



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Further amendments with respect to PSV operators' licences*

#### 26 Conditions attached to PSV operator's licence.

- (1) <sup>F1</sup>Where <sup>F1</sup>Subsection (1A) below applies in any case where] it appears to a traffic commissioner, in relation to a person (“the operator”) <sup>F2</sup>who has been granted or to whom it is proposed to grant] a PSV operator's licence, that—
- (a) the operator has failed to operate a local service registered under section 6 of this Act; or
  - (b) the operator has operated a local service in contravention of that section <sup>F3</sup>or section <sup>F4</sup>113J(4) or (5),] 118(4) <sup>F5</sup>, 123J(3)]<sup>F6</sup>, 129(1)(b) or 138J(9)] of the Transport Act 2000;]<sup>F7</sup> or <sup>F8</sup>section 3F(1) or section 13B(1)(b) or (3)] of the Transport (Scotland) Act 2001]<sup>F9</sup>; or
  - <sup>F10</sup>(bza) [ the operator has failed to comply with a requirement imposed by virtue of section <sup>F11</sup>123X(7)(c),] 134B(7)(c) <sup>F12</sup>or 138S(7)(c)] of the Transport Act 2000; or]
  - (ba) the operator has failed to comply with section <sup>F13</sup>134F,] 138 or 140(3) of <sup>F14</sup>the Transport Act 2000]]; or <sup>F15</sup>;
  - <sup>F16</sup>(baa) [ the operator has failed to take all reasonable steps to comply with a requirement imposed under section 143A <sup>F17</sup>or 143B] of the Transport Act 2000; or]
  - (bb) the operator has failed to comply with section 32(1) or 34(3) of the Transport (Scotland) Act 2001;]
  - <sup>F18</sup>(bba) the operator has failed to comply with a requirement to provide information (including a requirement to provide it within a specified time or in a specified form) under section 3K(2) or 13R(2) of the Transport (Scotland) Act 2001,

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- (bbb) the operator has failed to comply with a requirement under section 6ZA of this Act,
  - (bbc) the operator has failed to comply with a requirement under article 28 of the Transport (Scotland) Act 2019 (Consequential Provisions and Modifications) Order 2023]
  - [<sup>F19</sup>(bc) the operator has failed to comply with a requirement of regulations made under section 181A of the Equality Act 2010;]
  - (c) the arrangements for maintaining the vehicles used under the licence in a fit and serviceable condition are not adequate for the use of those vehicles in providing the local service or services in question; or
  - (d) the operator, or any employee or agent of his, has—
    - (i) intentionally interfered with the operation of a local service provided by another operator;
    - (ii) operated a local service in a manner dangerous to the public; or
    - (iii) been guilty of any other serious misconduct (whether or not constituting a criminal offence) in relation to the operation of a local service; or
  - (e) a condition attached under section 8 of this Act to the operator’s licence has been contravened;
- [<sup>F20</sup>(1A) [<sup>F21</sup>The traffic commissioner]] [<sup>F21</sup>A traffic commissioner] may (on granting the licence or at any other time) attach [<sup>F22</sup>, or direct a traffic commissioner for another traffic area to attach,] a condition falling within subsection (1B) below to any one or more of the following PSV operator’s licences (wherever granted)—
- (a) the licence mentioned in subsection (1) above;
  - (b) any other licence held by the operator;
  - (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).
- (1B) The conditions are—
- (a) a condition prohibiting the holder of the licence from using vehicles under the licence to provide any local service of a description specified in the condition;
  - (b) a condition prohibiting the holder of the licence from so using vehicles to provide local services of any description.
- (1C) A condition under subsection (1A) may be attached—
- (a) indefinitely; or
  - (b) for a period of time specified by the traffic commissioner (which may commence immediately or on a date so specified).]
- (2) The commissioner may attach a condition to a PSV operator’s licence under [<sup>F23</sup>subsection (1)] [<sup>F23</sup>subsection (1A)] above, by reference to circumstances falling within paragraph (a) or (b) of [<sup>F24</sup>that subsection]] [<sup>F24</sup>subsection (1) above] if, but only if, it appears to him that the operator did not have a reasonable excuse for his conduct or that it is appropriate to attach <sup>F25</sup>... the condition in view of—
- (a) the danger to the public involved in the operator’s conduct; or
  - (b) the frequency of conduct of the kind in question on the part of the operator.
- <sup>F26</sup>(2A) .....
- (3) Where the effect of a condition attached to a PSV operator’s licence under [<sup>F27</sup>subsection (1)] [<sup>F27</sup>subsection (1A)] above is that the operator of a local service

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registered under section 6 of this Act is prohibited from using vehicles under the licence to provide that service, [<sup>F28</sup>a traffic commissioner may cancel the registration].

<sup>F29</sup>(4) .....

(5) [<sup>F30</sup>Where][<sup>F30</sup>Subsection (5A) below applies in any case where] it appears to [<sup>F31</sup>a traffic commissioner] that—

- (a) vehicles used under the licence (or under any PSV operator’s licence previously held by the operator) have not been maintained in a fit and serviceable condition; or
- (b) the operator has been involved in arrangements with any other operator for the use of each other’s vehicles with a view to hindering enforcement of any requirements of the law relating to the operation of those vehicles;

[<sup>F32</sup>(5A) [<sup>F33</sup>The traffic commissioner][<sup>F33</sup>A traffic commissioner] may (on granting the licence or at any other time) attach [<sup>F34</sup>, or direct a traffic commissioner for another traffic area to attach,] to any one or more of the licences mentioned in subsection (5B) below a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.

(5B) The licences are the following PSV operator's licences (wherever granted)—

- (a) the licence mentioned in subsection (5) above;
- (b) any other licence held by the operator;
- (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).

(5C) [<sup>F35</sup>Where a direction is given under subsection (5A) above to a traffic commissioner for another area, that traffic commissioner must either—

- (a) attach the condition to the licence; or
- (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.]]

(6) A condition attached to a licence under [<sup>F36</sup>subsection (5)][<sup>F36</sup>subsection (5A)] above shall—

- (a) apply only to vehicles which have their operating centre in the traffic area [<sup>F37</sup>to which the licence relates]; and
- (b) be in addition to (and not be taken as prejudicing in any way) any conditions attached to the licence under section 16 of the 1981 Act as to the maximum number of vehicles which the operator may at any one time use under the licence.

[<sup>F38</sup>(7) In this section “undertaking” and “group undertaking” have the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).]

#### Textual Amendments

- F1** Words in s. 26(1) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\), ss. 62\(2\), 134\(4\); S.I. 2009/107, art. 2\(1\), Sch. 1 Pt. 1](#) (with [Sch. 1 para. 2\(1\)](#))
- F2** Words in s. 26(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 1](#) (with [arts. 1\(3\), 2, 7](#))
- F3** Words in s. 26(1)(b) inserted (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by [2000 c. 38, s. 161, Sch. 11 para. 10\(1\)\(2\); S.I. 2001/2788, art. 2, Sch. 1 para. 11; S.I. 2001/3342, art. 2, Sch.](#)

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- F4** Words in s. 26(1)(b) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 1 para. 4](#)
- F5** Word in s. 26(1)(b) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 2 para. 3\(2\)](#)
- F6** Words in s. 26(1)(b) substituted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 4 para. 3\(2\)](#)
- F7** Words in s. 26(1)(b) inserted (25.7.2001) by S.I. 2001/2748, [art. 3\(1\)\(2\)](#)
- F8** Words in s. 26(1)(b) substituted (31.1.2023) by [The Transport \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2023 \(S.I. 2023/80\)](#), arts. 1(2), [36\(2\)](#)
- F9** S. 26(1)(ba) and the word “or” at the end of para. (b) inserted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by [2000 c. 38, s. 161](#), [Sch. 11 para. 10\(1\)\(3\)](#); S.I. 2001/57, [art.3\(2\)](#), [Sch. 3 Pt. I](#) (subject to savings in [Sch. 3 Pt. II](#) (as amended by S.I. 2001/115, [art. 3](#))); S.I. 2001/2788, [art. 2](#), [Sch. 1 para. 11](#)
- F10** S. 26(1)(bza) inserted (E.W.) (11.1.2010 for E.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 44\(2\)](#), [134\(4\)](#); S.I. 2009/3242, [art. 2\(1\)\(a\)](#)
- F11** Word in s. 26(1)(bza) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 2 para. 3\(3\)](#)
- F12** Words in s. 26(1)(bza) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 4 para. 3\(3\)](#)
- F13** Word in s. 26(1)(ba) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 3 para. 2](#)
- F14** Words in s. 26(1)(ba) substituted (25.7.2001) by S.I. 2001/2748, [art. 3\(1\)\(3\)](#)
- F15** S. 26(1)(bb) and the word “or” inserted (25.7.2001) by S.I. 2001/2748, [art. 3\(1\)\(4\)](#)
- F16** S. 26(1)(baa) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 2 para. 3\(4\)](#)
- F17** Words in s. 26(1)(baa) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\)](#), [Sch. 4 para. 3\(4\)](#)
- F18** S. 26(1)(bba)-(bbc) inserted (31.1.2023) by [The Transport \(Scotland\) Act 2019 \(Consequential Provisions and Modifications\) Order 2023 \(S.I. 2023/80\)](#), arts. 1(2), [36\(3\)](#)
- F19** S. 26(1)(bc) inserted (26.6.2018) by [Bus Services Act 2017 \(c. 21\)](#), [ss. 17\(4\)](#), [26\(2\)](#); S.I. 2018/758, [reg. 2](#)
- F20** S. 26(1A)-(1C) substituted (9.2.2009) for words by [Local Transport Act 2008 \(c. 26\)](#), [s. 62\(2\)\(b\)\(3\)](#), [134\(4\)](#); S.I. 2009/107, [art. 2\(1\)](#), [Sch. 1 Pt. 1](#) (with [Sch. 1 para. 2\(1\)](#))
- F21** Words in s. 26(1A) substituted (E.W.) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))
- F22** Words in s. 26(1A) omitted (E.W.) (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))
- F23** Words in s. 26(2) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 62\(4\)\(b\)](#), [134\(4\)](#); S.I. 2009/107, [art. 2\(1\)](#), [Sch. 1 Pt. 1](#) (with [Sch. 1 para. 2\(1\)](#))
- F24** Words in s. 26(2) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 62\(4\)\(c\)](#), [134\(4\)](#); S.I. 2009/107, [art. 2\(1\)](#), [Sch. 1 Pt. 1](#) (with [Sch. 1 para. 2\(1\)](#))
- F25** Words in s. 26(2) omitted (E.W.) (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))
- F26** S. 26(2A) omitted (E.W.) (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 3](#) (with [art. 7](#))
- F27** Words in s. 26(3) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 62\(6\)](#), [134\(4\)](#); S.I. 2009/107, [art. 2\(1\)](#), [Sch. 1 Pt. 1](#) (with [Sch. 1 para. 2\(1\)](#))
- F28** Words in s. 26(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), [art. 1\(1\)](#), [Sch. 1](#) (with [arts. 1\(3\)](#), [2](#), [7](#))

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- F29** S. 26(4) omitted (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F30** Words in s. 26(5) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 62(7)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F31** Words in s. 26(5) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F32** S. 26(5A)-(5C) substituted (9.2.2009) for words by Local Transport Act 2008 (c. 26), **s. 62(7)(b)(8)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F33** Words in s. 26(5A) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F34** Words in s. 26(5A) omitted (E.W.) (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F35** S. 26(5C) omitted (E.W.) (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F36** Words in s. 26(6) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 62(9)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F37** Words in s. 26(6)(a) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F38** S. 26(7) inserted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 62(10)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))

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

- C1** S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

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**Changes and effects yet to be applied to :**

- s. 26(1) by [2000 c. 38 s. 161 Sch. 11 para. 10\(2\)](#)
- s. 26(2) by [2000 c. 38 s. 161 Sch. 11 para. 10\(2\)\(3\)](#)

**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\(2\)\(b\)](#)