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STATUTORY INSTRUMENTS

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**2019 No. 572**

**The Transport Act 1985 (Amendment) Regulations 2019**

**Amendments of the Transport Act 1985**

2.—(1) The Transport Act 1985(1) is amended as follows.

(2) In section 18 (exemption from PSV operator and driver licensing requirements of vehicles used under permits) —

- (a) in subsection (1)(a), after “use” insert “by an exempt body”;
- (b) in subsection (1)(b), after “use” insert “by an exempt body”;
- (c) in subsection (5)—
  - (i) at the end of the definition of “Community licence”, omit “and”;
  - (ii) after the definition of “Community licence”, insert—
    - ““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);”;
  - (iii) at the end of the definition of “small bus”, insert—
    - “; and
    - “the 2009 Regulation” means Regulation (EC) No. 1071/2009(2) 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(3)
- (d) after subsection (5), insert—
  - “(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

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(1) 1985 c.67; sections 18 to 23A were amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22), sections 7 and 16, Schedule 3, paragraphs 4 and 5 and Schedule 6; the Driving Licences (Community Driving Licence) Regulations 1996 (S.I. 1996/1974) regulation 4, Schedule 3, paragraphs 1(2), 1(3) and 2; and the Local Transport Act 2008 (c.26) sections 57(1), (2), (3)(a), 3(b), 3(c), (4), (5), (6)(a), (7) and (8), 58(1), (2), (3), (4), (5)(a), (5)(b) and (6), 59(1), (2), (3), (4) and (5), 60(1) and 131 and Schedule 7, Part 3.

(2) OJ No L 300, 14.11.2009, p51.

(3) OJ No L 124, 23.05.1996, p.1.

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.”.

(3) In section 19 (permits in relation to use of public service vehicles by educational and other bodies)—

- (a) in subsection (1), after the definition of “bus” insert—
  - ““exempt body” has the same meaning as in section 18 of this Act;”;
- (b) in subsection (1), in the definition of “permit”, after “granted” insert “to an exempt body”;
- (c) in subsections (2)(a) and (3), for “a body”, substitute “an exempt body”;
- (d) in subsection (3), for “other body”, substitute “other exempt body”;
- (e) in subsections (4), (5) and (7), for “any body”, substitute “any exempt body”;
- (f) in subsection (7)—
  - (i) for “bodies”, substitute “exempt bodies”;
  - (ii) in paragraph (a), for “classes of body” substitute “classes of exempt body”;
  - (iii) in paragraph (c), for “the body” substitute “the designated body”;
- (g) in subsections (8) and (9), for “A body”, substitute “An exempt body”.

(4) In section 20 (further provision with respect to permits under section 19)—

- (a) in subsection (7), at the end of paragraph (b) insert—
  - “; or
  - (c) it ceases to have effect under subsection (8) or (9) below”;
- (b) after subsection (7) insert—
  - “(8) A permit granted at any time to an exempt body ceases to have effect on the date on which the body ceases to be an exempt body.
  - (9) A permit granted before 1st October 2019 ceases to have effect on that date if the body to whom it was granted is not an exempt body on that date.”.

(5) In section 22 (community bus permits)—

- (a) in subsection (1)—
  - (i) in the definition of “community bus service”, for “a body”, substitute “an exempt body”;
  - (ii) at the end of the definition of “community bus service”, omit “and”;
  - (iii) in the definition of “community bus permit”, after “granted” insert “to an exempt body”;
  - (iv) at the end of the definition of “community bus permit”, insert—
    - “; and
    - “exempt body” has the same meaning as in section 18 of this Act”;
- (b) in subsection (4), for “A body”, substitute “An exempt body”.

(6) In section 23 (further provision with respect to community bus permits), after subsection (6), insert—

“(6A) A community bus permit shall remain in force until—

(a) it is revoked under subsection (6) above, or

(b) it ceases to have effect under subsection (6B) or (6C) below.

(6B) A community bus permit granted at any time to an exempt body ceases to have effect on the date on which the body ceases to be an exempt body.

(6C) A community bus permit granted before 1st October 2019 ceases to have effect on that date if the body to whom it was granted is not an exempt body on that date.”.