



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

#### **[<sup>F1</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 [<sup>F2</sup>113D(1) or] 114(3A) of the Transport Act 2000 are in force in the case of [<sup>F3</sup>an advanced quality partnership scheme or] a quality partnership scheme (“the scheme”);
  - (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act <sup>F4</sup>... 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 [<sup>F5</sup>a 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.

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- (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 [F<sup>6</sup>113J(4) or (5) or] 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 [F<sup>7</sup>Upper 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.

F<sup>8</sup> ...

F<sup>9</sup>(10) .....

- (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—
  - [F<sup>10</sup>“advanced quality partnership scheme” means a scheme under section 113C of the Transport Act 2000;]
  - “quality partnership scheme” means a scheme under section 114 of the Transport Act 2000;
  - [F<sup>11</sup>“registration criteria”—

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- (a) in relation to an advanced quality partnership scheme, means the criteria specified in the scheme by virtue of section 113D(3) of the Transport Act 2000;
- (b) in relation to a quality partnership scheme, 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 [<sup>F12</sup>a 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 [<sup>F13</sup>113J(4) or (5) or] 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.
- [<sup>F14</sup>“the traffic commissioner” means the traffic commissioner dealing with the application mentioned in subsection (1).]

[ The power to make regulations under subsection (11), so far as exercisable in relation <sup>F15</sup>(13) to Wales, is exercisable by the Welsh Ministers (and not by the Secretary of State).]

#### Textual Amendments

- F1** 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)
- F2** Words in s. 6A(1)(a) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), **Sch. 1 para. 3(2)(a)**
- F3** Words in s. 6A(1)(a) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), **Sch. 1 para. 3(2)(b)**
- F4** Words in s. 6A(1)(b) omitted (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F5** Words in s. 6A(1)(c) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F6** Words in s. 6A(8)(c) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), **Sch. 1 para. 3(3)**
- F7** Words in s. 6A(9) substituted (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 6(a)(i)**
- F8** Words in s. 6A(9) omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 6(a)(ii)**
- F9** S. 6A(10) omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 6(b)**
- F10** Words in s. 6A(12) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), **Sch. 1 para. 3(4)(a)**

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- F11** Words in s. 6A(12) substituted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), **Sch. 1 para. 3(4)(b)**
- F12** Words in s. 6A(12) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F13** Words in s. 6A(12) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), s. 26(3), **Sch. 1 para. 3(4)(c)**
- F14** Words in s. 6A(12) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F15** S. 6A(13) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 27(3)**, 71(4) (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(f)

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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 4**, 26(3)) (with transitional provisions (24.4.2018) in S.I. 2018/406, regs. 1(2), **4-8** (with reg. 1(3)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2](#), s. **13B(1)(a)** (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 38(2)**, 130(2) (with s. 126); S.S.I. 2023/250, **sch.**)

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

- s. 6-9 by 2000 c. 38 s. 129(1)(a)134(2)(a)

**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)