



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Registration of local services*

#### 6 Registration of local services. **E+W**

(1) In this section “service” means a local service which is neither a London local service [<sup>F1</sup>nor a service which falls within subsection (1A) below] nor a service provided under an agreement [<sup>F2</sup>entered into, where a railway service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the National Assembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services)].

[<sup>F3</sup>(1A) A service falls within this subsection if conditions A and B are satisfied in relation to it.

(1B) Condition A is satisfied if the service is provided in pursuance of—

- (a) the obligation placed on a local education authority by section 508B(1), section 508F(1), section 509(1) or (1A), or section 509AA(7)(b) or (9)(a) of the Education Act 1996 (provision of transport etc);
- (b) the exercise of the power of a local education authority under section 508C(1) of that Act; or
- (c) arrangements made by a local education authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes).
- [ the obligation placed on a local authority by sections 3 or 4 of the Learner
- <sup>F4</sup>(d) Travel (Wales) Measure 2008; or
- (e) the exercise of the power of a local authority under section 6 of that Measure.]

(1C) Condition B is satisfied if the service is for the carriage of any of the following persons (and no other)—

- (a) a person receiving education or training at premises to or from which transport is provided in pursuance of the obligation, the exercise of the power or the

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- arrangements, as the case may be, mentioned in paragraph (a), (b) [<sup>F5</sup>or (c)] [<sup>F5</sup>, (c), (d) or (e)] of subsection (1B);
- (b) a person supervising or escorting any such person while he is using such transport;
- (c) a person involved with the provision of education or training at any such premises.]
- (2) Subject to regulations under this section, no service shall be provided in any traffic area in which there is a stopping place for the service unless—
- (a) the prescribed particulars of the service have been registered with the traffic commissioner for that area by the operator of the service;
- (b) the period of notice in relation to the registration has expired; and
- (c) the service is operated in accordance with the registered particulars.
- [<sup>F6</sup>(2A) Where—
- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 (quality partnership schemes) are in force, and
- (b) an application for registration is made in respect of a service in relation to which those restrictions have effect,
- section 6A of this Act has effect in relation to the application.]
- (3) In subsection (2) above “the period of notice”, in relation to any registration, means, subject to regulations under this section—
- (a) the period prescribed for the purposes of this subsection; or
- (b) if longer, the period beginning with the registration and ending with the date given to the traffic commissioner by the operator as the date on which the service will begin.
- (4) An application for registration shall only be accepted from a person who either holds an unconditional PSV operator’s licence or a permit under section 22 of this Act or is using, or proposing to use, a school bus belonging to that person for farepaying passengers in accordance with section 46(1) of the 1981 Act.
- (5) In subsection (4) above “unconditional”, in relation to a PSV operator’s licence, means a licence which does not have attached to it a condition imposed under section 26(1) of this Act prohibiting, or having the effect of prohibiting, the operator from using vehicles under the licence to provide the service to which the application in question relates.
- (6) In this Act any reference to a service registered under this section is a reference to a service in respect of which the prescribed particulars are registered under this section.
- (7) Any registration may be varied or cancelled on an application made by the operator of the service to which it relates.
- (8) Subject to regulations under this section, the variation or cancellation of a registration shall become effective—
- (a) on the expiry of the period beginning with the date on which the traffic commissioner accepts the application and ending with the date determined in accordance with regulations under this section; or
- (b) if later, on the day given to the traffic commissioner by the operator as the effective date for the variation or (as the case may be) cancellation.

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- (9) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—
- (a) for permitting the variation of a registered service, in such circumstances as may be prescribed, without variation of the registration;
  - (b) for excluding or modifying the application of subsection (3) or (8) above in such cases or classes of case as may be prescribed;
  - (c) that in such cases or classes of case as may be prescribed—
    - (i) subsection (2) above shall have effect as if for the reference in paragraph (b) to the period of notice there were substituted a reference to such period as the traffic commissioner may determine;
    - (ii) subsection (8) above shall have effect as if for the reference in paragraph (a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as he may determine;
  - (d) as to the procedure for applying for registration or for the variation or cancellation of a registration;
  - (e) for an application for registration or for the variation or cancellation of a registration not to be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner such information as he may reasonably require in connection with the application;
  - (f) as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;
  - (g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations;
  - (h) as to the cancellation of registrations relating to discontinued services;
  - (i) for enabling a traffic commissioner to require the operator of a registered service, in such circumstances as may be prescribed, to keep records of such matters relating to the operation of the service, in such manner, as may be prescribed;
  - (j) for requiring the operator of a registered service who is required to keep records by regulations made by virtue of paragraph (i) above to make those records available to the traffic commissioner;
  - (k) for requiring the operator or prospective operator of a registered service to give, to such persons and at such times as may be prescribed, such information as may be prescribed with respect to the service, or proposed service, or any proposal to vary or cancel the registration of the service;
  - [<sup>F7</sup>(ka) for imposing restrictions on the use that may be made of records made available as mentioned in paragraph (j) above or information given as mentioned in paragraph (k) above;]
  - (l) for excluding from the application of this section services which are—
    - (i) excursions or tours; or
    - (ii) excursions or tours falling within a prescribed class.
- [<sup>F8</sup>(10) Regulations made by virtue of paragraph (ka) of subsection (9) above—
- (a) may create one or more criminal offences relating to the use of records or information in breach of the restrictions imposed by those regulations, but
  - (b) may not provide, in respect of any such offence, for a penalty greater than a fine not exceeding level 4 on the standard scale.]

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### Extent Information

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

### Textual Amendments

- F1** Words in s. 6(1) inserted (E.W.) (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 85, 188, {Sch. 10 para. 2(2)}; [S.I. 2007/1801](#), [art. 4\(1\)](#)
- F2** Words in s. 6(1) substituted (24.7.2005 for specified purposes and otherwise 16.10.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, [Sch. 12 para. 8](#); [S.I. 2005/1909](#), [art. 2](#); [S.I. 2005/2182](#), [art. 2](#), Sch. 1
- F3** S. 6(1A)-(1C) inserted (E.W.) (1.9.2007 for specified purposes and otherwise prosp.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 85, 188, [Sch. 10 para. 2\(3\)](#); [S.I. 2007/1801](#), [art. 4\(1\)](#)
- F4** S. 6(1B)(d)(e) inserted (E.W.) (6.3.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), [Sch. 1 para. 2\(2\)\(c\)](#); [S.I. 2009/371](#), art. 2, Sch. Pts. 1, 2
- F5** Words in s. 6(1C)(a) substituted (E.W.) (6.3.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), [Sch. 1 para. 2\(3\)](#); [S.I. 2009/371](#), art. 2, Sch. Pts. 1, 2
- F6** S. 6(2A) inserted (E.W.) (26.11.2008 for specified purposes) by [Local Transport Act 2008 \(c. 26\)](#), ss. [48\(2\)](#), [134\(1\)\(c\)\(4\)](#)
- F7** S. 6(9)(ka) inserted (E.W.) (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), ss. [65\(3\)](#), [134\(1\)\(c\)\(4\)](#); [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1
- F8** S. 6(10) inserted (E.W.) (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), ss. [65\(4\)](#), [134\(1\)\(c\)\(4\)](#); [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1

### Modifications etc. (not altering text)

- C4** S. 6 excluded by [S.I. 1986/1671](#), [reg. 10](#)
- C5** S. 6 excluded (21.7.1994) by [1994 c. xv](#), s. [73\(3\)](#)  
S. 6-9 applied (28.7.1998) by [1998 c. iii](#), s. 1, [Sch. s. 54](#) of Order  
Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise prosp.) by [2000 c. 38](#), ss. [129\(1\)-\(3\)](#), 275; [S.I. 2001/3342](#), art. 2, [Sch.](#)  
Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by [2000 c. 38](#), s. [134\(2\)\(a\)](#); [S.I. 2001/2788](#), art. 2, [Sch. 1 para. 2](#); [S.I. 2001/3342](#), art. 2, [Sch.](#)  
S. 6 excluded (24.7.2001) by [S.I. 2001/3627](#), [art. 62\(3\)](#)
- C6** S. 6 excluded (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\)](#), [art. 55\(3\)](#) (with arts. 65, 66)
- C7** S. 6 excluded (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005 \(S.I. 2005/3523\)](#), [art. 37\(3\)](#) (with art. 52)
- C8** S. 6 excluded (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), [art. 38\(3\)](#)
- C9** S. 6(8) modified (E.W.) (6.4.2009) by [The Public Service Vehicles \(Registration Restrictions\) \(England and Wales\) Regulations 2009 \(S.I. 2009/443\)](#), regs. 1(1), [6\(5\)](#)
- C10** S. 6(9): functions transferred (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\)](#), art. 2, [Sch.](#) (with art. 4)

## 6 Registration of local services. S

- (1) In this section “service” means a local service which is neither a London local service nor a service provided under an agreement [<sup>F2</sup> entered into, where a railway service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the

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- National Assembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services)].
- (2) Subject to regulations under this section, no service shall be provided in any traffic area in which there is a stopping place for the service unless—
    - (a) the prescribed particulars of the service have been registered with the traffic commissioner for that area by the operator of the service;
    - (b) the period of notice in relation to the registration has expired; and
    - (c) the service is operated in accordance with the registered particulars.
  - (3) In [<sup>F23</sup>this section] “the period of notice”, in relation to any registration, means, subject to regulations under this section—
    - (a) the period prescribed for the purposes of this subsection; or
    - (b) if longer, the period beginning with the registration and ending with the date given to the traffic commissioner by the operator as the date on which the service will begin.
  - (4) An application for registration shall only be accepted from a person who either holds an unconditional PSV operator’s licence or a permit under section 22 of this Act or is using, or proposing to use, a school bus belonging to that person for farepaying passengers in accordance with section 46(1) of the 1981 Act.
  - (5) In subsection (4) above “unconditional”, in relation to a PSV operator’s licence, means a licence which does not have attached to it a condition imposed under section 26(1) of this Act prohibiting, or having the effect of prohibiting, the operator from using vehicles under the licence to provide the service to which the application in question relates.
  - (6) In this Act any reference to a service registered under this section is a reference to a service in respect of which the prescribed particulars are registered under this section.
  - (7) Any registration may be varied or cancelled on an application made by the operator of the service to which it relates.
  - (8) Subject to regulations under this section, the variation or cancellation of a registration shall become effective—
    - (a) on the expiry of the period beginning with the date on which the traffic commissioner accepts the application and ending with the date determined in accordance with regulations under this section; or
    - (b) if later, on the day given to the traffic commissioner by the operator as the effective date for the variation or (as the case may be) cancellation.
  - [<sup>F24</sup>(8A) Where a service is registered under this section or, as the case may be, a registration is varied under this section, the operator of the service which has been registered, or in respect of which the registration has been varied, shall provide that service for a period of at least 90 days (or, as the case may be, such other period as the traffic commissioner may specify) beginning with the day on which the period of notice expires or, as the case may be, the variation becomes effective.]
  - (9) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—
    - (a) for permitting the variation of a registered service, in such circumstances as may be prescribed, without variation of the registration;

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- (b) for excluding or modifying the application of subsection (3) or (8) above in such cases or classes of case as may be prescribed;
- (c) that in such cases or classes of case as may be prescribed—
  - (i) subsection (2) above shall have effect as if for the reference in paragraph (b) to the period of notice there were substituted a reference to such period as the traffic commissioner may determine;
  - (ii) subsection (8) above shall have effect as if for the reference in paragraph (a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as he may determine;
- (d) as to the procedure for [<sup>F25</sup>or in connection with] applying for registration or for the variation or cancellation of a registration;
- [<sup>F26</sup>(da) subject to subsection (10) below, specifying dates as the only dates on which the operator of a local service in the area (or areas) of such local authority (or authorities) as may be specified in the regulations may vary a registration in so far as it relates to the scheduled times of the local service in respect of which the registration is made;]
- (e) for an application for registration or for the variation or cancellation of a registration not to be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner [<sup>F27</sup>, in such form as he may require,] such information as he may reasonably require in connection with the application;
- (f) as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;
- (g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations;
- (h) as to the cancellation of registrations relating to discontinued services;
- (i) for enabling a traffic commissioner to require the operator of a registered service, in such circumstances as may be prescribed, to keep records of such matters relating to the operation of the service, in such manner, as may be prescribed;
- (j) for requiring the operator of a registered service who is required to keep records by regulations made by virtue of paragraph (i) above to make those records available to the traffic commissioner;
- (k) for requiring the operator or prospective operator of a registered service to give, to such persons and at such times as may be prescribed, such information as may be prescribed with respect to the service, or proposed service, or any proposal to vary or cancel the registration of the service;
- (l) for excluding from the application of this section services which are—
  - (i) excursions or tours; or
  - (ii) excursions or tours falling within a prescribed class.

[<sup>F28</sup>(10) Regulations making provision such as is mentioned in subsection (9)(da) above may not—

- (a) have effect for a period of more than three years;
- (b) specify more than four dates in a calendar year as dates on which a registration may be varied.]

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### Extent Information

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

### Textual Amendments

- F2** Words in s. 6(1) substituted (24.7.2005 for specified purposes and otherwise 16.10.2005) by [Railways Act 2005 \(c. 14\), ss. 59, 60, Sch. 12 para. 8](#); S.I. 2005/1909, [art. 2](#); S.I. 2005/2182, [art. 2](#), [Sch. 1](#)
- F23** Words in s. 6(3) substituted (S.) (1.7.2001) by [2001 asp 2, s. 45\(a\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. II](#)
- F24** S. 6(8A) inserted (S.) (1.7.2001) by [2001 asp 2, s. 45\(b\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(3\)](#), [Sch. 2 Pt. II](#)
- F25** Words in s. 6(9)(d) inserted (S.) (1.4.2001) by [2001 asp 2, s. 83, Sch. 2 para. 4\(2\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)
- F26** S. 6(9)(da) inserted (S.) (1.4.2001) by [2001 asp 2, s. 46\(a\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)
- F27** Words in s. 6(9)(e) inserted (S.) (1.4.2001) by [2001 asp 2, s. 83, Sch. 2 para. 4\(2\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)
- F28** S. 6(10) inserted (S.) (1.4.2001) by [2001 asp 2, s. 46\(b\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)

### Modifications etc. (not altering text)

- C6** S. 6 excluded (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\), art. 55\(3\)](#) (with [arts. 65, 66](#))
- C7** S. 6 excluded (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005; S.I. 2005/3523, art. 37\(3\)](#) (with [art. 52](#))
- C17** S. 6 excluded by [S.I. 1986/1671, reg. 10](#)
- C18** S. 6 excluded (21.7.1994) by [1994 c. xv, s. 73\(3\)](#)  
S. 6-9 applied (28.7.1998) by [1998 c. iii, s. 1, Sch. s. 54](#) of Order  
Ss. 6-9 restricted (S.) (1.7.2001) by [2001 asp 2, s. 22\(1\)\(a\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)  
S. 6 extended (S.) (1.7.2001) by [2001 asp 2, s. 8\(5\)\(7\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)  
S. 6 extended (S.) (1.7.2001) by [2001 asp 2, s. 22\(3\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)  
S. 6 extended (S.) (1.7.2001) by [2001 asp 2, s. 32\(2\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)  
S. 6 excluded (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 11](#)  
S. 6 excluded (24.7.2001) by [S.I. 2001/3627, art. 62\(3\)](#)
- C19** S. 6(2) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 7\(1\)\(a\)](#)
- C20** S. 6(3) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 8\(1\)](#)
- C21** S. 6(8) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 7\(1\)\(b\)](#)  
S. 6(8) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 8\(1\)](#)
- C22** S. 6(9): functions transferred (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\), art. 2, Sch.](#) (with [art. 4](#))

## [<sup>F9</sup>6A Applications for registration etc where restrictions are in force

- (1) This section applies in any case where—
- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 are in force in the case of a quality partnership scheme (“the scheme”);

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- (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act to a traffic commissioner in respect of a local service in relation to which those restrictions have effect; and
  - (c) the application is one which would fall to be accepted by the traffic commissioner, apart from this section.
- (2) In any such case the traffic commissioner, before deciding whether or not to accept the application, must give to—
  - (a) each relevant authority, and
  - (b) each relevant operator,a notice complying with subsection (3) below.
- (3) The notice must—
  - (a) identify the application and state that it has been made;
  - (b) provide prescribed particulars of the application;
  - (c) inform the persons to whom it is required to be sent of the right of each of them to make relevant representations to the traffic commissioner about the application.
- (4) If no relevant representations are made, the application is to be accepted.
- (5) If any relevant representations are made by a relevant authority or a relevant operator, the traffic commissioner must decide whether the effect of accepting the application would be detrimental to the provision of local services under the scheme.
- (6) The traffic commissioner may decide that question only after—
  - (a) considering those representations;
  - (b) taking account of any other relevant applications and any relevant representations made in relation to those applications;
  - (c) holding such inquiries under section 54 of the 1981 Act as the traffic commissioner may think fit; and
  - (d) applying the registration criteria.
- (7) If the traffic commissioner decides that the effect of accepting the application would not be detrimental to the provision of such services, the application is to be accepted.
- (8) If subsection (7) above does not apply, the traffic commissioner may do any one or more of the following—
  - (a) refuse to accept the application;
  - (b) require the applicant to amend the application in such respects as the traffic commissioner may require before submitting it again;
  - (c) if the applicant has not given a written undertaking under section 118(4) of the Transport Act 2000 in relation to the scheme, require the applicant to give such an undertaking before the application may be accepted.
- (9) An appeal against any decision of a traffic commissioner under this section may be made to the Transport Tribunal by any of the following persons—
  - (a) the person who made the application;
  - (b) any relevant authority that made relevant representations against the application;
  - (c) any relevant operator who made relevant representations against the application.



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As respects appeals to the Transport Tribunal, see Schedule 4 to this Act.

- (10) An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in the paragraphs of subsection (9) above from a decision of the Transport Tribunal on an appeal under that subsection.
- (11) Regulations may be made for the purposes of carrying this section into effect; and the provision that may be made by any such regulations includes provision—
- (a) as to the procedure for giving notice under subsection (2) above;
  - (b) prescribing the particulars of the application that are to be provided in such a notice;
  - (c) as to the procedure for making relevant representations;
  - (d) as to the procedure to be followed in determining the application.

(12) In this section—

“quality partnership scheme” means a scheme under section 114 of the Transport Act 2000;

“registration criteria” means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;

“relevant application” means any application under section 6 of this Act—

- (a) which is made in respect of a local service in relation to which the registration restrictions have effect, and
- (b) which (whenever made) is awaiting the decision of the traffic commissioner;

“relevant authority” means the authority, or any of the authorities, that made the scheme;

“relevant operator” means—

- (a) any operator of local services who has given an undertaking under section 118(4) of the Transport Act 2000 in respect of the scheme;
- (b) any other operator of local services which might be affected if the application were to be accepted;

“relevant representations” means representations that the effect of accepting the application would be detrimental to the provision of services under the scheme, having regard to the registration criteria.]

#### Textual Amendments

**F9** S. 6A inserted (E.W.) (26.11.2008 for specified purposes) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 48(3), 134(1)(c)(4)**

#### [<sup>F10</sup>**6B** Applications for registration where quality contracts scheme in force

- (1) This section applies—
- (a) by virtue of subsection (2B) of section 6 of this Act (“Case 1”), in relation to registration of the proposed local service mentioned in that subsection;
  - (b) by virtue of subsection (7A) of that section (“Case 2”), in relation to the proposed variation of the registration mentioned in that subsection.
- (2) Where this section applies, the operator may apply to a traffic commissioner—

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- (a) in Case 1, for registration of the proposed service under section 6 of this Act, or
  - (b) in Case 2, for variation of the registration under that section,
- notwithstanding anything in section 129(1)(a) of the Transport Act 2000 (sections 6 to 9 of this Act not to apply).
- (3) The traffic commissioner must not accept the application except in accordance with subsections (4) to (6) below.
- (4) On receipt of the application, the traffic commissioner must consult the authority or authorities who made the quality contracts scheme.
- (5) If, within the prescribed time, the traffic commissioner receives from the authority or authorities a clearance certificate in respect of the application, the traffic commissioner must—
- (a) in Case 1, register the service under section 6 of this Act, or
  - (b) in Case 2, vary the registration under that section.
- (6) If the traffic commissioner does not receive such a certificate within that time, the application must be rejected.
- (7) In relation to Case 2, regulations may prescribe cases in which subsections (3) to (6) above do not apply.
- (8) In this section—
- “clearance certificate” means a certificate that the provision—
    - (a) in Case 1, of the proposed local service, or
    - (b) in Case 2, of the local service as proposed to be varied,
 will not have an adverse effect on local services provided under quality contracts in the area to which the quality contracts scheme relates;
    - “prescribed” means prescribed in regulations;
    - “the relevant authority or authorities” means the authority or authorities—
      - (a) who last continued the quality contracts scheme in force under section 131A of the Transport Act 2000, or
      - (b) if the scheme has not been so continued, who made it.]

#### Textual Amendments

**F10** S. 6B inserted (E. W.) (26.11.2008 for specified purposes) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 49(5), 134(1)(c)(4)**

## 7 Application of traffic regulation conditions to local services subject to registration under section 6.

- (1) If a traffic authority asks him to exercise his powers under this section in relation to a particular traffic problem [<sup>F11</sup>which has arisen or which the authority reasonably foresees is likely to arise], the traffic commissioner for any traffic area may determine conditions (“traffic regulation conditions”) which must be met in the provision of services in the area to which the conditions are expressed to apply.
- (2) In this section “service” means any local service to which section 6 of this Act applies.

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- (3) The area to which traffic regulation conditions may be expressed to apply is any part of the traffic area of the traffic commissioner determining them.
- (4) No traffic commissioner shall determine traffic regulation conditions unless he is satisfied, after considering the traffic in the area in question, that such conditions ~~[<sup>F12</sup>are required]~~<sup>F12</sup>are, or are likely to be, required] in order to—
  - (a) prevent danger to road users; <sup>F13</sup> . . .
  - (b) reduce severe traffic congestion [<sup>F14</sup>; or
  - (c) reduce or limit noise or air pollution.]
- (5) In considering what traffic regulation conditions to apply to a particular area a traffic commissioner shall have regard in particular to the interests of—
  - (a) those who have registered under section 6 of this Act services which are or will be operated in the area;
  - (b) those who are, or are likely to be, users of such services; and
  - (c) persons who are elderly or disabled.
- (6) The purposes for which traffic regulation conditions may be determined are the regulation of—
  - (a) the routes of services;
  - (b) the stopping places for services;
  - (c) when vehicles used in providing services may stop at such stopping places and for how long they may do so; and
  - (d) such other matters as may be prescribed.
- (7) Subject to subsection (8) below, traffic regulation conditions shall apply—
  - (a) to all services operated in the area to which the conditions are expressed to apply; or
  - (b) to such class of service operated there as may be specified in the conditions.
- (8) Where the traffic commissioner for any traffic area is satisfied that traffic regulation conditions applying generally to a particular part of his traffic area would be inappropriate as a means of achieving the regulation of traffic which he considers is required there, he may determine traffic regulation conditions which apply only to the service or services specified in the conditions.
- (9) Before determining any traffic regulation conditions, a traffic commissioner shall hold an inquiry if he has received (within the prescribed period) a request for an inquiry from—
  - (a) the traffic authority which made the request under subsection (1) above;
  - (b) any other traffic authority likely to be affected by traffic regulation conditions determined in response to that request; or
  - (c) any person who has registered under section 6 of this Act a service which is or will be operated in the area in question;and the request has not been withdrawn.
- (10) Subsection (9) above shall not apply where the traffic commissioner is satisfied that the conditions should be determined without delay.
- (11) Where, in reliance on subsection (10) above, a traffic commissioner determines traffic regulation conditions without first holding an inquiry, he shall hold one as soon as is reasonably practicable if any person mentioned in subsection (9)(a) or (c) above or any

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other traffic authority affected by the conditions has, before the end of the prescribed period, asked him to do so.

- (12) Before asking a traffic commissioner to exercise his powers under this section in relation to a [<sup>F15</sup>a road for which the Secretary of State is the highway or roads authority], a traffic authority shall obtain leave of the Secretary of State; but leave given under this subsection shall not be taken to indicate the Secretary of State's approval of any conditions determined by the traffic commissioner in response to the request.
- (13) Traffic regulation conditions may make different provision with respect to the operation of any service to which they apply during different periods of the year, on different days of the week, or at different times during any period of 24 hours.
- (14) A traffic commissioner may vary or revoke any traffic regulation conditions determined by him on being requested to do so by—
- (a) any traffic authority; or
  - (b) the operator of any service affected by the conditions.
- (15) In this section “traffic authority” means—
- (a) in relation to England and Wales, the council of any metropolitan district or non-metropolitan county; and
  - (b) in relation to Scotland, the council of any [<sup>F16</sup>local government] area.

#### Textual Amendments

- F11** Words in s. 7(1) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 50(2)**, 134(4); S.I. 2009/107, **art. 2(1)**, **Sch. 1 Pt. 1**
- F12** Words in s. 7(4) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 50(3)**, 134(4); S.I. 2009/107, **art. 2(1)**, **Sch. 1 Pt. 1**
- F13** Word in s. 7(4)(a) repealed (1.2.2001 for E. and 14.8.2002 for W.) by [2000 c. 38](#), s. 274, **Sch. 31 Pt. II**; 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. 2002/2024, **art. 2**
- Word in s. 7(4)(a) repealed (S.) (1.4.2001) by asp 2, s. 42 (with s. 66): [S.S.I. 2001/132](#), **art. 2(2)**, **Sch. Pt. 1**
- F14** S. 7(4)(c) and the preceding word “or” inserted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by [2000 c. 38](#), **s. 142**; 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. 2**
- S. 7(4)(c) and the preceding word “or” inserted (S.) (1.4.2001) by asp 2, s. 42 (with s. 66); [S.S.I. 2001/132](#), **art. 2(2)**, **Sch. Pt. 1**
- F15** Words in s. 7(12) substituted (S.) (1.11.1991) by [New Roads and Street Works Act 1991 \(c. 22\)](#), SIF 59, 108), s. 168(1), **Sch. 8 Pt. IV para. 117(2)**; S.I. 1991/2286, **art. 2(2)**, **Sch. 2**
- Words in s. 7(12) substituted (E.W.) (1.11.1991) by [New Roads and Street works Act 1991 \(c. 22\)](#), SIF 59, 108), s. 168(1)(2), **Sch. 8 Pt. IV para. 117(2)**; S.I. 1991/2288, **art. 3**, **Sch.**
- F16** Words in s. 7(15)(b) substituted (S.) (1.4.1996) by [S.I. 1996/974](#), **art. 2(1)**, **Sch. 1 Pt. I para. 7(a)**

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

- C11** S. 6-9 applied (28.7.1998) by [1998 c. iii](#), s. 1, **Sch. s. 54** of Order
- Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise *prosp.*) by [2000 c. 38](#), **ss. 129(1)-(3)**, 275; S.I. 2001/3342, **art. 2**, **Sch.**
- Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by [2000 c. 38](#), **s. 134(2)(a)**; S.I. 2001/2788, **art. 2**, **Sch. 1 para. 2**; S.I. 2001/3342, **art. 2**, **Sch.**

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- C12** S. 7(6)(d): functions transferred (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\)](#), art. 2, [Sch.](#) (with art. 4)
- C13** S. 7(9): functions transferred (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\)](#), art. 2, [Sch.](#) (with art. 4)
- C14** S. 7(11): functions transferred (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\)](#), art. 2, [Sch.](#) (with art. 4)

## 8 Enforcement of traffic regulation conditions, etc.

- (1) Where traffic regulation conditions have been determined under section 7 of this Act, it shall be the duty of the traffic commissioner by whom any relevant licence or permit has been granted to attach the conditions to that licence or, as the case may be, to that permit.
- (2) In this section—  
“licence” means a PSV operator’s licence;  
“permit” means a permit under section 22 of this Act;  
and a licence or permit is relevant for the purposes of this section if a local service registered under section 6 of this Act by the holder of the licence or permit is affected by the conditions.
- (3) Where the traffic commissioner who determined the traffic regulation conditions and the traffic commissioner who granted the relevant licence or permit are different, it shall be the duty of the commissioner determining the conditions to send to the other commissioner—  
(a) details of the conditions; and  
(b) the name of the person registering the particulars of the local service.
- (4) If traffic regulation conditions which have been attached to a licence or permit under this section are subsequently varied or revoked, it shall be the duty of the traffic commissioner or commissioners concerned to secure that the conditions as so attached are correspondingly varied or (as the case may be) removed.
- (5) Traffic regulation conditions shall be of no effect to the extent to which they are incompatible with any provision made by or under any enactment prohibiting or restricting the use of any road by traffic.
- (6) Where the operator of a local service is unable both to operate the service in accordance with the particulars of the service registered under section 6 of this Act and to comply with—  
(a) traffic regulation conditions; or  
(b) any other provision of a kind mentioned in subsection (5) above;  
any failure to operate the service in accordance with those particulars which occurs at any time before the expiry of the prescribed period beginning with the coming into force of the conditions or provision shall be disregarded to the extent to which it is attributable to his having to comply with the conditions or provision.

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

- C15** Ss. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order  
Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise *prosp.*) by 2000 c. 38, **ss. 129(1)-(3), 275**;  
**S.I. 2001/3342, art. 2, Sch.**  
Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for E. and 26.10.2001 for W.) by 2000 c. 38, **s. 134(2)(a)**; **S.I. 2001/2788, art. 2, Sch. 1 para. 2**; **S.I. 2001/3342, art. 2, Sch.**

**9 Appeals against traffic regulation conditions.**

- (1) Any person to whom subsection (2) below applies may appeal to <sup>[F17]</sup>the Secretary of State<sup>[F17]</sup>the Transport Tribunal] against—
  - (a) the determination, variation or revocation of any traffic regulation conditions under section 7 of this Act; or
  - (b) the refusal by a traffic commissioner to comply with a request duly made under that section to determine, vary or revoke any such conditions.
- (2) The persons to whom this subsection applies are—
  - (a) in relation to any determination, variation or revocation of conditions—
    - (i) any person who has registered under section 6 of this Act a local service which is, or is likely to be, affected by them; and
    - (ii) any traffic authority aggrieved by the decision in question; and
  - (b) in relation to any refusal to comply with a request, the person making the request.
- (3) <sup>[F18]</sup>An appeal under this section must be made within the prescribed time and in the prescribed manner, and provision may be made by regulations as to the procedure to be followed in connection with such appeals.]
- (4) <sup>[F18]</sup>On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against and may give such directions as he thinks fit to the traffic commissioner for giving effect to his decision.]
- (5) <sup>[F19]</sup>An appeal lies (in accordance with paragraph 14 of Schedule 4 to this Act) at the instance of any of the persons mentioned in subsection (2) below from a decision of the Transport Tribunal on an appeal under this section.]
- (6) The persons who may appeal against any such decision of <sup>[F20]</sup>the Secretary of State<sup>[F20]</sup>the Transport Tribunal] are—
  - (a) the person who appealed to <sup>[F21]</sup>him<sup>[F21]</sup>the tribunal];
  - (b) any person who had a right to appeal to <sup>[F21]</sup>him<sup>[F21]</sup>the tribunal] against the relevant decision of the traffic commissioner but did not exercise that right;
  - (c) any traffic authority aggrieved by the decision; and
  - (d) the traffic commissioner whose decision was appealed against.
- (7) <sup>[F22]</sup>If on an appeal under subsection (5) above the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Secretary of State with the opinion of the court for rehearing and determination by him.]
- (8) <sup>[F22]</sup>No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.]

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- (9) [<sup>F22</sup>An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the House of Lords determine.]
- (10) In this section “traffic authority” has the same meaning as in section 7 of this Act.

#### Textual Amendments

- F17** Words in s. 9(1) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 51(2)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F18** S. 9(3)(4) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(3), 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F19** S. 9(5) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 51(4)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F20** Words in s. 9(6) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 51(5)(a)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F21** Words in s. 9(6) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 51(5)(b)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F22** S. 9(7)-(9) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(6), 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)

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

- C16** S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order  
Ss. 6-9 restricted (E.W.) (26.10.2001 for E.) by 2000 c. 38, **ss. 129(1)-(3)**, 275; S.I. 2001/3342, art. 2, **Sch.**  
Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for E. and 26.10.2001 for W.) by 2000 c. 38, **s. 134(2)(a)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**  
S. 9: functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

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