



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Modification of PSV requirements in relation to vehicles used for certain purposes*

#### **18 Exemption from PSV operator and driver licensing requirements of vehicles used under permits.**

[<sup>F1</sup>(1)] [<sup>F2</sup>Section 12(1)] of the 1981 Act (licensing of operators . . . <sup>F3</sup> in relation to the use of public service vehicles for the carriage of passengers) shall not apply—

- (a) to the use [<sup>F4</sup>by an exempt body] of any vehicle under a permit granted under section 19 of this Act, if and so long as the requirements under subsection (2) of that section are met; [<sup>F5</sup>or]
- (b) to the use [<sup>F6</sup>by an exempt body] of any vehicle under a permit granted under section 22 of this Act;

[<sup>F7</sup>(2) Where a holder of a licence under Part III of the Road Traffic Act 1988 was first granted a licence under that Part before 1st January 1997, he may drive any small bus at a time when it is being used as mentioned in paragraph (a) or (b) of subsection (1) above, notwithstanding that his licence under that Part does not authorise him to drive a small bus when it is being so used.

(3) Where—

- (a) a holder of a licence under Part III of the Road Traffic Act 1988 was first granted a licence under that Part on or after 1st January 1997, or
- (b) a Community licence holder is authorised by virtue of section 99A(1) of that Act to drive in Great Britain a motor vehicle of any class,

he may drive any small bus to which subsection (4) below applies at a time when it is being used as mentioned in paragraph (a) or (b) of subsection (1) above, notwithstanding that he is not authorised by his licence under that Part or by virtue of that section (as the case may be) to drive such a bus.

*Changes to legislation: Transport Act 1985, Section 18 is up to date with all changes known to be in force on or before 18 May 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*

- (4) This subsection applies to any small bus which, when laden with the heaviest load which it is constructed to carry, weighs—
- (a) not more than 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and
  - (b) not more than 4.25 tonnes otherwise.
- (5) In this section—
- “Community licence” has the same meaning as in Part III of the Road Traffic Act 1988, <sup>F8</sup> ...
- [<sup>F9</sup>“exempt body” means a body—
- (a) to whom the 2009 Regulation does not apply because the body is not engaged (and does not intend to engage) in the occupation of road transport operator (as defined in the 2009 Regulation);
  - (b) to whom the 2009 Regulation does not apply by virtue of Article 1(4)(b) of the 2009 Regulation (non-commercial purposes or main occupation not road passenger transport operator); or
  - (c) who satisfies the requirements of Article 1(5)(b) of the 2009 Regulation (minor impact on the transport market because of the short distances involved);]

“small bus” has the same meaning as in sections 19 to 21 of this Act [<sup>F10</sup>; and “the 2009 Regulation” means Regulation (EC) No. 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue the occupation of road transport operator and repealing Council Directive 96/26/EC.]

[<sup>F11</sup>(6) For the purposes of paragraph (c) of the definition of “exempt body”, the circumstances in which a body engaged exclusively in national transport operations (within the meaning of the 2009 Regulation) is to be taken to satisfy the requirements of Article 1(5)(b) of that Regulation include (but are not limited to) a case where, except on an occasional basis—

    - (a) each service operated by the body using a public service vehicle under a permit is operated within a radius of ten miles from a place specified by that body upon applying for the grant (or variation) of that permit; or
    - (b) in respect of each service operated by the body using a public service vehicle under a permit, the distance from the first place where any passenger using that service is taken up to the last place where any passenger using that service is set down, is not more than ten miles, measured in a straight line.]

#### Textual Amendments

- F1** S. 18 renumbered as s. 18(1) (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, regs. 1(2)(a)(iii)(b), 4, **Sch. 3 para. 1(2)**
- F2** Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 4(a)**
- F3** Words repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F4** Words in s. 18(1)(a) inserted (1.10.2019) by The Transport Act 1985 (Amendment) Regulations 2019 (S.I. 2019/572), regs. 1(b), **2(2)(a)**
- F5** Word inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 4(b)**

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- F6** Words in s. 18(1)(b) inserted (1.10.2019) by [The Transport Act 1985 \(Amendment\) Regulations 2019 \(S.I. 2019/572\)](#), regs. 1(b), **2(2)(b)**
- F7** S. 18(2)-(5) substituted for words in s. 18 (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974](#), regs. 1(2)(a)(iii)(b), 4, **Sch. 3 para. 1(3)**
- F8** Word in s. 18(5) omitted (1.10.2019) by virtue of [The Transport Act 1985 \(Amendment\) Regulations 2019 \(S.I. 2019/572\)](#), regs. 1(b), **2(2)(c)(i)**
- F9** Words in s. 18(5) inserted (1.10.2019) by [The Transport Act 1985 \(Amendment\) Regulations 2019 \(S.I. 2019/572\)](#), regs. 1(b), **2(2)(c)(ii)**
- F10** Words in s. 18(5) inserted (1.10.2019) by [The Transport Act 1985 \(Amendment\) Regulations 2019 \(S.I. 2019/572\)](#), regs. 1(b), **2(2)(c)(iii)**
- F11** S. 18(6) inserted (1.10.2019) by [The Transport Act 1985 \(Amendment\) Regulations 2019 \(S.I. 2019/572\)](#), regs. 1(b), **2(2)(d)**

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