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STATUTORY INSTRUMENTS

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**1986 No. 1794**

**The Transport Act 1985 (Commencement No. 6) Order 1986**

*Citation and interpretation*

1.—(1) This Order may be cited as the Transport Act 1985 (Commencement No. 6) Order 1986.

(2) In this Order—

“the 1847 Act” means the provisions of the Town Police Clauses Act 1847 with respect to hackney carriages;

“the 1889 Act” means the Town Police Clauses Act 1889;

“the 1981 Act” means the Public Passenger Vehicles Act 1981; and

“the 1985 Act” means the Transport Act 1985.

*Commencement of provisions*

2. The provisions of the 1985 Act specified in the first column of each of the Schedules to this Order (which relate to the matters specified in the second column) shall come into operation on the date specified at the head of the relevant Schedule subject to the limitations (if any) specified in the third column of that Schedule.

*Transitional provisions*

3. Until 1st January 1989, the repeal of section 3(4) of the Road Traffic Regulation Act 1984 shall not affect the operation, in relation to a public service vehicle being used in the provision of a local service, of any order made under section 1 of that Act before 26th October 1986.

4. Section 14A of the 1981 Act<sup>(1)</sup> shall not apply in relation to any application for the grant of a PSV operator's licence received by a traffic commissioner before 26th October 1986.

5.—(1) Where the prescribed particulars of a local service approved by a traffic commissioner under paragraph 11 of Schedule 6 to the 1985 Act are not registered with that commissioner under section 6 of that Act, then those particulars shall be deemed to have been registered with him under that section and the period of notice (mentioned in that section) in relation to that registration shall be deemed to have expired.

(2) In this article, “prescribed particulars” has the meaning given by regulation 4 of the Public Passenger Vehicles (Registration of Local Services: Transitional Provisions) Regulations 1985.

6. In regulation 5(3)(a) of the Motor Vehicles (Tests) Regulations 1981 (which relates to the classification of vehicles), for the words “ section 45 of the 1981 Act” there shall be substituted the words “ section 23(7) of the Transport Act 1985”

7. Where the 1847 Act and the 1889 Act (as incorporated in each case in the Public Health Act 1875), are not in force in any part of the area of a district council in England and Wales and that part is outside the area to which the Metropolitan Public Carriage Act 1869 applies, that council may

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(1) Section 14A was inserted by section 25 of the Transport Act 1985 .

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before 1st January 1987 by resolution under section 45 of the Local Government (Miscellaneous Provisions) Act 1976 bring into force in that part of its area Part II of the Act of 1976 from a date on or after 1st January 1987.

**8.—(1)** In any proceedings for an offence committed before 1st April 1987 under or by virtue of the 1847 Act or of the 1889 Act as applied in either case in an area by section 15 of the 1985 Act, it shall be a defence for the person charged to prove that he was an operator of a hackney carriage before 1st January 1987 in that area.

(2) For the purposes of this article, a person is an operator of a hackney carriage in an area if he is a person to whom section 45 of the 1847 Act would apply if that section applied in that area at that time.

20th October 1986

*John Moore*  
Secretary of State for Transport