



# Transport Act 1985

## 1985 CHAPTER 67

### PART IV

#### LOCAL PASSENGER TRANSPORT SERVICES

##### *Passenger transport in other areas*

#### **63 Functions of local councils with respect to passenger transport in areas other than [<sup>F1</sup>integrated transport areas and] passenger transport areas. E+W**

- (1) In each non-metropolitan county of England and Wales it shall be the duty of the county council—
  - (a) to secure the provision of such public passenger transport services as the council consider it appropriate to secure to meet any public transport requirements within the county which would not in their view be met apart from any action taken by them for that purpose; <sup>F2</sup> . . .
  - <sup>F2</sup>(b) . . . . .
- (2) It shall be the duty of a <sup>F3</sup> . . . council in Scotland, in relation to any part of their area which is not a passenger transport area—
  - (a) to secure the provision of such public passenger transport services as the council consider it appropriate to secure to meet any public transport requirements within their area which would not in their view be met apart from any action taken by them for that purpose; and
  - (b) to formulate from time to time general policies as to the descriptions of services they propose to secure under paragraph (a) above.
- (3) In formulating policies under subsection <sup>F4</sup> . . . (2)(b) above with respect to the descriptions of services they propose to secure under subsection <sup>F4</sup> . . . (2)(a) above, a council shall have regard to any measures they are required or propose to take for meeting any transport requirements in exercise or performance of—
  - (a) any of their functions <sup>F5</sup> . . . as an education authority; or
  - (b) any of their <sup>F6</sup> . . . social work functions.

*Status: There are multiple versions of this provision on screen. These apply to different geographical extents. Skip to: E+W - England and Wales extent S - Scotland extent*

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- (4) A non-metropolitan district council in England <sup>F7</sup> . . . shall have power to secure the provision of such public passenger transport services as they consider it appropriate to secure to meet any public transport requirements within their area which would not in their view be met apart from any action taken by them for that purpose.
- (5) For the purpose of securing the provision of any service under subsection (1)(a) or (2) (a) or (as the case may be) under subsection (4) above any council shall have power to enter into an agreement providing for service subsidies; but their power to do so—
- (a) [<sup>F8</sup>in England and Wales, shall be exercisable only where the service in question would not be provided, or would not be provided to a particular standard, without subsidy;
  - (aa) in Scotland,] shall be exercisable only where the service in question would not be provided without subsidy; and
  - (b) is subject to sections 89 to 92 of this Act.
- [<sup>F9</sup>(5A) The reference in subsection (5)(a) above to the standard to which a service is provided includes—
- (a) the frequency or timing of the service;
  - (b) the days, or times of day, when the service is provided;
  - (c) the vehicles used to provide the service.]
- (6) A non-metropolitan county council in England and Wales or, in Scotland, a <sup>F3</sup> . . . council shall have power to take any measures that appear to them to be appropriate for the purpose of or in connection with promoting, so far as relates to their area—
- (a) the availability of public passenger transport services other than subsidised services and the operation of such services, in conjunction with each other and with any available subsidised services, so as to meet any public transport requirements the council consider it appropriate to meet; or
  - (b) the convenience of the public (including persons who are elderly or disabled) in using all available public passenger transport services (whether subsidised or not).
- (7) It shall be the duty of a county council or (as the case may be) of a regional or islands council, in exercising their power under subsection (6) above, [<sup>F10</sup>to have regard to a combination of economy, efficiency and effectiveness.]
- (8) It shall be the duty of any council, in exercising or performing any of their functions under the preceding provisions of this section, to have regard to the transport needs of members of the public who are elderly or disabled <sup>F11</sup>....
- <sup>F12</sup>(8A) . . . . .
- (9) References in subsection (6) above to subsidised services are references to services provided under an agreement providing for service subsidies entered into—
- (a) by the council in question or by any other county or district council or regional or islands council under this section; or
  - (b) by the Passenger Transport Executive for any [<sup>F13</sup>integrated transport area or] passenger transport area under section 9A(4) of the 1968 Act.
- (10) In this Act—
- (a) “public passenger transport services” means all those services on which members of the public rely for getting from place to place, when not relying on private facilities of their own, including school transport but not—

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- (i) services provided under permits under section 19 of this Act, other than services provided wholly or mainly to meet the needs of members of the public who are elderly or disabled; or
- (ii) excursions or tours; and
- (b) references, in relation to any Passenger Transport Executive, non-metropolitan county or district council or regional or islands council, to agreements providing for service subsidies are references to agreements under which any person undertakes to provide a public passenger transport service of any description on terms which include provision for the making of payments to that person by that Executive or council.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version of this provision has been created for Scotland only

#### Textual Amendments

- F1** Words in s. 63 heading inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 20\(2\)](#); S.I. 2009/107, art. 2(1), [Sch. 1 Pt. 1](#)
- F2** S. 63(1)(b) and the preceding word omitted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by virtue of [2000 c. 38](#), s. 161, [Sch. 11 para. 11\(2\)](#) and repealed (1.2.2001 for E. and 14.8.2002 for W.) by ss. 161, 274, Sch. 31 Pt. II of that Act; 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](#); S.I. 2002/2024 {art. 2(b)}
- F3** Words in s. 63(2)(6) repealed (1.4.1996) by S.I. 1996/974, art. 2(2), [Sch. 2](#)
- F4** Words in s. 63(3) omitted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by virtue of [2000 c. 38](#), s. 161, [Sch. 11 para. 11\(3\)\(a\)](#) and repealed (1.2.2001 for E. and 14.8.2002 for W.) by s. 274, Sch. 31 Pt. II of that Act; 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](#); S.I. 2002/2024, {art. 2 (b)}
- F5** Words in s. 63(3)(a) omitted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by virtue of [2000 c. 38](#), s. 161, [Sch. 11 para. 11\(3\)\(b\)](#) and repealed (1.2.2001 for E. and 14.8.2002 for W.) by s. 274, Sch. 31 Pt. II of that Act; 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](#); S.I. 2002/2024, {art.2 (b)}
- F6** Words in s. 63(3)(b) omitted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by virtue of [2000 c. 38](#), s. 161, [Sch. 11 para. 11\(3\)\(c\)](#) and repealed (1.2.2001 for E. and 14.8.2002 for W.) by s. 274, Sch. 31 Pt. II of that Act; 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](#); and S.I. 2002/2024, [art. 2\(b\)](#)
- F7** Words in s. 63(4) repealed (1.4.1996) by [1994 c. 19](#), ss. 22(1), 66(8), Sch. 7 Pt. II para. 39(1), [Sch. 18](#) (with ss. 54(5)(7), 55(5), Sch. 17 paras. 22(1), 23(2)); S.I. 1996/396, arts. 3, 4, Sch. 1, [Sch. 2](#)
- F8** Words in s. 63(5) inserted (9.2.2009 for E. and S., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 68\(2\)](#), 134(4); S.I. 2009/107, art. 2(3); S.I. 2009/3294, art. 2(c)
- F9** S. 63(5A) inserted (E.W.) (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 68\(3\)](#), 134(4); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#); S.I. 2009/579, art. 2(g)
- F10** Words in s. 63(7) substituted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by [2000 c. 38](#), s. 161, [Sch. 11 para. 11\(4\)](#); 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](#)
- F11** Words in s. 63(8) repealed (E.W.) (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 10(10)(a), 134(4), [Sch. 7 Pt. 1](#); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))
- F12** S. 63(8A) repealed (E.W.) (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 10(10)(b), 134(4), [Sch. 7 Pt. 1](#); S.I. 2009/107, art. 2(2), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); S.I. 2009/579, art. 2(b) (with [Sch. para. 1](#))

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**F13** Words in s. 63(9)(b) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 4 para. 20\(1\)](#); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

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

- C5** Pt. 4: functions made exercisable (E.W.) (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), [8](#)
- C11** Pt. 4: functions made exercisable (E.) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), [14\(1\)](#)
- C12** S. 63 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), art. 7(2)(b), [Sch. 2 Pt. 2 para. 1](#) (with art. 7(4))
- C13** S. 63 functions made exercisable jointly (E.W.) (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), arts. 1(3), [8\(4\)](#)
- C14** Ss. 63, 64: functions made exercisable concurrently (E.) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), regs. 1(2), [14\(4\)](#) (with reg. 14(5))
- C15** S. 63(7) excluded (28.7.1998) by 1998 c. iii, s. 1, [Sch. s. 51\(1\)](#) of Order S. 63(7) excluded (24.7.2001) by [S.I. 2001/3627](#), [art. 50](#)

**63 Functions of local councils with respect to passenger transport in areas other than passenger transport areas. S**

- (1) In each non-metropolitan county of England and Wales it shall be the duty of the county council—
- (a) to secure the provision of such public passenger transport services as the council consider it appropriate to secure to meet any public transport requirements within the county which would not in their view be met apart from any action taken by them for that purpose; and
  - (b) to formulate from time to time general policies as to the descriptions of services they propose to secure under paragraph (a) above.
- (2) It shall be the duty of a <sup>F14</sup> . . . council in Scotland, in relation to any part of their area which is not a passenger transport area—
- (a) to secure the provision of such public passenger transport services as the council consider it appropriate to secure to meet any public transport requirements within their area which would not in their view be met apart from any action taken by them for that purpose; and
  - (b) to formulate from time to time general policies as to the descriptions of services they propose to secure under paragraph (a) above.

<sup>F15</sup>(3) . . . . .

- (4) A non-metropolitan district council in England <sup>F16</sup> . . . shall have power to secure the provision of such public passenger transport services as they consider it appropriate to secure to meet any public transport requirements within their area which would not in their view be met apart from any action taken by them for that purpose.
- (5) For the purpose of securing the provision of any service under subsection (1)(a) or (2) (a) or (as the case may be) under subsection (4) above any council shall have power to enter into an agreement providing for service subsidies; but their power to do so—
- (a) [<sup>F8</sup>in England and Wales, shall be exercisable only where the service in question would not be provided, or would not be provided to a particular standard, without subsidy;

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- (aa) in Scotland,] shall be exercisable only where the service in question [<sup>F17</sup>—
- (i) would not be provided [<sup>F18</sup>; or
  - (ii) would not be provided [<sup>F19</sup>; in compliance with a service standard imposed in a bus services improvement partnership scheme made under section 3B] of the Transport (Scotland) Act 2001 (asp 2),]
- without subsidy; and
- (b) is subject to [<sup>F20</sup>section] 92 of this Act.
- (6) A non-metropolitan county council in England and Wales or, in Scotland, a <sup>F14</sup> . . . council shall have power to take any measures that appear to them to be appropriate for the purpose of or in connection with promoting, so far as relates to their area—
- (a) the availability of public passenger transport services other than subsidised services and the operation of such services, in conjunction with each other and with any available subsidised services, so as to meet any public transport requirements the council consider it appropriate to meet; or
  - (b) the convenience of the public (including persons who are elderly or disabled) in using all available public passenger transport services (whether subsidised or not).
- (7) It shall be the duty of a county council or [<sup>F21</sup>, in Scotland , a] council, in exercising their power under subsection (6) above, so to conduct themselves as not to inhibit competition between persons providing or seeking to provide public passenger transport services in their area.
- <sup>F11</sup>(8) It shall be the duty of any council, in exercising or performing any of their functions under the preceding provisions of this section, to have regard to the transport needs of members of the public who are elderly or disabled.
- (9) References in subsection (6) above to subsidised services are references to services provided under an agreement providing for service subsidies entered into—
- (a) by the council in question or by any other county or district council or [<sup>F22</sup>; in Scotland] council under this section; or
  - (b) by the Passenger Transport Executive for any passenger transport area under section 9A(4) of the 1968 Act.
- (10) In this Act—
- (a) “public passenger transport services” means all those services on which members of the public rely for getting from place to place, when not relying on private facilities of their own, including school transport but not—
    - (i) services provided under permits under section 19 of this Act, other than services provided wholly or mainly to meet the needs of members of the public who are elderly or disabled; or
    - (ii) excursions or tours; and
  - (b) references, in relation to any Passenger Transport Executive, non-metropolitan county or district council or [<sup>F22</sup>; in Scotland] council, to agreements providing for service subsidies are references to agreements under which any person undertakes to provide a public passenger transport service of any description on terms which include provision for the making of payments to that person by that Executive or council.

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*Changes to legislation: Transport Act 1985, Section 63 is up to date with all changes known to be in force on or before 21 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*

### Extent Information

- E2** This version of this provision extends to Scotland only; a separate version of this provision has been created for England and Wales only

### Textual Amendments

- F8** Words in s. 63(5) inserted (9.2.2009 for E. and S., 31.1.2010 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 68\(2\)](#), [134\(4\)](#); [S.I. 2009/107](#), [art. 2\(3\)](#); [S.I. 2009/3294](#), [art. 2\(c\)](#)
- F11** Words in s. 63(8) repealed (E.W.) (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 10\(10\)\(a\)](#), [134\(4\)](#), [Sch. 7 Pt. 1](#); [S.I. 2009/107](#), [art. 2\(2\)](#), [Sch. 2 Pt. 1](#) (with [Sch. 2 para. 2](#)); [S.I. 2009/579](#), [art. 2\(b\)](#) (with [Sch. para. 1](#))
- F14** Words in s. 63(2)(6) repealed (1.4.1996) by [S.I. 1996/974](#), [art. 2\(2\)](#), [Sch. 2](#)
- F15** S. 63(3) repealed (S.) (1.4.2001) by [2001 asp 2](#), [s. 82](#), [Sch. 2 para. 4](#) (with [s. 66](#)); [S.S.I. 2001/132](#), [art. 2\(2\)](#), [Sch. Pt. I](#)
- F16** Words in s. 63(4) repealed (1.4.1996) by [1994 c. 19](#), [ss. 22\(1\)](#), [66\(8\)](#), [Sch. 7 Pt. II para. 39\(1\)](#), [Sch. 18](#) (with [ss. 54\(5\)\(7\)](#), [55\(5\)](#), [Sch. 17 paras. 22\(1\)](#), [23\(2\)](#)); [S.I. 1996/396](#), [arts. 3, 4](#), [Sch. 1](#), [Sch. 2](#)
- F17** S. 63(5)(a)-(i) inserted (S.) (1.7.2001) by [2001 asp 2](#), [s. 12\(a\)](#) (with [s. 66](#)); [S.S.I. 2001/132](#), [art. 2\(3\)](#), [Sch. Pt. II](#)
- F18** S. 63(5)(b)(ii) and the preceding word ";or" inserted (S.) (1.7.2001) by [asp 2](#), [s. 12\(b\)](#) (with [s. 66](#)); [S.S.I. 2001/132](#), [art. 2\(3\)](#), [Sch. Pt. II](#)
- F19** Words in s. 63(5)(aa)(ii) substituted (S.) (4.12.2023) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), [s. 130\(2\)](#), [sch. para. 2\(2\)](#) (with [s. 126](#)); [S.S.I. 2023/250](#), [sch.](#)
- F20** Words in s. 63(5)(b) substituted (S.) (1.4.2003) by [Local Government in Scotland Act 2003 \(asp 1\)](#), [ss. 60\(3\)\(a\)](#), [62\(2\)](#); [S.S.I. 2003/134](#), [art. 2\(1\)](#), [Sch.](#)
- F21** Words in s. 63(7) substituted (S.) (1.4.1996) by [S.I. 1996/974](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1 para. 7\(b\)](#)
- F22** Words in s. 63(9)(a)(10)(b) substituted (S.) (1.4.1996) by [S.I. 1996/974](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1 para. 7\(c\)](#)

### Modifications etc. (not altering text)

- C13** S. 63 functions made exercisable jointly (E.W.) (9.2.2017) by [The West of England Combined Authority Order 2017 \(S.I. 2017/126\)](#), [arts. 1\(3\)](#), [8\(4\)](#)
- C14** [Ss. 63, 64](#): functions made exercisable concurrently (E.) (28.2.2024) by [The East Midlands Combined County Authority Regulations 2024 \(S.I. 2024/232\)](#), [regs. 1\(2\)](#), [14\(4\)](#) (with [reg. 14\(5\)](#))
- C16** S. 63: functions transferred (S.) (1.11.2006) by [The Transfer of Functions to the Shetland Transport Partnership Order 2006 \(S.S.I. 2006/527\)](#), [art. 3](#), [Sch. 1](#) (with [art. 5](#))  
S. 63: functions transferred (S.) (7.11.2006) by [The Transfer of Functions to the South-West of Scotland Transport Partnership Order 2006 \(S.S.I. 2006/538\)](#), [art. 3](#), [Sch. 1](#) (with [art. 5](#))
- C17** S. 63(7) excluded (28.7.1998) by [1998 c. iii](#), [s. 1](#), [Sch. s. 51\(1\)](#) of Order  
S. 63(7) excluded (24.7.2001) by [S.I. 2001/3627](#), [art. 50](#)  
S. 63(7) excluded (S.) (27.4.2006) by [Edinburgh Tram \(Line Two\) Act 2006 \(asp 6\)](#), [s. 53](#) (with [s. 75](#))  
S. 63(7) excluded (S.) (8.5.2006) by [Edinburgh Tram \(Line One\) Act 2006 \(asp 7\)](#), [s. 53](#) (with [ss. 76, 84](#))

**Status:**

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**Skip to:**

- E+W - England and Wales extent
- S - Scotland extent

**Changes to legislation:**

Transport Act 1985, Section 63 is up to date with all changes known to be in force on or before 21 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.

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

- s. 63(1)s. 63(3)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 63(1)(b) by [2000 c. 38 s. 161 Sch. 11 para. 11\(2\)](#)
- s. 63(3) by [2000 c. 38 s. 161 Sch. 11 para. 11\(3\)](#)
- s. 63(7) by [2000 c. 38 s. 161 Sch. 11 para. 11\(4\)](#)
- s. 63(8) by [2000 c. 38 s. 161 Sch. 11 para. 11\(5\)](#)
- s. 63(8A) by [2000 c. 38 s. 161 Sch. 11 para. 11\(6\)](#)

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