

Status: Point in time view as at 26/12/2023.

Changes to legislation: Transport Act 1985, SCHEDULE 1 is up to date with all changes known to be in force on or before 13 September 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)

SCHEDULES

SCHEDULE 1

Section 1.

AMENDMENTS CONSEQUENTIAL ON THE ABOLITION OF ROAD SERVICE LICENSING

The ^{M1}Transport Act 1968

Marginal Citations

M1 1968 c. 73.

- 1 In section 159(1) of the Transport Act 1968 (interpretation)—
- (a) for the definition of “bus service” there shall be substituted the following—
- ““bus service” means a local service other than one on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more places and back”; and
- (b) the following definition shall be inserted at the appropriate place—
- ““local service” has the same meaning as in the Transport Act 1985;”.

The ^{M2}Local Government (Miscellaneous Provisions) Act 1976

Marginal Citations

M2 1976 c. 57.

- 2 In section 63(3)(b) of the Local Government (Miscellaneous Provisions) Act 1976 for the words “road service licence” there shall be substituted the words “local service within the meaning of the Transport Act 1985”.

The ^{M3}Energy Act 1976

Marginal Citations

M3 1976 c. 76.

- 3 (1) Paragraph 1 of Schedule 1 to the Energy Act 1976 (relaxation of road traffic and transport law) shall be amended as follows.
- (2) In sub-paragraph (1), for the words from “any”, where it first occurs, to “contract carriage” there shall be substituted the words “a local service within the meaning of the Transport Act 1985 or use any public service vehicle on a road for carrying passengers for hire or reward”.

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(3) In sub-paragraph (1), after paragraph (a) there shall be inserted the following paragraph—

“(aa) without complying with the requirements of sections 6 (registration of local services outside London) and 35 (provision of local services within London under London local service licences) of the 1985 Act;”

(4) In sub-paragraph (1)(c) the words “or Part III” shall be omitted and after “1981” there shall be inserted the words “or Part I or II of the Transport Act 1985”.

(5) In sub-paragraph (2), the words “section 60 of”, and the words from “general” to first “vehicles”, shall be omitted and after “1981” there shall be inserted “or Part I of the Transport Act 1985”.

The ^{M4}Public Passenger Vehicles Act 1981

Marginal Citations
M4 1981 c. 14.

4 In section 12 of the 1981 Act (PSV operator’s licence), for subsection (1) there shall be substituted the following subsection—

“(1) A public service vehicle shall not be used on a road for carrying passengers for hire or reward except under a PSV operator’s licence granted in accordance with the following provisions of this Part of this Act.”.

5 F1

Textual Amendments
F1 Sch. 1 para. 5 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6.

6 F2

Textual Amendments
F2 Sch. 1 para. 6 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

7 F3

Textual Amendments
F3 Sch. 1 para. 7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

8 In section 53(1) of that Act (payment of expenses), for the words “II or III” there shall be substituted the words “or II”.

9 F4

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Textual Amendments

F4 Sch. 1 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

10 **F5**

Textual Amendments

F5 Sch. 1 para. 10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

11 In section 68(4)(a) of that Act (provisions to which a defence under subsection (3) of that section applies), for the words “27(2) and 30(6) and (7)” there shall be substituted the words “and 27(2)”.

12 **F6**

Textual Amendments

F6 Sch. 1 para. 12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

13 In section 82(1) of that Act (definitions of expressions used in that Act) the definitions of the following expressions shall be omitted—

- “contract carriage”;
- “excursion or tour”;
- “express carriage” and “express carriage service”;
- “road service licence”;
- “stage carriage” and “stage carriage service”; and
- “trial area”;

and after the definition of “local authority” there shall be inserted the following definition—

“‘local service’ has the same meaning as in the Transport Act 1985;”.

14 **F7**

Textual Amendments

F7 Sch. 1 para. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

The ^{M5}Road Traffic Regulation Act 1984

Marginal Citations

M5 1984 c. 27.

- 15 (1) The Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In section 7(5) (restriction on the right to appeal from road service licensing decisions of traffic commissioners in any case where the decision is certified to be necessary to secure conformity with a traffic regulation order), for the words from “traffic

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commissioners” to “the commissioners” there shall be substituted the words “traffic commissioner for the Metropolitan Traffic Area under section 42 of the Transport Act 1985 in the case of a decision of his with respect to a London local service licence if and so far as he certifies”.

- (3) In section 10—
- (a) in subsection (4) (restriction on the right to appeal from road service licensing decisions of traffic commissioners in any case where the decision is certified to be necessary to secure conformity with an experimental traffic order), for the words from “traffic commissioners” to “the commissioners” there shall be substituted the words “commissioner for the Metropolitan Traffic Area under section 42 of the Transport Act 1985 in the case of a decision of the commissioner with respect to a London local service licence if and so far as he certifies”; and
 - (b) after subsection (5) there shall be inserted the following subsection—

“(6) The reference in subsection (4) above to the Metropolitan Traffic Area shall be construed as if it were contained in the Public Passenger Vehicles Act 1981.”
- (4) In section 142(1) (interpretation), in the definition of “public service vehicle”, for the words “and ’stage carriage’ have the same meanings” there shall be substituted the words “has the same meaning”.
- (5) In Schedule 9—
- (a) in paragraph 13(3)(b), for the words “stage carriage” there shall be substituted the words “vehicle being used in the provision of a local service within the meaning of the Transport Act 1985”; and
 - (b) in paragraph 13(3)(c)(i), there shall be substituted for the words from “stage carriage”, where they first occur, to “1981” the words “local service (within the meaning of the Transport Act 1985)” and for the words “stage carriage”, where they next occur, the word “vehicle”.
- 16 (1) Subject to any provision made by or under this Act, in any enactment or instrument passed or made before the commencement of section 1 of this Act—
- (a) any reference to a stage carriage service shall be construed as a reference to a local service;
 - (b) any reference to an express carriage service shall be construed as a reference to any service for the carriage of passengers for hire or reward at separate fares which is neither a local service nor one provided by a vehicle to which sub-paragraph (2) below applies;
 - (c) any reference to a stage carriage shall be construed as a reference to a public service vehicle being used in the provision of a local service;
 - (d) any reference to an express carriage shall be construed as a reference to a public service vehicle being used to carry passengers for hire or reward at separate fares other than one being used in the provision of a local service; and
 - (e) any reference to a contract carriage shall be construed as a reference to a public service vehicle being used to carry passengers for hire or reward otherwise than at separate fares.
- (2) When used in circumstances in which the conditions set out in Part III of Schedule 1 to the 1981 Act are fulfilled, a public service vehicle carrying passengers at separate

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fares shall be treated, for the purposes of any enactment or instrument to which paragraph (d) or (e) of sub-paragraph (1) above applies, as being used to carry passengers otherwise than at separate fares.

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