



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Further amendments with respect to PSV operators' licences*

#### **24 Limit on number of vehicles to be used under a restricted licence.**

- (1) In section 16 of the 1981 Act (conditions attached to PSV operators' licences)—
- (a) the following subsection shall be inserted after subsection (1)—

“(1A) In the case of a restricted licence, the number specified as the maximum in any condition imposed under subsection (1) above shall not, except in any prescribed case or class of case, exceed two.”;
  - (b) in subsection (8) of that section (power of traffic commissioner to dispense temporarily with conditions attached under that subsection), after the words “under this section” there shall be inserted the words “(other than a condition so attached under subsection (1A) above)”; and
  - (c) in subsection (9) of that section (limited effect of conditions attached under subsection (1)), after the words “subsection (1)” there shall be inserted the words “or (1A)”.

<sup>F1</sup>(2) .....

#### **Textual Amendments**

**F1** S. 24(2) repealed (1.1.1996) by [1994 c. 40, s. 81, Sch. 17](#); [S.I. 1995/2835, art. 2](#)

#### **25 Objections to application for PSV operator's licence.**

After section 14 of the 1981 Act (grant of licences) there shall be inserted the following section—

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#### **“14A Objections to application for PSV operator’s licence.**

- (1) Where an application is made for the grant of a PSV operator’s licence under this Act, any chief officer of police or local authority may object to the grant of the licence on the ground that one or more of the requirements mentioned in section 14(1) and (3) of this Act are not satisfied in relation to the application.
- (2) An objection under this section shall be made within the prescribed time and in the prescribed manner and shall contain particulars of the ground on which it is made.
- (3) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.
- (4) In this section “local authority” means—
  - (a) in England and Wales, the council of a county, district or London borough or the Common Council of the City of London or a Passenger Transport Executive; and
  - (b) in Scotland, a regional or islands council.
- (5) This section does not apply in relation to any application for a special licence (within the meaning of section 12 of the Transport Act 1985).”

#### **26 Conditions attached to PSV operator’s licence.**

- (1) <sup>F2</sup>Where <sup>F2</sup>Subsection (1A) below applies in any case where it appears to a traffic commissioner, in relation to a person (“the operator”) <sup>F3</sup>who has been granted or to whom it is proposed to grant a PSV operator’s licence, that—
  - (a) the operator has failed to operate a local service registered under section 6 of this Act; or
  - (b) the operator has operated a local service in contravention of that section <sup>F4</sup>or section <sup>F5</sup>113J(4) or (5), <sup>F6</sup>118(4) <sup>F6</sup>, <sup>F7</sup>123J(3) <sup>F7</sup>, <sup>F8</sup>129(1)(b) or <sup>F8</sup>138J(9) of the Transport Act 2000; <sup>F8</sup>or section 8(4) or section 22(1)(b) of the Transport (Scotland) Act 2001 <sup>F9</sup>; or
    - <sup>F10</sup>(bza) [ the operator has failed to comply with a requirement imposed by virtue of section <sup>F11</sup>123X(7)(c), <sup>F11</sup>134B(7)(c) <sup>F12</sup>or <sup>F12</sup>138S(7)(c) of the Transport Act 2000; or]
    - (ba) the operator has failed to comply with section <sup>F13</sup>134F, <sup>F13</sup>138 or <sup>F13</sup>140(3) of <sup>F14</sup>the Transport Act 2000]; or <sup>F15</sup>; or
    - <sup>F16</sup>(baa) [ the operator has failed to take all reasonable steps to comply with a requirement imposed under section 143A <sup>F17</sup>or <sup>F17</sup>143B of the Transport Act 2000; or]
    - (bb) the operator has failed to comply with section 32(1) or 34(3) of the Transport (Scotland) Act 2001;]
    - <sup>F18</sup>(bc) [ the operator has failed to comply with a requirement of regulations made under section 181A of the Equality Act 2010;]
    - (c) the arrangements for maintaining the vehicles used under the licence in a fit and serviceable condition are not adequate for the use of those vehicles in providing the local service or services in question; or
    - (d) the operator, or any employee or agent of his, has—

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- (i) intentionally interfered with the operation of a local service provided by another operator;
  - (ii) operated a local service in a manner dangerous to the public; or
  - (iii) been guilty of any other serious misconduct (whether or not constituting a criminal offence) in relation to the operation of a local service; or
  - (e) a condition attached under section 8 of this Act to the operator's licence has been contravened;
- [<sup>F19</sup>(1A) [<sup>F20</sup>The traffic commissioner][<sup>F20</sup>A traffic commissioner] may (on granting the licence or at any other time) attach [<sup>F21</sup>, or direct a traffic commissioner for another traffic area to attach,] a condition falling within subsection (1B) below to any one or more of the following PSV operator's licences (wherever granted)—
- (a) the licence mentioned in subsection (1) above;
  - (b) any other licence held by the operator;
  - (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).
- (1B) The conditions are—
- (a) a condition prohibiting the holder of the licence from using vehicles under the licence to provide any local service of a description specified in the condition;
  - (b) a condition prohibiting the holder of the licence from so using vehicles to provide local services of any description.
- (1C) A condition under subsection (1A) may be attached—
- (a) indefinitely; or
  - (b) for a period of time specified by the traffic commissioner (which may commence immediately or on a date so specified).]

(2) The commissioner may attach a condition to a PSV operator's licence under [<sup>F22</sup>subsection (1)][<sup>F22</sup>subsection (1A)] above, by reference to circumstances falling within paragraph (a) or (b) of [<sup>F23</sup>that subsection][<sup>F23</sup>subsection (1) above] if, but only if, it appears to him that the operator did not have a reasonable excuse for his conduct or that it is appropriate to attach <sup>F24</sup>... the condition in view of—

    - (a) the danger to the public involved in the operator's conduct; or
    - (b) the frequency of conduct of the kind in question on the part of the operator.

<sup>F25</sup>(2A) .....

(3) Where the effect of a condition attached to a PSV operator's licence under [<sup>F26</sup>subsection (1)][<sup>F26</sup>subsection (1A)] above is that the operator of a local service registered under section 6 of this Act is prohibited from using vehicles under the licence to provide that service, [<sup>F27</sup>a traffic commissioner may cancel the registration].

<sup>F28</sup>(4) .....

(5) [<sup>F29</sup>Where][<sup>F29</sup>Subsection (5A) below applies in any case where] it appears to [<sup>F30</sup>a traffic commissioner] that—

    - (a) vehicles used under the licence (or under any PSV operator's licence previously held by the operator) have not been maintained in a fit and serviceable condition; or

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- (b) the operator has been involved in arrangements with any other operator for the use of each other's vehicles with a view to hindering enforcement of any requirements of the law relating to the operation of those vehicles;
- [<sup>F31</sup>(5A) [<sup>F32</sup>The traffic commissioner][<sup>F32</sup>A traffic commissioner] may (on granting the licence or at any other time) attach [<sup>F33</sup>, or direct a traffic commissioner for another traffic area to attach,] to any one or more of the licences mentioned in subsection (5B) below a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.
- (5B) The licences are the following PSV operator's licences (wherever granted)—
- (a) the licence mentioned in subsection (5) above;
  - (b) any other licence held by the operator;
  - (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).
- (5C) [<sup>F34</sup>Where a direction is given under subsection (5A) above to a traffic commissioner for another area, that traffic commissioner must either—
- (a) attach the condition to the licence; or
  - (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.]]

(6) A condition attached to a licence under [<sup>F35</sup>subsection (5)][<sup>F35</sup>subsection (5A)] above shall—

    - (a) apply only to vehicles which have their operating centre in the traffic area [<sup>F36</sup>to which the licence relates]; and
    - (b) be in addition to (and not be taken as prejudicing in any way) any conditions attached to the licence under section 16 of the 1981 Act as to the maximum number of vehicles which the operator may at any one time use under the licence.

[<sup>F37</sup>(7) In this section “undertaking” and “group undertaking” have the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).]

#### Textual Amendments

- F2** Words in s. 26(1) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\), ss. 62\(2\), 134\(4\); S.I. 2009/107, art. 2\(1\), Sch. 1 Pt. 1 \(with Sch. 1 para. 2\(1\)\)](#)
- F3** Words in s. 26(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 1 \(with arts. 1\(3\), 2, 7\)](#)
- F4** Words in s. 26(1)(b) inserted (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by [2000 c. 38, s. 161, Sch. 11 para. 10\(1\)\(2\); S.I. 2001/2788, art. 2, Sch. 1 para. 11; S.I. 2001/3342, art. 2, Sch.](#)
- F5** Words in s. 26(1)(b) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\), Sch. 1 para. 4](#)
- F6** Word in s. 26(1)(b) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\), Sch. 2 para. 3\(2\)](#)
- F7** Words in s. 26(1)(b) substituted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), s. 26\(3\), Sch. 4 para. 3\(2\)](#)
- F8** Words in s. 26(1)(b) inserted (25.7.2001) by [S.I. 2001/2748, art. 3\(1\)\(2\)](#)
- F9** S. 26(1)(ba) and the word “or” at the end of para. (b) inserted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by [2000 c. 38, s. 161, Sch. 11 para. 10\(1\)\(3\); S.I. 2001/57, art.3\(2\), Sch. 3 Pt. I \(subject to savings in Sch. 3 Pt. II \(as amended by S.I. 2001/115, art. 3\)\); S.I. 2001/2788, art. 2, Sch. 1 para. 11](#)

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- F10** S. 26(1)(bza) inserted (E.W.) (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), **ss. 44(2)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F11** Word in s. 26(1)(bza) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), s. 26(3), **Sch. 2 para. 3(3)**
- F12** Words in s. 26(1)(bza) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), s. 26(3), **Sch. 4 para. 3(3)**
- F13** Word in s. 26(1)(ba) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), s. 26(3), **Sch. 3 para. 2**
- F14** Words in s. 26(1)(ba) substituted (25.7.2001) by S.I. 2001/2748, **art. 3(1)(3)**
- F15** S. 26(1)(bb) and the word “or” inserted (25.7.2001) by S.I. 2001/2748, **art. 3(1)(4)**
- F16** S. 26(1)(baa) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), s. 26(3), **Sch. 2 para. 3(4)**
- F17** Words in s. 26(1)(baa) inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), s. 26(3), **Sch. 4 para. 3(4)**
- F18** S. 26(1)(bc) inserted (26.6.2018) by Bus Services Act 2017 (c. 21), **ss. 17(4)**, 26(2); S.I. 2018/758, reg. 2
- F19** S. 26(1A)-(1C) substituted (9.2.2009) for words by Local Transport Act 2008 (c. 26), **s. 62(2)(b)(3)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F20** Words in s. 26(1A) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F21** Words in s. 26(1A) omitted (E.W.) (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F22** Words in s. 26(2) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 62(4)(b)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F23** Words in s. 26(2) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 62(4)(c)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F24** Words in s. 26(2) omitted (E.W.) (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F25** S. 26(2A) omitted (E.W.) (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F26** Words in s. 26(3) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 62(6)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F27** Words in s. 26(3) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F28** S. 26(4) omitted (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F29** Words in s. 26(5) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), **ss. 62(7)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F30** Words in s. 26(5) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F31** S. 26(5A)-(5C) substituted (9.2.2009) for words by Local Transport Act 2008 (c. 26), **s. 62(7)(b)(8)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(1))
- F32** Words in s. 26(5A) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F33** Words in s. 26(5A) omitted (E.W.) (3.7.2013) by virtue of The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)

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- F34** S. 26(5C) omitted (E.W.) (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F35** Words in s. 26(6) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 62(9)**, 134(4); [S.I. 2009/107](#), art. 2(1), **Sch. 1 Pt. 1** (with [Sch. 1 para. 2\(1\)](#))
- F36** Words in s. 26(6)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F37** S. 26(7) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 62(10)**, 134(4); [S.I. 2009/107](#), art. 2(1), **Sch. 1 Pt. 1** (with [Sch. 1 para. 2\(1\)](#))

**Modifications etc. (not altering text)**

- C1** S. 26-30 applied (28.7.1998) by [1998 c. iii, s. 1](#), **Sch. s. 54** of Order

**27 Supplementary provisions with respect to conditions attached to PSV operator's licence under section 26.**

- (1) Before attaching any condition to a PSV operator's licence under section 26 of this Act, a traffic commissioner shall hold an inquiry [<sup>F38</sup>if a request for an inquiry has been received by a traffic commissioner (within the prescribed period)] from the holder of, or (as the case may be) applicant for, the licence.
- (2) Subsection (1) above shall not apply where the traffic commissioner is satisfied that the condition should be attached without delay.
- (3) Where, in reliance on subsection (2) above, a traffic commissioner attaches any such condition to a PSV operator's licence without first holding an inquiry, [<sup>F39</sup>he or another traffic commissioner] shall hold one as soon as is reasonably practicable [<sup>F39</sup>if a request for a traffic commissioner to do so is made to a traffic commissioner, before the end of such period as may be prescribed, by the holder of the licence].
- (4) For the purposes of section 16(5) of the 1981 Act (traffic commissioner's power to vary or remove conditions attached under section 16(3) of that Act to a PSV operator's licence), a condition attached under section 26 of this Act shall be treated as attached under section 16(3) of that Act.
- (5) Nothing in section 26 shall be taken as prejudicing the generality of the power under that Act to prescribe descriptions of conditions for the purposes of section 16(3) of that Act.

**Textual Amendments**

- F38** Words in s. 27(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F39** Words in s. 27(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

**Modifications etc. (not altering text)**

- C2** S. 26-30 applied (28.7.1998) by [1998 c. iii, s. 1](#), **Sch. s. 54** of Order

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## **[<sup>F40</sup>27A Additional powers where service not operated as registered**

- (1) This section applies in any case where it appears to a traffic commissioner that a person (“the operator”)—
- (a) has, or may have, failed to operate a local service registered under section 6 of this Act; or
  - (b) has, or may have, failed to operate such a service in accordance with the particulars registered under that section.

- (2) The traffic commissioner may direct a local traffic authority to provide [<sup>F41</sup>him or another traffic commissioner], within a specified period, with specified information connected with any aspect of the performance of their duties under section 16 or 17 of the Traffic Management Act 2004 (the network management duty, and arrangements for network management).

This subsection is supplemented by provisions in section 27B of this Act.

- (3) If the traffic commissioner holds an inquiry in connection with deciding whether—
- (a) to attach a condition under section 26 of this Act, or
  - (b) to make an order under section 155 of the Transport Act 2000,
- subsections (2) and (3) of section 250 of the Local Government Act 1972 (attendance of witnesses etc) apply to the inquiry as they apply to an inquiry under that section.

- (4) If the traffic commissioner identifies any remedial measures (see subsection (5)) which, in the traffic commissioner's opinion, could be taken—
- (a) by the operator, or
  - (b) by a local traffic authority,
- the traffic commissioner may prepare a report recommending the implementation of those measures.

- (5) In this section “remedial measures” means measures which, in the opinion of the traffic commissioner, would enable or facilitate the operation of the service in accordance with the particulars registered under section 6 of this Act.

- (6) A traffic commissioner who prepares a report under subsection (4) above—
- (a) must send a copy of the report to the operator and, if any of the recommended remedial measures are for implementation by a local traffic authority, to that authority;
  - (b) must, if the implementation of any of the measures in the report would affect the operation of bus services in an integrated transport area, send a copy of the report to the Integrated Transport Authority for that area;
  - (c) may send a copy of the report to any one or more of the persons in subsection (7) below;
  - (d) may publish the report.

- (7) The persons are—
- (a) the appropriate national authority,
  - (b) any local traffic authority [<sup>F42</sup>, Integrated Transport Authority or combined authority] which the traffic commissioner considers appropriate,
- and any other persons whom the traffic commissioner considers appropriate.

[ In this section “the traffic commissioner” means the traffic commissioner dealing with <sup>F43</sup>(7A) the matter.]

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- (8) See subsection (6) of section 27B of this Act for the meaning of some of the expressions used in this section.]

#### Textual Amendments

- F40** S. 27A inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 63(1)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(2))
- F41** Words in s. 27A(2) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F42** Words in s. 27A(7)(b) substituted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 63**; S.I. 2009/3318, art. 2(c)
- F43** S. 27A(7A) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)

#### [<sup>F44</sup>27B Provisions supplementing section 27A

- (1) This section supplements section 27A of this Act.
- (2) In this section “direction” means a direction under subsection (2) of that section.
- (3) The information that may be specified in a direction must be information which the local traffic authority have in their possession or can reasonably be expected to acquire.
- (4) The information that may be specified in a direction includes information relating to—
  - (a) the management of a local traffic authority’s road network; or
  - (b) the use of their road network by different kinds of traffic or the effects of that use.
- (5) A direction may be given—
  - (a) to one or more local traffic authorities; or
  - (b) to local traffic authorities of a description specified in the direction.
- (6) In section 27A of this Act and in this section the following expressions have the same meaning as in Part 2 of the Traffic Management Act 2004 (network management by local traffic authorities)—
  - appropriate national authority,
  - local traffic authority,
  - road network,
  - traffic,

except that “local traffic authority” does not include Transport for London, a London borough council or the Common Council of the City of London.]

#### Textual Amendments

- F44** S. 27B inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 63(1)**, 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 2(2))



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## 28 Power to disqualify PSV operators.

- (1) Where [<sup>F45</sup>a traffic commissioner] revokes a PSV operator's licence, he may order the former holder to be disqualified, indefinitely or for such period as he thinks fit, from holding or obtaining a PSV operator's licence.
- (2) So long as a disqualification imposed under subsection (1) above is in force with respect to any person,
  - [<sup>F46</sup>(a) any PSV operator's licence held by him at the date of the making of the order under subsection (1) above (other than the licence revoked) shall be suspended (that is, shall remain in force subject to the limitation that no vehicles are authorised to be used under it); and
  - (b) notwithstanding [<sup>F47</sup>section 14(3)] of the 1981 Act, no PSV operator's licence may be granted to him.]
- [<sup>F48</sup>(2A) If a person obtains a PSV operator's licence while he is disqualified under subsection (1) above, the licence shall be void.]
- (3) An order under subsection (1) above may be limited so as to apply only to the holding or obtaining of a PSV operator's licence in respect of [<sup>F49</sup>one or more specified traffic areas] and, if the order is so limited, subsection (2) above shall apply only to any PSV operator's licence to which the order applies.
- (4) Where a traffic commissioner makes an order under subsection (1) above with respect to any person, he may direct that if that person, at any time during such period as he may specify—
  - (a) is a director of, or holds a controlling interest in—
    - (i) a company which holds a licence of the kind to which the order applies; or
    - (ii) a company of which a company which holds such a licence is a subsidiary; or
  - (b) operates any public service vehicles in partnership with a person who holds such a licence;the powers under section 17(2) of the 1981 Act (revocation, suspension, etc., of PSV operators' licences) shall be exercisable in relation to that licence by [<sup>F50</sup>a traffic commissioner].
- (5) The powers conferred by this section in relation to the person who was the holder of a licence shall be exercisable also—
  - (a) where that person was a company, in relation to any officer of that company; and
  - (b) where that person operated the vehicles used under the licence in partnership with other persons, in relation to any of those other persons [<sup>F51</sup>and any reference in subsection (6A) below to subsection (1) above or to subsection (4) above includes that subsection as it applies by virtue of this subsection.]
- (6) A traffic commissioner shall not make any such order or give any such direction without first holding an inquiry if any person affected by the proposed order or direction requests him to do so.
- [<sup>F52</sup>(6A) [<sup>F53</sup>Where an order disqualifying a person has been made under subsection (1) above, a traffic commissioner] may at any time—
  - (a) cancel that order together with any direction that was given under subsection (4) above when the order was made;

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- (b) cancel any such direction; or
- (c) with the consent of the person disqualified, vary the order or any such direction (or both the order and any such direction).]

(7) For the purposes of this section a person holds a controlling interest in a company if he is the beneficial owner of more than half its equity share capital.

#### Textual Amendments

- F45** Words in s. 28(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F46** Paras. (a) and (b) substituted for words in s. 28(2) (3.1.1995) by 1995 c. 40, **s. 67(2)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F47** Words in s. 28(2)(b) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 12(2)** (with Sch. 3 Pt. 1)
- F48** S. 28(2A) inserted (3.1.1995) by 1994 c. 40, **s. 67(3)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F49** Words in s. 28(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F50** Words in s. 28(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F51** Words in s. 28(5) added (3.1.1995) by 1994 c. 40, **s. 67(4)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F52** S. 28(6A) inserted (3.1.1995) by 1994 c. 40, **s. 67(5)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F53** Words in s. 28(6A) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

#### Modifications etc. (not altering text)

- C3** S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

### 29 Duty to give Secretary of State information about certain matters.

In subsections (1) and (2) of section 20 of the 1981 Act (which require the holder of a PSV operator's licence to inform the traffic commissioners of certain kinds of failure of, or damage or alteration to, a public service vehicle owned by him), for the words "traffic commissioners who granted the licence" there shall be substituted the words "Secretary of State".

#### Modifications etc. (not altering text)

- C4** S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

### 30 Plying for hire by large public service vehicles.

- (1) A public service vehicle which is adapted to carry more than eight passengers shall not be used on a road in plying for hire as a whole.
- (2) Subject to section 68(3) of the 1981 Act (as applied by section 127(4) of this Act), if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Modifications etc. (not altering text)**

**C5** S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order

**31 Appeals under the 1981 Act.**

For sections 50 and 51 of the 1981 Act (appeals) there shall be substituted the following sections—

**“50 Appeals to the Transport Tribunal.**

- (1) An applicant for the grant of a PSV operator's licence under this Act may appeal to the Transport Tribunal against any decision of the traffic commissioner—
  - (a) to refuse to grant the licence in accordance with the application; or
  - (b) to attach any condition to the licence otherwise than in accordance with the application.
- (2) Where a person who has applied for a new PSV operator's licence in substitution for a licence held by him and in force at the date of his application appeals to the Transport Tribunal under subsection (1) above, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (3) Where an application for a PSV operator's licence is granted under this Act and a person who duly made an objection to the grant under section 14A of this Act is aggrieved by the grant of the licence he may appeal to the Transport Tribunal.
- (4) The holder of a PSV operator's licence may appeal to the Transport Tribunal against any decision of the traffic commissioner—
  - (a) to refuse his application for the variation or removal of any condition attached to the licence;
  - (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on his application; or
  - (c) to revoke or suspend the licence or to curtail its period of validity.
- (5) Where—
  - (a) the holder of a PSV operator's licence in respect of which an order or direction has been made or given under section 28 of the Transport Act 1985 (power to disqualify PSV operators); or
  - (b) any person in respect of whom any such order or direction has been made or given;is aggrieved by the order or direction he may appeal to the Transport Tribunal.
- (6) The traffic commissioner—
  - (a) making any such decision with respect to a licence as is mentioned in subsection (4)(b) or (c) above;
  - (b) making any such order or giving any such direction as is mentioned in subsection (5) above;may, if the holder of the licence or any such person as is mentioned in subsection (5)(b) above so requests, direct that his decision shall not have effect

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until the expiration of the period within which an appeal against it may be made to the Transport Tribunal and, if an appeal is made, until it is disposed of.

- (7) Where a traffic commissioner has given a direction under subsection (6) above he may withdraw it at any time.
- (8) If the traffic commissioner refuses to give a direction under subsection (6) above or withdraws such a direction, the person requesting it may apply for such a direction to the Transport Tribunal and the Transport Tribunal shall give their decision on the application within fourteen days.
- (9) This section does not apply in relation to conditions attached to a PSV operator's licence under section 8 of the Transport Act 1985 (enforcement of traffic regulation conditions).

### **51 Appeals to the Secretary of State.**

- (1) A person applying for—
  - (a) a certificate of initial fitness under section 6 of this Act; or
  - (b) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;
 may appeal to the Secretary of State against the refusal of a certifying officer to issue such a certificate.
- (2) Where the refusal by a certifying officer or public service vehicle examiner to remove a prohibition under subsection (1) of section 9 of this Act (including a prohibition under that subsection as it applies by virtue of section 9A of this Act) has been referred to a certifying officer (“the referee”) under subsection (8) of that section by a traffic commissioner, any person aggrieved by the refusal of the referee to remove the prohibition may appeal to the Secretary of State.
- (3) An appeal under this section must be made within the prescribed time and in the prescribed manner; and provision may be made by regulations as to the procedure to be followed in connection with such appeals.
- (4) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against, and may give such directions as he thinks fit to the certifying officer for giving effect to his decision; and it shall be the duty of the certifying officer to comply with any such directions.”

**Modifications etc. (not altering text)**

C6 S. 31 excluded by [S.I. 1986/1450](#), [art. 3\(2\)](#)

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