below in this Act as a bus substitution service.

- (2) In any such case the Board shall secure the provision of the bus substitution service in exercise of their powers under section 4A of the 1962 Act (provision of road passenger transport services where a railway service has been interrupted or discontinued); and subsection (2) of that section (which makes provision with respect to the route and stopping places of any service provided on discontinuance of a railway service) shall be subject to the condition requiring the bus substitution service and to any other condition imposed by the Secretary of State in connection with the closure or (as the case may be) under section 122 of this Act with respect to the operation of that service.
- (3) The Passenger Transport Executive for any passenger transport area may enter into agreements with the Railways Board under which the Executive make payments to the Board in respect of the cost incurred by the Board in securing the provision of any bus substitution service between places in the Executive's area or between such places and places outside that area but within the permitted distance for the purposes of section 10(1)(ii) of the 1968 Act as it applies to that Executive (that is to say, twenty-five miles from the nearest point on the boundary of that area).
- (4) The Secretary of State may not vary or revoke any condition imposed by him as mentioned in subsection (1)(a) or (b) above with respect to the provision or operation of a bus substitution service (referred to below in this Act as a bus service condition) except as provided below in this section.
- (5) A bus service condition requiring the Board to secure the provision of a bus substitution service may not be—
 - (a) revoked; or
 - (b) varied so as to permit the Board to withdraw the service from any locality or point for the time being specified in the condition as a locality or point the service is required to serve;

except in accordance with the procedure provided by sections 120 to 122 of this Act (which corresponds, with certain modifications, to the procedure applicable under section 56 of the 1962 Act in relation to a closure); but, subject to that, a bus service condition may at any time be varied or revoked by the Secretary of State.

120 Notice of withdrawal of bus substitution service

- (1) Where the Railways Board propose—
 - (a) to seek revocation of a bus service condition requiring them to secure the provision of a bus substitution service; or
 - (b) to seek variation of such a condition so as to permit them to withdraw any such service from any locality or point for the time being specified in the condition as a locality or point the service is required to serve;

they shall, not less than six weeks before the date they propose for the withdrawal of the service or (as the case may be) for the withdrawal of the service from that locality or point (referred to below in this Act as the withdrawal of service) publish in two successive weeks in two local newspapers circulating in the area affected, and in such

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other manner as appears to them appropriate, a notice complying with subsection (2) below.

- (2) The notice shall—
 - (a) give the date proposed by the Board for the withdrawal of service and particulars of the proposed withdrawal, of any alternative services which it appears to the Board will be available and of any proposals of the Board for securing the provision of alternative services or augmenting any available alternative services; and
 - (b) state that objections to the revocation or (as the case may be) to the variation of the bus service condition may be lodged in accordance with this section within six weeks of a date specified in the notice.
- (3) The date so specified shall be the date on which the notice is last published in a local newspaper as required by subsection CI) above.
- (4) Copies of the notice published under subsection (1) above shall be sent to the appropriate Area Committee.
- (5) Where the proposed withdrawal of service relates to a service or part of a service which is subsidised by the Passenger Transport Executive for any passenger transport area under any agreement made with the Railways Board by virtue of section 119(3) of this Act, the Board shall not publish a notice with respect to the proposed withdrawal under subsection (1) above without the consent of the Executive to its publication.
- (6) If in any such case the Board publish such a notice before obtaining that consent, the notice shall be of no effect unless before the end of the period fixed by the notice for objecting to the revocation or variation of the relevant bus service condition either—
 - (a) the Executive have informed the Board in writing that they consent to the publication; or
 - (b) the Secretary of State, on an application made for the purpose by the Board (whether before or after the publication of the notice) and after offering the Executive what the Secretary of State considers a reasonable opportunity to make any representations, has directed that the notice shall have effect notwithstanding that the Executive have not consented to its publication.
- (7) Where in the case of any proposed withdrawal of service subsection (5) above does not apply but any locality or point affected by the proposed withdrawal is situated in a passenger transport area, the Railways Board shall send to the Passenger Transport Executive for that area a copy of the notice published by them under subsection (1) above.

121 Objections to withdrawal of bus substitution service

- (1) Where a notice has been published by the Railways Board under section 120(1) of this Act, any user of any service affected and any body representing such users may within the period specified in the notice lodge with the appropriate Area Committee an objection in writing.
- (2) Where such an objection is lodged the committee shall immediately inform the Secretary of State and the Board.
- (3) A committee with whom an objection has been lodged under subsection (1) above shall consider the objection and any representations made by the Board and report to the Secretary of State as soon as possible on the hardship, if any, which they consider

will be caused by the proposed withdrawal of service, and the report may contain proposals for alleviating that hardship.

- (4) The Secretary of State may require a further report from any committee making a report to him under subsection (3) above.
- (5) Copies of every report under subsection (3) or (4) above shall be sent to the Central Committee and to the Board.
- (6) Where, in the case of any withdrawal of service to which section 120(5) or (7) of this Act applies, notice of the withdrawal has been published under subsection (1) of that section, the Executive concerned may, within the period specified in the notice for objecting to the withdrawal, lodge with the Secretary of State a statement in writing that they oppose the withdrawal and of their reasons for opposing it. The fact that the Executive concerned gave their consent to the publication of the notice shall not affect their right under this subsection to oppose the withdrawal of service.
- (7) Where the Executive for any passenger transport area lodge such a statement with the Secretary of State they shall send a copy of that statement to the Board.
- (8) References above in this section to a notice published under section 120(1) of this Act do not include a notice which under subsection (6) of that section is of no effect.

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
 - (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.

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- (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.

123 Supplementary and consequential provisions

- (1) For the purposes of sections 120 to 122 of this Act and this section—
- (a) "Area Committee" means an Area Transport Users Consultative Committee established under section 56 of the 1962 Act or, in relation to the London area, the London Regional Passengers' Committee ;
 - (b) the appropriate Area Committee is the Area Committee for the area in which any locality or point affected by the proposed withdrawal of service is situated; and
 - (c) " the Central Committee " means the Central Transport Consultative Committee for Great Britain established under section 56 of the 1962 Act.

In paragraph (a) above " the London area " means the area for which for the time being the London Regional Passengers' Committee act as an Area Transport Users Consultative Committee by virtue of section 41 of the London Regional Transport Act 1984.

- (2) Where objections with respect to any proposed withdrawal of service have been lodged with more than one Area Committee, the committees in question—
- (a) may report to the Secretary of State jointly under section 121 of this Act; or
 - (b) may agree that the consideration of objections and representations relating to the withdrawal and the making of a report to the Secretary of State shall be delegated to any of those committees appearing to them to be principally concerned;
- and references in sections 121 and 122 of this Act to a committee and to the appropriate Area Committee shall be read accordingly.
- (3) Section 54(1) of the 1962 Act (advance information about railway and shipping closures) shall apply in relation to plans of the Railways Board for withdrawals of

services (in the event of securing the necessary revocation or variation of the relevant bus service conditions) as it applies in relation to the Board's plans for closures.

- (4) The duty of the Central Committee and of each Area Committee (other than the London Regional Passengers' Committee) under section 56(4) of the 1962 Act (duty to consider and make recommendations with respect to certain matters) shall apply to any matter affecting bus substitution services as it applies to any matter affecting the services and facilities provided by the Railways Board.
- (5) References in sections 40 and 41 of the London Regional Transport Act 1984 (which deal with the functions of the London Regional Passengers' Committee) to services and facilities provided by the Railways Board or any subsidiary of theirs shall include references to bus substitution services.
- (6) Nothing in section 56(4) of the 1962 Act or section 40(4) of the London Regional Transport Act 1984, as it has effect by virtue of subsection (4) or (5) above in relation to matters affecting bus substitution services, shall entitle any committee to consider the charges made for any bus substitution service, or to consider any question relating to a withdrawal of service except as provided by section 121 of this Act.
- (7) Section 56(13) of the 1962 Act (public hearings) shall apply in relation to hearings for the purposes of section 121(3) of this Act as it applies in relation to hearings for the purposes of subsection (9) of section 56 (objections to closures).
- (8) In section 54(5) of the 1968 Act (power of Secretary of State to impose conditions in consenting to a closure)—
 - (a) at the beginning of paragraph (b) there shall be inserted the words " subject to section 119(4) of the Transport Act 1985 ";
 - (b) in paragraph (c), for the words from " as to the provision " to the end of the paragraph there shall be substituted the words " requiring the Railways Board to provide or (as the case may be) secure the provision of alternative services ; and ";
 - (c) in paragraph (d), the words from " and to the Bus Company " to " Scottish Group " shall be omitted ; and
 - (d) in the words following paragraph (d), the words from " or, where " to " jointly " and the words from " or, as the case may be " to the end shall be omitted.
- (9) Subsection (6) of that section shall be omitted, and in subsection (7), for the words " subsections (5) and (6) " there shall be substituted the words " subsection (5) ".
- (10) In this section " closure " has the same meaning as in section 119 of this Act.

124 Reimbursement of Board's expenses in securing bus substitution services

- (1) The Secretary of State may in respect of any period make grants to the Railways Board of such amounts as appear to him to be requisite for reimbursing the Board in respect of the net costs during that period of securing the provision of bus substitution services.
- (2) The amount of those costs during any period shall be taken to be an amount equal to the difference between—
 - (a) the reduction in financial burden of the Board; and
 - (b) the reduction in revenue of the Board;if the Board were not to secure the provision of those services during that period.

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- (3) Grants under this section require the approval of the Treasury and may be made subject to such conditions as the Secretary of State may, with the approval of the Treasury, think fit.