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**STATUTORY INSTRUMENTS**

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**1985 No. 1887 (C. 44)****TRANSPORT****The Transport Act 1985 (Commencement No. 1) Order 1985**

Made - - - - 5th December 1985

The Secretary of State for Transport, in exercise of the powers conferred by section 140(2) and (3) of the Transport Act 1985(a) and of all other enabling powers, hereby makes the following Order:

*Citation and Interpretation*

1. This Order may be cited as the Transport Act 1985 (Commencement No. 1) Order 1985.

2. In this Order—

“the 1981 Act” means the Public Passenger Vehicles Act 1981(b); and  
“the 1985 Act” means the Transport Act 1985.

*Commencement of Provisions*

3.— (1) The provisions of the 1985 Act specified in the first column of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) shall come into operation on 6th January 1986 subject to the limitations (if any) specified in the third column of the Schedule.

(2) Section 107 of the 1985 Act (which relates to grants for services for disabled people in London) shall come into operation on 1st April 1986.

*Transitional Provisions*

4. Until the repeal of section 42 of the 1981 Act, section 2(4)(b) of the 1985 Act shall be amended by the addition at the end of the words—

“or under section 42 of the 1981 Act.”.

5.— (1) Subject to any provisions made under the 1981 Act or by or under the 1985 Act, any reference in any enactment or instrument passed or made before 30th October 1985 to the traffic commissioners for a traffic area shall be construed as a reference to the traffic commissioner for that area, and related expressions shall be construed accordingly.

(2) Subject to any such provisions, in relation to any application made, thing

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(a) 1985 c. 67.  
(b) 1981 c. 14.

done or proceedings pending before 6th January 1986 relating to the traffic commissioners for a traffic area, any such enactment or instrument shall apply as if that application had been made, thing had been done, or proceedings were pending in relation to the traffic commissioner for that traffic area.

6. Any application for a road service licence under Part III of the 1981 Act or for a variation of any condition attached to such a licence received by the traffic commissioners for a traffic area before 6th January 1986 but not disposed of before that date (including the disposal of any related appeal) shall be dealt with as if the 1981 Act were not modified by paragraphs 2 to 5 of Schedule 6 to the 1985 Act.

7. Any person who on 5th January 1986 was a deputy to the chairman of the traffic commissioners for any traffic area shall be deemed to have been appointed by the Secretary of State under paragraph 3 (if his appointment was under paragraph 4 of Schedule 2 to the 1981 Act) or paragraph 4 (if his appointment was under paragraph 5 of that Schedule) of Schedule 2 to the 1981 Act as substituted by section 3 of the 1985 Act as the deputy to the traffic commissioner for that area on the same terms and conditions as those on which he was appointed as deputy to the chairman of the traffic commissioners.

8. The first report under section 55 of the 1981 Act(a) of the traffic commissioner for a traffic area shall relate to the period subsequent to that covered by the last such report of the traffic commissioners as then constituted for that traffic area and shall include such particulars of the proceedings of such traffic commissioners as the Secretary of State may direct.

9. Until 26th October 1986—

(1) section 89(6)(b) of the 1985 Act shall have effect as if it read as follows—

“(b) a road service licence in respect of, or a consent to the operation of, a community bus service granted under section 45 of the 1981 Act(b) or a permit under section 22 of this Act.”;

(2) in section 110(2), the definition of bus service contained in section 92(8) of the Finance Act 1965(c) shall be amended by the substitution for paragraphs (a) and (b) of the following—

“(a) provided under a road service licence granted under Part III of the Public Passenger Vehicles Act 1981; or

(b) exempted from requiring a road service licence by section 43 of the London Regional Transport Act 1984; or

(c) provided in a trial area as defined in section 38 of the Public Passenger

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(a) Section 55 was amended by the Transport Act 1985, Schedule 2, paragraph 4(15).

(b) Section 45 was amended in its application in relation to a community bus service within a trial area by the Bus Services in Trial Areas Regulations 1981 (S.I. 1981/269), regulation 5 and Schedule 3.

(c) 1965 c. 25; section 92(8) was substituted by the Transport Act 1968 (c. 73), section 33(2); the London Regional Transport Act 1984 (c. 32), Schedule 6, paragraph 3; and the Transport Act 1985, section 110(2).

Vehicles Act 1981 and in respect of which the requirements of section 40 of that Act have been satisfied;”.

*Nicholas Ridley,*  
Secretary of State for Transport.

5th December 1985.

## SCHEDULE

## PROVISIONS COMING INTO OPERATION ON 6TH JANUARY 1986

Provisions of the Act	Subject matter of provisions	Limitations on Commencement
Section 1(3).	Consequential amendments.	To the extent necessary for the bringing into force of the provisions of Schedule 1 brought into force by this Order.
Section 2.	Meaning of "local service".	
Sections 3-5.	Traffic commissioners.	In relation to section 4, to the extent necessary to replace section 54 of the 1981 Act with subsections (1) and (2) only of the new section 54.
Sections 12 and 13.	Use of taxis in providing local services and supplementary provisions.	In relation to section 13, to the extent that it supplements section 12.
Section 16.	Taxi licensing: control of numbers.	
Section 29.	Duty to give Secretary of State information about certain matters.	
Section 30.	Plying for hire by large public service vehicles.	
Section 32.	Repeals of section 28, 47 and 48 of the 1981 Act.	To the extent that this section relates to section 28 of the 1981 Act.
Section 34.	London local services.	
Sections 47-56.	The National Bus Company.	
Sections 57, 59-84 and 87.	Local Passenger Transport Services.	In relation to section 57(6), to the extent it relates to the provisions of Schedule 3 brought into force by this Order.
Sections 88-92.	Expenditure on public passenger transport services.	
Section 106.	Grants for transport facilities and services.	

## SCHEDULE (continued)

PROVISIONS COMING INTO OPERATION ON 6TH JANUARY 1986

Provisions of the Act	Subject matter of provisions	Limitations on Commencement
Section 110.	Grants towards duty charged on bus fuel.	
Section 112.	Interpretation of Part V.	
Section 113.	Repeal of section 24(3) of the Transport Act 1968.	
Sections 118–124.	Road passenger transport services in place of railway services.	
Section 125.	The Disabled Persons Transport Advisory Committee.	
Section 127(3)–(7)	Offences and legal proceedings.	In relation to subsection (4) to the extent it relates to section 30(2) only.
Section 128.	Supplementary provisions.	
Sections 129–139.	General supplementary provisions.	In relation to subsections (1), (2) and (3) of section 139, to the extent that these subsections relate to the provisions of Schedules 6, 7 and 8 respectively brought into force by this order.
Schedule 1, paragraphs 1–6 (except paragraph 3(3)), 12–14, 15(1), (4) and (5) and 16.	Amendments consequential on the abolition of road service licensing.	In relation to paragraph 3(4), except the omission of the words “or Part III”; and in relation to paragraph 13, except the omission of the definitions of “excursion or tour”, “road service licence”, and “trial area”.
Schedule 2.	Amendments consequential on section 3.	

## SCHEDULE (continued)

## PROVISIONS COMING INTO OPERATION ON 6TH JANUARY 1986

Provisions of the Act	Subject matter of provisions	Limitations on Commencement
Schedule 3, except for paragraphs 8 and 26.	Amendments consequential on section 57.	In relation to paragraph 24, to the extent that it relates to subsections (1) and (4)-(7) of section 202 of the Local Government Act 1972.
Schedule 5.	The Disabled Persons Transport Advisory Committee.	
Schedule 6, paragraphs 1-11, 13, 15, 19-21 and 26.	Transitional provisions and savings.	
Schedule 7, paragraphs 1, 4, 6, 10-14, 18, 20, 21(1), (4), (6)-(8) and (12) and 23.	Minor and consequential amendments.	In relation to paragraph 21(4), except that the words "subsection (1A) below and" shall be omitted from the insertion.
Schedule 8.	Repeals.	To the extent that it relates to the repeals set out in the Appendix to this Schedule.

## APPENDIX TO SCHEDULE

REPEALS TAKING EFFECT ON 6TH JANUARY 1986

Chapter	Short title	Extent of repeal
1930 c. 43.	The Road Traffic Act 1930.	In section 101(2), paragraph (a). In section 121(1A), the words "contract carriages".
1962 c. 46.	The Transport Act 1962.	In section 4, in subsection (1)(a), the word "and" immediately following sub-paragraph (ii), sub-paragraph (iii) and the words "and passengers", subsection (5), and in subsection (6) the words "or passengers". In section 92, the definition of the following expressions— "contract carriage"; "express carriage"; and "stage carriage".
1965 c. 25.	The Finance Act 1965.	In section 92(1), the words "any bus service".
1968 c. 73.	The Transport Act 1968.	In section 9, in subsection (6) the words "or 6", and subsection (7). In section 10(2), the words from "or with the consent" to "Act". Section 11(1), as it applies to England and Wales. In section 12(3)(d), the words from "or by" to the end of the paragraph. In section 14(3), as it applies to Scotland, the words "for the designated area". In section 15, subsection (1)(a), in subsection (2)(a) the words from "or provided by" to "Act", subsection (3) and— (a) in relation to England and Wales, the words in subsection (2) following paragraph (b) and subsection (4); and (b) in relation to Scotland, the words in subsection (2) from "and, in the case" to the end. Section 15A(1). In section 16(2), the words from "and if" to "would not". Sections 17 to 19. In section 20, subsection (1), in subsection (2) the words "to which this section applies" and in paragraph (a) the words "review as soon as may be, and subsequently", and subsection (8).

## APPENDIX TO SCHEDULE (continued)

REPEALS TAKING EFFECT ON 6TH JANUARY 1986

Chapter	Short title	Extent of repeal
1968 c. 73. —cont.	The Transport Act 1968. —cont.	<p>Section 21.</p> <p>In section 22, in subsections (1) and (2) the words “or regulations”, and subsections (3) to (6).</p> <p>Section 24(3).</p> <p>Section 29(4).</p> <p>In section 34(1) as it applies to England and Wales, the words “bus service or”.</p> <p>In section 34, as it applies to Scotland, subsection (1) and, in subsection (3), the words “(1) or”.</p> <p>Section 36.</p> <p>In section 54, in subsection (5)(d) the words from “and to the Bus Company” to “Scottish Group”, and 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, and subsection (6).</p> <p>Section 59(3).</p> <p>Section 90.</p> <p>In section 103(1), the definition of “licensing authority”.</p> <p>In section 159(1), the definitions of the following expressions— “area bus service”; “excursion or tour”; “express carriage” and “stage carriage”; and “road service licence”.</p> <p>In Schedule 5— Part I; in Part II, paragraph 1; and in Part III— paragraphs 1, 2, 3(a), 4, 5, 10, 11(c), 12, 16 and 17; in paragraphs 6, 7 and 9, the words “the Authority and” and “respectively” in each place where they occur; in paragraph 8, the words “the Authority or” and “the chairman of the Authority or, as the case may be”;</p>



## APPENDIX TO SCHEDULE (continued)

REPEALS TAKING EFFECT ON 6TH JANUARY 1986

Chapter	Short title	Extent of repeal
1968 c. 73. —cont.	The Transport Act 1968. —cont.	in paragraph 11, in sub-paragraph (a), the words “the Authority or” and in sub-paragraph (b), the words “the Authority”; and in paragraph 13, the words “the Authority or”, in both places where they occur, and “the Authority” where those words last occur. Schedule 6.
1969 c. 48.	The Post Office Act 1969.	In section 7(1A)(f), the words from “above” to the end.
1972 c. 70.	The Local Government Act 1972.	Section 80(4). In section 202, subsections (1) and (4) to (7). In Schedule 24, Part II.
1973. c. 65.	The Local Government (Scotland) Act 1973.	Section 151. In Schedule 18, paragraphs 1(a) to (d) and (f), 7(c), 10, 11 and 21(1).
1974 c. 7.	The Local Government Act 1974.	In Schedule 6, paragraph 22(7).
1976 c. 76.	The Energy Act 1976.	In Schedule 1, in paragraph 1(2) the words “section 60 of” and the words from “general” to first “vehicles”.
1978 c. 55.	The Transport Act 1978.	Sections 1 to 4.
1980 c. 34.	The Transport Act 1980.	In Schedule 5, in Part II, the paragraph amending the Transport Act 1968.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 4(4)(e), the words from “established” to the end. In section 82, in subsection (1)(a) the words “whose area is either the whole or part of one county” and subsections (2) and (3).
1981 c. 14.	The Public Passenger Vehicles Act 1981.	In section 1, in subsection (3) the word “II” and in subsection (5) the words “section 2”. Section 2. Section 28.

APPENDIX TO SCHEDULE (*continued*)

## REPEALS TAKING EFFECT ON 6TH JANUARY 1986

Chapter	Short title	Extent of repeal
1981 c. 14. — <i>cont.</i>	The Public Passenger Vehicles Act 1981.— <i>cont.</i>	<p>In section 46, in subsection (1)(b) the word “bus” (where it occurs in “local bus service”), and in subsection (3) the definition of “local bus service”.</p> <p>In section 53(1), the word “the” before the words “traffic commissioners”.</p> <p>In section 56, in subsection (1) the words “them or” and subsection (2).</p> <p>In section 60— in subsection (1), the words from “for any purpose” to “generally”, the words from “and regulations under this section” to the end, and in paragraph (h) the words “or, as the case may be, the commissioner of police of the metropolis”; and subsection (3).</p> <p>In section 61(2), the words “section 59 or 60 of”.</p> <p>Section 62. Section 81(2).</p> <p>In section 82(1), the definitions of the following expressions— “contract carriage”; “express carriage” and “express carriage service”; “stage carriage” and “stage carriage service”.</p> <p>In section 83, in subsection (1) the words “stage carriage”, “express carriage” or “contract carriage”, and subsection (2).</p> <p>In Schedule 1, paragraphs 3 and 4.</p>
1982 c. 49.	The Transport Act 1982.	<p>Sections 4 and 5. In section 73(4), the words “5(5) or”.</p>
1983 c. 10.	The Transport Act 1983.	Section 9(2).
1984 c. 27.	The Road Traffic Regulation Act 1984.	In Schedule 13, paragraph 49.
1984 c. 32.	The London Regional Transport Act 1984.	<p>In section 28, in subsection (1) paragraph (d) and the word “or” immediately preceding it, and in subsection (2) the words “and the council of any district”.</p> <p>In Schedule 6, paragraphs 3 and 6.</p>

## EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order brings into force on 6th January 1986 the provisions of the Transport Act 1985 listed in the Schedule (including its Appendix) to the Order, and also brings section 107 (which relates to grants for services for disabled people in London) into force on 1st April 1986.

The provisions being brought into force on 6th January 1986 include those relating to—

- (1) the definition of “local service”, and the replacement of other definitions in other enactments;
- (2) the replacement of a body of three traffic commissioners for each traffic area by a single traffic commissioner for each such area;
- (3) the use of taxis in providing local services;
- (4) the transfer of the undertaking of the National Bus Company to the private sector;
- (5) the reorganisation of local passenger transport services outside London;
- (6) expenditure on public passenger transport services, including service subsidies;
- (7) the Disabled Persons Transport Advisory Committee; and
- (8) the transitional period, commencing on 6th January 1986 and ending on 25th October 1986, during which preparations will be made for the abolition of road service licensing outside London.

The Order also includes transitional provisions relating to—

- (a) the substitution of one traffic commissioner for the existing body of three commissioners for each traffic area;
- (b) the conversion of the present deputies to the chairmen of traffic commissioners into deputies to the single traffic commissioners;
- (c) the first report of the single traffic commissioner for each traffic area, which will cover the period since the last report of the traffic commissioners for the area; and
- (d) minor modifications of provisions of the Transport Act 1985 for the period when the provisions in question are only partially in operation.

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