



Transport Act 1985

1985 CHAPTER 67

PART II

REGULATION OF ROAD PASSENGER TRANSPORT IN LONDON

London local service licences

39 Grant of licences for certain excursions or tours.

- (1) This section applies where, in the case of any application for a London local service licence, the metropolitan traffic commissioner is satisfied that the service which the applicant proposes to provide under the licence (“the proposed service”) would be an excursion or tour and is also satisfied either—
 - (a) that the proposed service would not compete directly with any authorised London bus service; or
 - (b) that the proposed service would operate only to enable passengers to attend special events.
- (2) In subsection (1)(a) above, “authorised London bus service” means—
 - (a) any London bus service for which a London local service licence has been granted; and
 - (b) any London bus service which, by virtue of section 36(1) of this Act, does not require a London local service licence.
- (3) In any case to which this section applies, sections 35, 37 and 38 of this Act shall apply subject to the modifications provided by the following provisions of this section.
- (4) Section 35(4) of this Act shall not prevent a London local service licence granted in pursuance of this section from having effect for the purposes of the provision of a service by means of a vehicle whose operator holds any such licence or permit as is there mentioned^{F1} . . .
- (5) The interests of the public falling to be considered under any provision of section 37 or 38 shall be confined to the interests of the public in securing that only places which

Changes to legislation: Transport Act 1985, Section 39 is up to date with all changes known to be in force on or before 20 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

are suitable for use as such are used as stopping places for the service in question in London.

The reference above in this subsection to the service in question is a reference to the proposed service or the service provided under any London local service licence granted on an application to which this section applies (as the case may require).

- (6) For the purposes of this section a place is to be regarded as not being suitable for use as a stopping place for any service if the commissioner is satisfied that its use as such would be prejudicial to the safety or convenience of the public.
- (7) Section 37 shall apply with the omission of paragraphs (a) and (b) of subsection (3); and paragraph (c) of that subsection shall apply only in relation to objections or representations made by the commissioner or commissioners of police concerned or by any of the local authorities affected.
- (8) Section 38 shall apply with the omission of subsections (1) and (2), but the metropolitan traffic commissioner in granting a licence on any application to which this section applies may attach to the licence such conditions of a description within section 38(2)(b) as he thinks fit, having regard to any objections or other representations that fall to be considered in relation to that application by virtue of section 37(3)(c), for securing that only places which are suitable for use as such are used as stopping places for the proposed service in London.
- (9) Any condition attached to a licence under subsection (8) above shall be treated for the purposes of section 38(6) and (7) as if it had been attached under that section.
- (10) Every London local service licence granted in pursuance of this section shall include a statement that it is so granted.

Textual Amendments

F1 Words in s. 39(4) repealed (8.11.1995) by 1995 c. 44, s. 1, **Sch. 1 Pt. V** Group 2

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