



Transport Act 1985

1985 CHAPTER 67

PART I

GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

Modification of PSV requirements in relation to vehicles used for certain purposes

18 Exemption from PSV operator and driver licensing requirements of vehicles used under permits.

^{F1}(1) ^{F2}[Section 12(1)] of the 1981 Act (licensing of operators . . . ^{F3} in relation to the use of public service vehicles for the carriage of passengers) shall not apply—

- (a) to the use of any vehicle under a permit granted under section 19 of this Act, if and so long as the requirements under subsection (2) of that section are met; ^{F4}[or]
- (b) to the use of any vehicle under a permit granted under section 22 of this Act;

^{F5}(2) Where a holder of a licence under Part III of the Road Traffic Act 1988 was first granted a licence under that Part before 1st January 1997, he may drive any small bus at a time when it is being used as mentioned in paragraph (a) or (b) of subsection (1) above, notwithstanding that his licence under that Part does not authorise him to drive a small bus when it is being so used.

(3) Where—

- (a) a holder of a licence under Part III of the Road Traffic Act 1988 was first granted a licence under that Part on or after 1st January 1997, or
- (b) a Community licence holder is authorised by virtue of section 99A(1) of that Act to drive in Great Britain a motor vehicle of any class,

he may drive any small bus to which subsection (4) below applies at a time when it is being used as mentioned in paragraph (a) or (b) of subsection (1) above, notwithstanding that he is not authorised by his licence under that Part or by virtue of that section (as the case may be) to drive such a bus.

Status: Point in time view as at 22/07/2004.

Changes to legislation: Transport Act 1985, Cross Heading: Modification of PSV requirements in relation to vehicles used for certain purposes is up to date with all changes known to be in force on or before 25 June 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)

- (4) This subsection applies to any small bus which, when laden with the heaviest load which it is constructed to carry, weighs—
- (a) not more than 3.5 tonnes, excluding any part of that weight which is attributable to specialised equipment intended for the carriage of disabled passengers, and
 - (b) not more than 4.25 tonnes otherwise.
- (5) In this section—
- “Community licence” has the same meaning as in Part III of the Road Traffic Act 1988, and
- “small bus” has the same meaning as in sections 19 to 21 of this Act.]

Textual Amendments

- F1** S. 18 renumbered as s. 18(1) (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, regs. 1(2)(a)(iii)(b), 4, **Sch. 3 para. 1(2)**
- F2** Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 4(a)**
- F3** Words repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F4** Word inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 4(b)**
- F5** S. 18(2)-(5) substituted for words in s. 18 (23.7.1996 for specified purposes and otherwise 1.1.1997) by S.I. 1996/1974, regs. 1(2)(a)(iii)(b), 4, **Sch. 3 para. 1(3)**

19 Permits in relation to use of buses by educational and other bodies.

- (1) In this section and sections 20 and 21 of this Act—
- “bus” means a vehicle which is adapted to carry more than eight passengers;
- “large bus” means a vehicle which is adapted to carry more than sixteen passengers;
- “small bus” means a vehicle which is adapted to carry more than eight but not more than sixteen passengers; and
- “permit” means a permit granted under this section in relation to the use of a bus for carrying passengers for hire or reward.
- (2) The requirements that must be met in relation to the use of a bus under a permit for the exemption under section 18(a) of this Act to apply are that the bus—
- (a) is being used by a body to whom a permit has been granted under this section;
 - (b) is not being used for the carriage of members of the general public nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit;
 - (c) is being used in every respect in accordance with any conditions attached to the permit; and
 - (d) is not being used in contravention of any provision of regulations made under section 21 of this Act.

Status: Point in time view as at 22/07/2004.

Changes to legislation: Transport Act 1985, Cross Heading: Modification of PSV requirements in relation to vehicles used for certain purposes is up to date with all changes known to be in force on or before 25 June 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)

- (3) A permit in relation to the use of a small bus may be granted by a body designated by an order under subsection (7) below either to itself or to any other body to whom, in accordance with the order, it is entitled to grant a permit.
- (4) A permit in relation to the use of a small bus may be granted by a traffic commissioner to any body appearing to him to be eligible in accordance with subsection (8) below and to be carrying on in his area an activity which makes it so eligible.
- (5) A permit in relation to the use of a large bus may be granted by a traffic commissioner to any body which assists and co-ordinates the activities of bodies within his area which appear to him to be concerned with—
 - (a) education;
 - (b) religion;
 - (c) social welfare; or
 - (d) other activities of benefit to the community.
- (6) A traffic commissioner shall not grant a permit in relation to the use of a large bus unless satisfied that there will be adequate facilities or arrangements for maintaining any bus used under the permit in a fit and serviceable condition.
- (7) The Secretary of State may by order designate for the purpose of this section bodies appearing to him to be eligible in accordance with subsection (8) below and, with respect to any body designated by it, any such order—
 - (a) shall specify the classes of body to whom the designated body may grant permits;
 - (b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either generally or in such cases as may be specified in the order, unless there are attached to the permit such conditions as may be so specified; and
 - (c) may require the body to make returns with regard to the permits granted by it.
- (8) A body is eligible in accordance with this subsection if it is concerned with—
 - (a) education;
 - (b) religion;
 - (c) social welfare;
 - (d) recreation; or
 - (e) other activities of benefit to the community.
- (9) A body may hold more than one permit but may not use more than one bus at any one time under the same permit.

Modifications etc. (not altering text)

- C1 S. 19(7): transfer of functions (1.7.1999) by [S.I. 1999/672](#), [art. 2](#), [Sch. 1](#)
S. 19(7): transfer of functions (1.7.1999) by [S.I. 1999/1750](#), [art. 2](#), [Sch. 1](#) (with [art. 7](#))

20 Further provision with respect to permits under section 19.

- (1) Subject to subsection (2) below, a permit shall specify the body to whom it is granted.

Status: Point in time view as at 22/07/2004.

Changes to legislation: Transport Act 1985, Cross Heading: Modification of PSV requirements in relation to vehicles used for certain purposes is up to date with all changes known to be in force on or before 25 June 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)

- (2) A permit may be granted to a named individual on behalf of a body if, having regard to the nature of that body, it appears to the traffic commissioner or body granting the permit appropriate to do so.
- (3) Where a permit is granted to a named individual on behalf of a body, it shall be treated for the purposes of this section and section 19 of this Act as granted to that body.
- (4) In addition to any conditions attached to such a permit by virtue of section 19(7)(b) of this Act, the traffic commissioner or other body granting such a permit may attach to it such conditions as he or that body considers appropriate, including, in particular, conditions—
 - (a) limiting the passengers who may be carried in any bus used under the permit to persons falling within such classes as may be specified in the permit; and
 - (b) with respect to such other matters as may be prescribed.
- (5) Subject to subsection (6) below, a permit may be varied or revoked—
 - (a) by the traffic commissioner or body who granted it; and
 - (b) in the case of a permit granted by a body designated under section 19(7) of this Act, after consultation with that body, by the traffic commissioner for any traffic area in which any bus has been used under the permit.
- (6) A permit may not be varied so as to substitute another body for the body to whom it was granted.
- (7) A permit shall remain in force until—
 - (a) it is revoked under subsection (5) above; or
 - (b) in the case of a permit granted by a body designated under section 19(7) of this Act, that body ceases to be so designated.

21 Permits under section 19: regulations.

- (1) Regulations may prescribe—
 - (a) the conditions to be fulfilled by any person driving a bus while it is being used under a permit;
 - (b) the conditions as to fitness which are to be fulfilled by any small bus used under a permit;
 - (c) the form of permits; and
 - (d) the documents, plates and marks to be carried by any bus while it is being used under a permit and the manner and position in which they are to be carried.
- (2) Where regulations are made by virtue of subsection (1)(b) above, section 6 of the 1981 Act (certificate of initial fitness for public service vehicles) shall not apply in relation to any small bus subject to the regulations.
- (3) Regulations under this section may contain such transitional provisions as the Secretary of State thinks fit.

22 Community bus permits.

- (1) In this section and section 23 of this Act—

“community bus service” means a local service provided—

Status: Point in time view as at 22/07/2004.

Changes to legislation: Transport Act 1985, Cross Heading: Modification of PSV requirements in relation to vehicles used for certain purposes is up to date with all changes known to be in force on or before 25 June 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)

- (a) by a body concerned for the social and welfare needs of one or more communities;
 - (b) without a view to profit, either on the part of that body or of anyone else; and
 - (c) by means of a vehicle adapted to carry more than eight but not more than sixteen passengers; and
 - “community bus permit” means a permit granted under this section in relation to the use of a public service vehicle—
 - (a) in providing a community bus service; or
 - (b) in providing a community bus service and (other than in the course of a local service) carrying passengers for hire or reward where the carriage of those passengers will directly assist the provision of the community bus service by providing financial support for it.
- (2) A community bus permit may be granted by the traffic commissioner for the area in which the operating centre for any vehicle used under the permit will be.
- (3) A traffic commissioner shall not grant a community bus permit unless he is satisfied that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition any vehicle used under the permit.
- (4) A body may hold more than one community bus permit but may not use more than one vehicle at any one time under the same permit.

23 Further provision with respect to community bus permits.

- (1) The requirements mentioned in subsection (2) below shall be conditions of every community bus permit and shall apply in relation to any use of a vehicle under such a permit.
- (2) Those requirements are that—
- (a) the driver receives no payment for driving except—
 - (i) reimbursement of any reasonable expenses incurred by him in making himself available to drive; and
 - (ii) an amount representing any earnings lost as a result of making himself available to drive in exceptional circumstances;
 - (b) the driver either holds [^{F6}a passenger-carrying vehicle driver’s licence [^{F7}or PCV Community licence]] (within the meaning of Part IV of the Road Traffic Act 1988) [^{F8}or] a public service vehicle driver’s licence [^{F7}or PCV Community licence] or fulfils any conditions prescribed in relation to a person driving a vehicle which is being used under a community bus permit; and
 - (c) any vehicle used under the permit fulfils any prescribed conditions of fitness for such use.
- (3) A traffic commissioner may at any time attach to a community bus permit granted by him such conditions (or additional conditions) of a prescribed description as he thinks fit for restricting or regulating the use of any vehicle under the permit.
- (4) The traffic commissioner by whom a community bus permit was granted may at any time while the permit is in force vary or remove any condition attached to it under subsection (3) above.
- (5) Subject to section 68(3) of the 1981 Act (as applied by section 127(4) of this Act), if a condition attached to a community bus permit is contravened, the holder of the

Status: Point in time view as at 22/07/2004.

Changes to legislation: Transport Act 1985, Cross Heading: Modification of PSV requirements in relation to vehicles used for certain purposes is up to date with all changes known to be in force on or before 25 June 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)

permit shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (6) The traffic commissioner by whom a community bus permit was granted may at any time revoke the permit on the ground—
- (a) that he is no longer satisfied with respect to the adequacy of facilities or arrangements for maintaining in a fit and serviceable condition any vehicle used under the permit;
 - (b) that there has been a contravention of any condition attached to the permit; or
 - (c) that a prohibition under section 9 of the 1981 Act (power to prohibit driving of unfit public service vehicles) has been imposed with respect to a vehicle used under the permit which has its operating centre in his area.
- (7) Where regulations are made by virtue of subsection (1)(c) above, section 6 of the 1981 Act (certificate of initial fitness for public service vehicles) shall not apply in relation to any vehicle subject to the regulations.
- (8) Regulations may prescribe—
- (a) the form of community bus permits; and
 - (b) the documents, plates and marks to be carried by any vehicle while it is being used under a community bus permit and the manner and position in which they are to be carried.

Textual Amendments

- F6** Words from “a passenger-carrying” to “1988) or” inserted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 7, **Sch. 3 para. 5**
- F7** Words in s. 23(2)(b) inserted (23.7.1996 for specified purposes and otherwise 1.1.1997) by [S.I. 1996/1974, regs. 1\(2\)\(a\)\(iii\)\(b\)](#), 4, **Sch. 3 para. 2**
- F8** Words “or a public service vehicle driver's licence” repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, **Sch. 6**

Status:

Point in time view as at 22/07/2004.

Changes to legislation:

Transport Act 1985, Cross Heading: Modification of PSV requirements in relation to vehicles used for certain purposes is up to date with all changes known to be in force on or before 25 June 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.