



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.”.