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STATUTORY INSTRUMENTS

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**1986 No. 1794 (C.63)**

**TRANSPORT**

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

*Made* - - - - *20th October 1986*

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

*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.

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

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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 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

## SCHEDULE 1

### PROVISIONS COMING INTO OPERATION ON 26TH OCTOBER 1986

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>	<i>Limitations on Commencement</i>
Section 1.	Abolition of road service licensing.	To the extent that it is not already in force.
Section 4.	Inquiries held by traffic commissioner.	To the extent that it is not already in force.
Section 6.	Registration of local services.	
Sections 24–28.	Amendments with respect to PSV operators' licences.	
Section 32.	Repeal of sections 47 and 48 of the 1981 Act.	To the extent that it is not already in force.
Sections 35–46.	Regulation of road passenger transport in London.	
Section 111.	Unregistered and unreliable local services: reduction of fuel duty grant.	
Section 126.	Application of sections 52 and 56 of the 1981 Act.	Except in so far as subsection (1) relates to applications for and the grant of permits under section 19, to the extent that section 126 is not already in force.
Section 127(4).	Defences.	To the extent that it is not already in force.
Section 139(1)–(3).	Transitional provisions, minor and consequential amendments and repeals.	In relation to subsection (1), to the extent that it is not already in force; and in relation to subsections (2) and (3), to the extent that they relate to the provisions of Schedules 7 and 8 brought into force by this Order.
Schedule 1.	Amendments consequential on the abolition of road service licensing.	To the extent that it is not already in force.
Schedule 6.	Transitional provisions and savings.	To the extent that it is not already in force.
Schedule 7.	Minor and consequential amendments.	To the extent that it is not already in force.

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<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>	<i>Limitations on Commencement</i>
Schedule 8, except for the provisions set out in the Appendix to this Schedule.	Repeals.	To the extent that it is not already in force.

**APPENDIX TO SCHEDULE 1**  
**REPEALS NOT BROUGHT INTO EFFECT**  
**ON OR BEFORE 26TH OCTOBER 1986**

<i>Chapter</i>	<i>Short Title</i>	<i>Extent of prospective repeal</i>
1847 c. 89	The Town Police Clauses Act 1847	In section 37, the words “such number of” and “as they think fit”.
1981 c. 14.	The Public Passenger Vehicles Act 1981.	Sections 42 to 44.  In section 52(3), the words “or by virtue of regulations made under section 44 of this Act”.  In section 67, the words “other than regulations made under section 44 thereof”.  In section 76, the words “except sections 42 to 44” and the word “thereof”.

**SCHEDULE 2**

**PROVISIONS COMING INTO OPERATION ON 1ST JANUARY 1987**

<i>Provisions of the Act</i>	<i>Subject matter of provisions</i>	<i>Limitations on Commencement</i>
Section 14.	Operation of taxis and private hire cars in Scotland for the carriage of passengers at separate fares.	
Section 15.	Extension of taxi licensing in England and Wales.	

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## EXPLANATORY NOTE

This Order brings into force on 26th October 1986 and 1st January 1987 the provisions of the Transport Act 1985 listed respectively in Schedule 1 and Schedule 2.

The provisions being brought into force on 26th October include those relating to—

- (1) the abolition of road service licensing (section 1);
- (2) the registration of local services ( section 6);
- (3) various amendments in respect of PSV operators' licences (sections 24–28 );
- (4) the regulation of road passenger transport in Greater London by a system of London local service licences (sections 35–46); and
- (5) the reduction of fuel duty grant in the case of unregistered and unreliable local services ( section 111).

The provisions being brought into force on 1st January 1987 are those relating to—

- (1) the operation of taxis and private hire cars in Scotland for the carriage of passengers at separate fares ( section 14); and
- (2) the extension of taxi licensing in England and Wales (section 15).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

The following provisions of the Transport Act 1985 have been brought into force by commencement orders made before the date of this Order.

Provision	Date of Commencement	<i>S.I. No.</i>
Sections 1(3)*, 2, 3, 4*, 5.	6th January 1986	1985/1887
Sections 7, 8, 9.	14th July 1986	1986/1088
Sections 10, 11.	1st August 1986	1986/1088
Section 12.	6th January 1986	1985/1887
Section 13.	6th January 1986	1985/1887
	1st August 1986	1986/1088
Section 16.	6th January 1986	1985/1887
Sections 17, 18*, 22, 23.	1st August 1986	1986/1088
Sections 29, 30.	6th January 1986	1985/1887
Section 31.	15th September 1986	1986/1450
Section 32*.	6th January 1986	1985/1887
Section 33.	1st August 1986	1986/1088
Sections 34, 47–56.	6th January 1986	1985/1887
Section 57.	6th January 1986	1985/1887
	1st April 1986	1986/414

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Provision	Date of Commencement	S.I. No.
Sections 59–84 , 87–92.	6th January 1986	1985/1887
Section 93.	14th February 1986	1986/80
	1st April 1986	1986/414
Sections 94–101.	14th February 1986	1986/80
Section 102.	1st April 1986	1986/414
Section 103.	14th February 1986	1986/80
Section 104.	15th September 1986	1986/1450
Section 105.	14th February 1986	1986/80
Section 106.	6th January 1986	1985/1887
Section 107.	1st April 1986	1985/1887
Sections 108, 109.	1st April 1986	1986/414
Sections 110, 112, 113.	6th January 1986	1985/1887
Sections 114, 115.	26th July 1986	1986/1088
Section 116.	1st April 1986	1986/414
	26th July 1986	1986/1088
Section 117.	15th September 1986	1986/1450
Sections 118–125 .	6th January 1986	1985/1887
Section 126*.	14th July 1986	1986/1088
	1st August 1986	1986/1088
Section 127*.	6th January 1986	1985/1887
	1st August 1986	1986/1088
Sections 128–138 .	6th January 1986	1985/1887
Section 139*.	6th January 1986	1985/1887
	1st April 1986	1986/414
	26th July 1986	1986/1088
	1st August 1986	1986/1088
	15th September 1986	1986/1450
Schedules 1*, 2.	6th January 1986	1985/1887
Schedule 3.	6th January 1986	1985/1887
	1st April 1986	1986/414
Schedule 4.	15th September 1986	1986/1450
Schedule 5.	6th January 1986	1985/1887
Schedule 6*.	6th January 1986	1985/1887
	14th February 1986	1986/80

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Provision	Date of Commencement	S.I. No.
	1st April 1986	1986/414
	15th September 1986	1986/1450
Schedule 7*.	6th January 1986	1985/1887
	14th February 1986	1986/80
	1st April 1986	1986/414
	1st August 1986	1986/1088
	15th September 1986	1986/1450
Schedule 8*.	6th January 1986	1985/1887
	1st April 1986	1986/414
	26th July 1986	1986/1088
	15th September 1986	1986/1450

An asterisk(\*) indicates that the provision was only brought into force partially.