



Transport Act 1978

1978 CHAPTER 55

Public service vehicle licensing

5 Community bus services

- (1) Subject to the provisions of this section, the traffic commissioners for any traffic area may grant—
 - (a) a road service licence under Part III of the 1960 Act, authorising the use of a vehicle as a stage carriage or an express carriage; or
 - (b) a permit under section 30 of the 1968 Act, authorising the use of a vehicle as a stage carriage,

in either case so as to provide a community bus service (to be specified in the licence or permit) using volunteer drivers.

- (2) The vehicles to be so used by virtue of this section are those, and those only, adapted to carry at least 8 and at most 16 passengers.
- (3) A community bus service may extend to the provision of excursions and tours as defined by section 159 of the 1968 Act.
- (4) The commissioners shall not by virtue of this section grant a licence or permit unless they are satisfied that the applicants for it—
 - (a) are a body of persons (whether corporate or un-incorporate) who in making the application are concerned for the social and welfare needs of one or more communities; and
 - (b) propose to provide the bus service without profit either to themselves or to anyone else;

and this, in the case of an application for a permit under section 30, is in addition to the requirement in subsection (2) of that section that the traffic commissioners must, before granting the permit, be satisfied that there are no other transport facilities available to meet the reasonable needs of the proposed route.

- (5) In the case of a vehicle used in providing a community bus service, there shall be no requirement under section 127 of the 1960 Act for any person to be the holder of a public service vehicle licence authorising that use; and at any time when a vehicle is

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so used, the person driving it need not be the holder of a public service vehicle driver's licence under section 144 of that Act.

- (6) But at any such time—
- (a) the driver must be a volunteer and, if not the holder of a public service vehicle driver's licence, must fulfil such conditions as may be prescribed for drivers of community buses;
 - (b) the vehicle must (unless there is a public service vehicle licence in force in respect of it) fulfil such conditions as may be prescribed with respect to fitness for use as a community bus ; and
 - (c) there must be displayed on the vehicle such disc or other document issued by the traffic commissioners as may be prescribed for a vehicle used as a community bus;

and compliance with paragraphs (a) to (c) of this subsection is a condition of the use of the vehicle being treated as authorised by the road service licence or section 30 permit.

- (7) For the purposes of subsection (6)(a) above, " volunteer " means that the driver is not paid for driving the vehicle on the particular journey, disregarding—
- (a) any payment of reasonable expenses incurred by him in making himself available to drive ; and
 - (b) any payment representing earnings lost as a result of making himself available to drive in exceptional circumstances.

- (8) The traffic commissioners may by virtue of this section grant a licence or permit for a community bus service to be provided wholly or partly in Greater London and the service shall not be regarded as a London bus service within section 23 of the Transport (London) Act 1969 (which provides exclusivity for the London Transport Executive); but the commissioners—
- (a) before granting or renewing such a licence or permit, shall satisfy themselves that the application for the grant or renewal is approved by that Executive; and
 - (b) before varying the conditions attached to such a licence or permit, shall consult the Executive about the proposed variation.

- (9) This section and Part III of the 1960 Act shall be construed and have effect as if this section were contained in that Part of that Act.

- (10) In section 44 of the 1972 Act (requirement of M.O.T. test certificate), at the end of subsection (4) (exclusion of public service vehicles) there shall be inserted—

“but shall apply (except in prescribed cases) to a vehicle which is used in providing a community bus service under section 5 of the Transport Act 1978, if no public service vehicle licence is in force in respect of the vehicle.”.

6 Use of community bus for contract work

- (1) A road service licence or section 30 permit authorising the provision of a community bus service may be granted so as to authorise the use of the community bus as a contract carriage, subject to such restrictions (if any) as the traffic commissioners think fit to impose.
- (2) " The community bus " means any vehicle (being adapted to carry at least 8 and at most 16 passengers) which, whether or not belonging to the holders of the applicable road service licence or permit, is used on a regular basis for the purposes of the service.

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- (3) The licence or permit shall not be granted with an authorisation under subsection (1) unless the commissioners are satisfied that it is reasonable in all the circumstances with a view to financial support of the service.
- (4) Section 5(5) and (6) of this Act apply to any use of the community bus as a contract carriage in the same way as they apply to any other use of it.
- (5) This section and Part III of the 1960 Act shall be construed and have effect as if this section were contained in that Part of that Act.

7 Car-sharing for social and other purposes

- (1) For Part II of Schedule 12 to the 1960 Act (which regulates the use of smaller vehicles carrying passengers at separate fares) there shall be substituted the Part II set out in Schedule 1 to this Act (which consists of new or altered provisions as to the number of passengers carried, notices and advertisement, arrangements by local authorities for social purposes, etc.).
- (2) In Part V of Schedule 12, at the end of paragraph 13 (advertisements to be disregarded for certain purposes of the Schedule), there shall be added “or
 - (c) a notice displayed or announcement made in or at any place of work with regard to journeys to be made to or from that place by people who work there, or
 - (d) a notice displayed or announcement made by a club or other voluntary association which—
 - (i) relates only to journeys arranged incidentally in connection with activities of the club or association (but they must not be activities directed to the provision of road transport facilities, whether for members of the club or association, or for others), and
 - (ii) is displayed or made in premises occupied or used by the club or association or contained in any periodical issued by it”.
- (3) At any time when a vehicle would, apart from—
 - (a) section 118 of the 1960 Act (exemption from licensing system of vehicles adapted to carry no more than 7 passengers); or
 - (b) section 1(1) of the Minibus Act 1977 (corresponding exemption for 8 to 16-seaters used by educational and other bodies),

be a public service vehicle, it shall continue to be treated as such for the purpose only of provisions contained in a local Act, in section 270 or 271 of and Schedule 5 to the Burgh Police (Scotland) Act 1892 or in Part II of the Local Government (Miscellaneous Provisions) Act 1976, which regulate the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and exclude public service vehicles from the scope of that regulation.

8 Road service licences and permits

- (1) The provisions of Part III of the 1960 Act and of the 1968 Act specified in Schedule 2 to this Act (being provisions about grant, refusal and variation of road service licences and permits in lieu of road service licences; duration of licences; attachment of conditions to licences and permits; procedure of traffic commissioners and related matters) shall be amended as shown in that Schedule.

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- (2) But the amendments of section 135 of the 1960 Act (criteria for grant etc. of road service licences and attachment of conditions) do not operate in relation to—
- (a) an application to traffic commissioners for, or for the backing of, a road service licence, or for the variation of the conditions attached to such a licence, if the application is made before those amendments come into force; or
 - (b) a proposal by traffic commissioners to vary the conditions attached to a road service licence (otherwise than on an application falling within paragraph (a) above) if notice of the proposal is given before those amendments come into force; or
 - (c) any appeal arising out of an application or proposal in relation to which, by virtue of paragraph (a) or paragraph (b) above, those amendments do not operate.