

**Changes to legislation:** Transport Act 1985, SCHEDULE 6 is up to date with all changes known to be in force on or before 09 April 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) View outstanding changes

SCHEDULES

SCHEDULE 6

E+W+S

Section 139(1).

TRANSITIONAL PROVISIONS AND SAVINGS

Road service licensing during transitional period

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Textual Amendments

F1 Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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F2

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Textual Amendments

F2 Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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F3

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Textual Amendments

F3 Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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F4

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Textual Amendments

F4 Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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Textual Amendments

F5 Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

Registration of local services outside London

6

(1) In paragraphs 7 to 12 below—

“local service” means a local service which is not a London local service;

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“road service licence” has the same meaning as in the 1981 Act; and

F6 .....

- (2) Section 135(3) of this Act shall not apply to any regulations made under paragraphs 7 to 11 below.
- (3) For the purposes of paragraph 8 below, a local service is improved if, but only if, there is any increase in—
- (a) the frequency of the service;
  - (b) the length of its route;
  - (c) the number of stopping places for the service; or
  - (d) the number of passengers which can be carried by the service taken as a whole.

#### Textual Amendments

**F6** [Sch. 6 para. 6\(1\)](#): definitions of "relevant authority" and "the transitional period" repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 14](#)

- 7 (1) Where an application for registration of the prescribed particulars of a local service falls within one of the Cases mentioned in sub-paragraph (2) below—
- (a) the traffic commissioner to whom the application is made shall register those particulars;
  - (b) they shall be deemed to have been registered with him under section 6 of this Act; and
  - (c) the period of notice (mentioned in section 6) in relation to that registration shall be deemed to have expired.

- (2) The Cases are—

#### Case A

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time before 1st March 1986; and
- (b) the prescribed requirements are satisfied in relation to the application.

#### Case B

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time after the grant of the licence mentioned in paragraph (b) below but before 14th September 1986;
- (b) a road service licence has been granted for that service at any time after 28th February 1986; and
- (c) the prescribed requirements are satisfied in relation to the application.

#### Case C

Where—

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- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 13th September 1986;
- (b) the particulars of the service are the same as those of a trial area service; and
- (c) the prescribed requirements are satisfied in relation to the application.

In this Case “trial area service” means a local service provided in a trial area (as defined by section 38 of the 1981 Act) and in respect of which the requirements of section 40 of that Act (duty to publish particulars of services in trial areas) have been satisfied.

#### Case D

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 25th October 1986;
  - (b) the application is supported in writing, in accordance with sub-paragraph (3) below, by an authority responsible for expenditure on public passenger transport services (as defined for Part V of this Act by section 88(8)); and
  - (c) the prescribed requirements are satisfied in relation to the application.
- (3) An authority of the kind mentioned in paragraph (b) of Case D shall give their support to an application in accordance with this sub-paragraph if, but only if, the local service in question is one—
- (a) which the operator has contracted with that authority to operate under an agreement providing for service subsidies; or
  - (b) for the provision of which that authority have issued an invitation to tender under section 89 of this Act and for which the person applying for registration of the particulars of the service has submitted a tender to provide the service without subsidy; or
  - (c) in respect of which the conditions mentioned in sub-paragraph (4) below are satisfied.
- (4) The conditions are that—
- (a) the service is to be operated by a person who has entered into an agreement with London Regional Transport (“LRT”) to operate it; and
  - (b) the authority has entered into an agreement or arrangement with LRT to contribute to the costs incurred by LRT in securing the service.

#### *Variation and cancellation of registrations during transitional period*

8

F7 .....

#### Textual Amendments

F7 Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

#### *Duty to notify relevant authorities of applications for registrations etc.*

9

F8 .....

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#### Textual Amendments

**F8** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

#### *Publication of information by traffic commissioner*

10 **F9** .....

#### Textual Amendments

**F9** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

#### *School buses*

11 **F10** .....

#### Textual Amendments

**F10** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

#### *Continuation of existing road service licences*

12 **F11** .....

#### Textual Amendments

**F11** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

#### *Traffic commissioners*

- 13 (1) The person who, immediately before the commencement of section 3 of this Act, was the chairman of the traffic commissioners for any traffic area shall be deemed to have been appointed by the Secretary of State (under section 4 of the 1981 Act as substituted by section 3 of this Act) as the traffic commissioner for that area on the same terms and conditions as those on which he was appointed as chairman of the traffic commissioners; and in relation to any such person appointed before 1st May 1985, subsection (4)(b) of the substituted section 4 shall have effect as if for the words from “sixty-five” to “direct” there were substituted the word “seventy”.
- (2) For the purposes of the principal civil service pension scheme any period of service as chairman of the traffic commissioners for any area which ends with the commencement of section 3 of this Act and any period of service as traffic commissioner for that area which begins on that commencement shall be treated as a single, unbroken, period of service.

#### *PSV operators' licences*

14 **F12** .....

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#### Textual Amendments

**F12** Sch. 6 para. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

#### *Appeals under section 18 of Civic Government (Scotland) Act 1982 (c.45)*

- 15 Anything done or treated by virtue of any enactment as having been done under section 18 of the Civic Government (Scotland) Act 1982 before the coming into force of paragraph 5 of Part II of Schedule 2 to this Act which could be done under the said section 18 as amended by the said paragraph shall be treated as having been done under the said section 18 as so amended.

#### *London local service licences*

- 16 **F13** .....

#### Textual Amendments

**F13** Sch. 6 paras. 16-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

- 17 **F14** .....

#### Textual Amendments

**F14** Sch. 6 paras. 16-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

- 18 **F15** .....

#### Textual Amendments

**F15** Sch. 6 paras. 16-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

#### *Compensation for loss of employment, etc.*

- 19 Any regulations made under section 17(3) of the 1968 Act which are in force immediately before the repeal of that section by this Act—
- (a) shall continue in force notwithstanding that repeal; and
  - (b) may be varied or revoked by regulations made under section 84 of this Act as if they had been made by reason of any such transfer of property, rights and liabilities as is mentioned in section 84(1)(c).

#### *Tendering*

- 20 **F16** .....

#### Textual Amendments

**F16** Sch. 6 para. 20 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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*Agreements under section 3 of the <sup>M1</sup>Transport Act 1978*

**Marginal Citations**

**M1** 1978 c. 55.

- 21 (1) Where—
- (a) before the date on which the repeal by this Act of section 3 of the Transport Act 1978 comes into force any non-metropolitan county council have, in exercise of the power conferred by that section, entered into an agreement with London Regional Transport under which payments fall to be made by that council towards expenses incurred by London Regional Transport in securing the provision of a public passenger transport service (“the old agreement”);
  - (b) the service is provided under an agreement entered into by London Regional Transport accepting a tender invited for its provision; and
  - (c) the old agreement is still in force immediately before that date;
- that council shall have power to enter into a new agreement with London Regional Transport to contribute towards any of the expenses to which they were liable to contribute in respect of that service under the old agreement.
- (2) An agreement entered into under this paragraph shall be made so as to remain in force for a period ending not later than the date on which the agreement mentioned in sub-paragraph (1)(b) above expires.

*Travel concessions*

22 <sup>F17</sup> .....

**Textual Amendments**

**F17** Sch. 6 para. 22 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

- 23 (1) Notwithstanding the repeal by this Act of the Travel Concessions Acts 1955 and 1964, section 138 of the 1968 Act and section 1(1) of the <sup>M2</sup>Concessionary Travel for Handicapped Persons (Scotland) Act 1980, but subject to the following provisions of this paragraph—
- (a) the Acts of 1955 and 1964 and section 1(1) of the Act of 1980 shall continue to have effect in relation to any council of any description within section 66(1) of this Act who—
    - (i) at the time when section 66 comes into force are providing a service for the carriage of passengers by road which requires a PSV operator’s licence; and
    - (ii) immediately before the date on which that repeal comes into force are granting travel concessions under arrangements made under the Acts of 1955 and 1964 or (as the case may be) under section 1(1) of the Act of 1980 to persons travelling on any such service operated by them;
- so long as the council retain their bus operating powers and continue to provide that service; and

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- (b) section 138(2) of the 1968 Act shall continue to have effect for the purpose of authorising any local authority who immediately before that date are contributing to the cost incurred by that council in granting those concessions to continue to do so.
- (2) Subject to the following provisions of this paragraph, where in the case of any such council—
  - (a) any such arrangements (“the former arrangements”) are in force immediately before the date on which any scheme or order under Part IV of this Act providing for the transfer to any company or companies of property, rights and liabilities comprised in that council’s bus undertaking comes into force; and
  - (b) that council retain their bus operating powers during any period after that date;

the council may reimburse the cost incurred by any company to which any public service vehicles formerly used or appropriated for use for the purposes of the council’s bus undertaking are transferred under the scheme or order in granting travel concessions at any time during that period in accordance with arrangements made with that company (“the new arrangements”) which meet the requirements of sub-paragraph (3) below.
- (3) Subject to the following provisions of this paragraph, the travel concessions to be granted under the new arrangements—
  - (a) shall correspond to the travel concessions available under the former arrangements; and
  - (b) shall be available in respect of journeys on public service vehicles transferred to the company in question under the scheme or order and used in operating services on routes to which the former arrangements applied.
- (4) In any case to which sub-paragraph (2) above applies any local authority who immediately before the date on which the scheme or order in question comes into force are contributing to the cost incurred by the council in question in granting travel concessions under the former arrangements may contribute to any cost incurred by that council under sub-paragraph (2) above.
- (5) Sub-paragraph (1) above, and sub-paragraph (2) above so far as relates to travel concessions granted on or after the date on which the repeal mentioned in sub-paragraph (1) above comes into force—
  - (a) shall not apply in relation to any council unless there is in operation on that date a scheme established under section 93 of this Act by that council, or by authorities who include that council, which covers the whole of that council’s area; and
  - (b) where any such scheme which is in operation on that date subsequently ceases to operate, shall not apply in relation to the granting of travel concessions or (as the case may be) in relation to travel concessions granted at any time after the date on which the scheme ceases to operate.
- (6) The travel concessions—
  - (a) that may be provided under the Acts of 1955 and 1964 or (as the case may be) under the Act of 1980 by virtue of sub-paragraph (1) above; and
  - (b) that may be financed by any council under sub-paragraph (2) above;

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shall be limited to concessions which correspond to travel concessions available at the time in question under the scheme mentioned in sub-paragraph (5) above.

- (7) For the purposes of sub-paragraph (3)(a) or (as the case may be) sub-paragraph (6) above, travel concessions correspond to any other travel concessions in question if they are—
- (a) of the same value;
  - (b) available subject to the same terms, limitations or conditions; and
  - (c) available to persons of the same descriptions;
- as those other concessions.
- (8) A council of any description within section 66(1) of this Act who at the time when that section comes into force are providing a service for the carriage of passengers by road which requires a PSV operator's licence shall be regarded for the purposes of this paragraph as retaining their bus operating powers until section 66(1) has effect in relation to that council.
- (9) In this paragraph "local authority" has the same meaning as in section 93 of this Act, and expressions to which a meaning is given for any purposes of Part IV or Part V of this Act have the same meaning.

#### **Marginal Citations**

**M2** 1980 c. 29.

24

**F18**

#### **Textual Amendments**

**F18** Sch. 6 para. 24 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

### *The Transport Tribunal*

- 25 (1) The repeals made by this Act which relate to the Transport Tribunal shall not affect any judgment or order given, any document issued or any other thing done under any repealed enactment before the date on which the repeals take effect; and any such judgment or order, document or thing shall have effect as if it had been given, issued or (as the case may be) done under the provision of this Act corresponding to the repealed enactment.
- (2) Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.
- (3) Without prejudice to the generality of sub-paragraph (1) above, any rules made by the Transport Tribunal under paragraph 11 of Schedule 10 to the 1962 Act which are in operation immediately before Schedule 4 to this Act comes into force shall have effect as if they had been made by the Secretary of State under paragraph 11 of Schedule 4.
- (4) Sub-paragraph (1) above does not apply in relation to any appointment made under Schedule 10 to the 1962 Act.



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- (5) Paragraphs 3 and 4(1) of Schedule 10 to the 1962 Act (appointment of members of the tribunal and tenure of office of the president) shall continue to apply in relation to the person who, at the time when section 117 of this Act comes into force, is the president of the Transport Tribunal, notwithstanding their repeal by this Act; and Schedule 4 to this Act shall have effect, so far as relates to the appointment and tenure of office of the president of the tribunal, subject to the provisions of this sub-paragraph.
- (6) Any person who, immediately before section 117 of this Act comes into force, is a member of the special panel mentioned in subsection (3)(a) of that section, shall be treated as if he had been appointed by the Lord Chancellor, on the coming into force of that section, as a chairman of the Transport Tribunal under paragraph 2(1)(a) of Schedule 4 to this Act.
- (7) Sub-paragraph (6) above applies in relation to any such person whether or not he would be qualified for such appointment in accordance with paragraph 2(2) of that Schedule; and, subject to paragraphs 3 and 6 of that Schedule, the terms and conditions applicable to any such person's tenure of office as such a chairman shall be the same as those applicable to his office immediately before section 117 of this Act comes into force.
- (8) Any person other than the president of the Transport Tribunal who is a member of the tribunal at the time when that section comes into force shall be treated as if he had been appointed as such a member by the Secretary of State under paragraph 2(1)(b) of Schedule 4 to this Act for a term ending when his current term of office expires, and otherwise on the same terms and conditions as those applicable to his office immediately before that section comes into force.
- (9) Rules made by the Secretary of State under paragraph 11 of Schedule 4 to this Act may include provision for applying those rules to proceedings pending before the tribunal at the time when those rules come into force with any modifications which appear to the Secretary of State to be necessary or desirable.

**Modifications etc. (not altering text)**

**C1** Sch. 6 para. 25(9) excluded by S.I. 1986/1450, art. 3(1)

*Transfers under section 17 of the 1968 Act*

- 26 Notwithstanding the repeal by this Act of—
- (a) section 17 of the 1968 Act (transfer of Executive of local authority transport undertakings); and
  - (b) section 202(4) of the 1972 Act (power by order establishing Passenger Transport Executive to make any provision that could be made by an order under section 17 of the 1968 Act);
- the provisions of Schedule 4 to the 1968 Act, as they had effect immediately before that repeal came into operation, continue to apply for the purpose of determining the effect or giving effect to, or making any provision consequential on or incidental to, any transfer under section 17 (including that section as applied by section 202(4)).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2ZA) inserted by [2019 asp 17 s. 37\(2\)\(a\)](#)
- s. 6(7ZA) inserted by [2019 asp 17 s. 37\(2\)\(b\)](#)