



Transport Act 1985

1985 CHAPTER 67

PART IV

LOCAL PASSENGER TRANSPORT SERVICES

Miscellaneous and supplementary

80 Duty of Passenger Transport Authority not to inhibit competition.

A Passenger Transport Authority, in exercising their functions—

- (a) in relation to the formation of companies under section 61 of this Act and the formulation of proposals under that section;
- (b) in relation generally to the exercise of rights in relation to any public transport company arising from the holding of any shares in or other securities of that company;
- (c) in relation in particular to the exercise of control virtue of any such rights over any disposal by any such company of the whole or any part of that company's undertaking, or of any property, rights or liabilities of that company; and
- (d) in relation to any disposal under section 75(2) of this Act;

shall so conduct themselves as not to inhibit competition between persons providing or seeking to provide public passenger transport services in their area.

81 Provision, maintenance and operation of bus stations.

(1) A Passenger Transport Executive for any passenger transport area shall have power—

- (a) to provide bus stations and associated facilities at any place in or in the vicinity of their area; and
- (b) to maintain, repair and operate bus stations and associated facilities provided under paragraph (a) above or under their former powers.

(2) Where a council who, at the time when section 66 of this Act comes into force, are providing a service for the carriage of passengers by road which requires a PSV

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operator's licence, have ceased by virtue of subsection (1) of that section to have power to provide such a service, that council shall have power to maintain, repair and operate bus stations and associated facilities provided by them under their former powers.

[^{F1}(2A) Where, immediately before 1st April 1996, a council (the "former council") had power, by virtue of subsection (2) above, to maintain, repair and operate a bus station and any associated facilities, that power is, on and after that date, exercisable—

- (a) where the bus station and any such associated facilities—
 - (i) was or were, immediately before 1st April 1996, situated wholly within the area of the former council, and
 - (ii) is or are, on and after that date, situated wholly within a single Welsh county or county borough,
 by the council of that county or county borough; and
- (b) in any other case, by such Welsh county council or county borough council as the Secretary of State may by order designate.]

(3) Any charges for the use of accommodation for public service vehicles at any bus station provided by the Passenger Transport Executive for any passenger transport area or provided by any other person under any agreement entered into by any such Executive under section 10(1)(xv) of the 1968 Act (contracting-out powers) shall be reasonable.

(4) Subsection (3) above only applies where the charges are made by the Executive in question under section 10(1)(xiii) of that Act or by a person who is operating the bus station under any such agreement otherwise than as agent for the Executive.

(5) Any such council as is mentioned in subsection (2) above shall have power—

- (a) to make reasonable charges for the use of accommodation for public service vehicles at any bus station provided under their former powers; and
- (b) to make reasonable charges for the use of, or let on hire to any person, any associated facilities provided by them in connection with any bus station so provided.

[^{F2}(5A) Any Welsh county council or county borough council by whom any power is exercisable in relation to a bus station and any associated facilities by virtue of subsection (2A) above shall have power—

- (a) to make reasonable charges for the use of accommodation for public service vehicles at that bus station; and
- (b) to make reasonable charges for the use of, or let on hire to any person, those facilities (if any).]

(6) If any person who is the holder of a PSV operator's licence in respect of any vehicles using accommodation for public service vehicles at any such bus station as is mentioned in subsection [^{F3}(3), (5) or (5A)] above considers that charges for the use of that accommodation are unreasonable, that person may apply to the traffic commissioner for the traffic area in which the bus station is situated (or, where it is situated partly in one area and partly in another, to the traffic commissioner for such of those areas as may be agreed between the traffic commissioners concerned or, in default of agreement, determined by the Secretary of State).

(7) On any application under subsection (6) above the traffic commissioner may determine the charges to be made in respect of the applicant's vehicles for such period and on such terms as he thinks fit.

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Textual Amendments

- F1** S. 81(2A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 39(5)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F2** S. 81(5A) inserted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 39(6)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F3** Words in s. 81(6) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 39(7)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

82 Bus stations: restrictions on discriminatory practices, etc.

- (1) Neither a Passenger Transport Executive nor a local authority shall, in the exercise of any of their powers—
- in relation to the provision or operation of bus stations or any associated facilities; or
 - without prejudice to paragraph (a) above) in relation in particular to the charges to be made for the use of any accommodation at a bus station or of any associated facilities;

act in such a way as to discriminate (whether directly or indirectly) against any holder, or class of holder, of a PSV operator's licence.

- (2) In relation to a local authority, the powers in question under subsection (1) above include in particular (without prejudice to the generality of that subsection) their powers under section 38 of the ^{M1}Road Traffic Regulation Act 1984 (appointment of parking places provided under section 32 of that Act as stations for public service vehicles and provision of accommodation in connection with places so appointed).

- (3) Where under any agreement (other than an agency agreement) entered into by a Passenger Transport Executive under section 10(1)(xv) of the 1968 Act (contracting-out powers) a person is operating a bus station or any associated facilities provided by that Executive or provided by that or any other person under any such agreement, that person shall not—

- in relation to the operation of that bus station or (as the case may be) of those facilities; or
- (without prejudice to paragraph (a) above) in relation in particular to the charges to be made for the use of any accommodation at that station or (as the case may be) for the use of those facilities;

act in such a way as to discriminate (whether directly or indirectly) against any holder, or class of holder, of a PSV operator's licence.

- (4) The reservation of the whole or any part of the accommodation for public service vehicles at any bus station for such vehicles used in providing local services or (as the case may be) for such vehicles used in providing services other than local services shall not be taken to be discrimination prohibited by subsection (1) or (3) above.

[^{F4}(4A) Nothing done pursuant to a quality partnership scheme under Part II of the Transport Act 2000 by—

- a Passenger Transport Executive,
- a local authority, or
- a person to whom subsection (3) above applies,

shall be taken to be discrimination prohibited by subsection (1) or (3) above.]

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- [^{F5}(4A) Nothing done pursuant to a quality partnership scheme under Part 2 of the Transport (Scotland) Act 2001 (asp 2) by—
- (a) the Strathclyde Passenger Transport Executive;
 - (b) a local authority; or
 - (c) a person to whom subsection (3) above applies,
- shall be taken to be discrimination prohibited by subsection (1) or (3) above.]
- (5) Notwithstanding anything in section 8 of the ^{M2}Transport Act 1983 (obligation to accept tenders for carrying on activities of Executives in certain circumstances) a Passenger Transport Executive may not in exercise of their powers under section 10(1)(xv) of the 1968 Act enter into an agreement (other than an agency agreement) for—
- (a) the provision of any bus station or associated facilities the Executive have power under section 81 of this Act to provide; or
 - (b) the operation of any bus station or associated facilities provided by the Executive under that section or under their former powers or provided by any other person under any agreement entered into by the Executive under section 10(1)(xv);
- by a person who is the operator of any public passenger transport services or a person connected with any such operator.
- (6) In this section “agency agreement” means, in relation to any agreement under section 10(1)(xv), an agreement with any person for the carrying on of activities by that person as agent for the Executive concerned.
- (7) Any such agreement as is mentioned in subsection (5)(b) above entered into after this subsection comes into force shall include provision for ensuring that it will come to an end if the person who under the agreement is to operate the bus station or associated facilities to which it applies becomes the operator of any public passenger transport services or a person connected with any such operator.
- (8) On and after the date on which this section comes into force, subsection (5) above shall apply in relation to any such agreement as is there mentioned entered into by the Passenger Transport Executive for any passenger transport area before that date as if this section had come into force on 11 July 1985.

Textual Amendments

- F4** S. 82(4A) inserted (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by 2000 c. 38, s. 161, **Sch. 11 para. 14**; S.I. 2001/2788, art. 2, **Sch. 1 para. 11**; S.I. 2001/3342, art. 2, **Sch.**
- F5** S. 82(4A) inserted (S.) (1.7.2001) by 2001 asp 2, s. 83, **Sch. 2 para. 4(4)**(with s. 66); S.S.I. 2001/132, art. 2(3), **Sch. Pt. II**

Marginal Citations

- M1** 1984 c. 27.
M2 1983 c. 10.

83 Provisions supplementary to sections 81 and 82.

- (1) References in section 81 of this Act to the former powers of any such council as is mentioned in subsection (2) of that section are references to any powers which have ceased to be exercisable by that council by virtue of the application to that council of

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section 66(1) of this Act; and references in that section and in section 82 of this Act to the former powers of a Passenger Transport Executive are references to any powers which have ceased to be exercisable by that Executive by virtue of any order under section 60(5) of this Act.

- (2) For the purposes of section 82 of this Act a person is a person connected with the operator of any public passenger transport services if that person is a member of a group of interconnected bodies corporate any one or more of which is such an operator.
- (3) For the purposes of subsection (2) above, any two bodies corporate are to be treated as interconnected if one of them is a body corporate of which the other is a subsidiary or if both of them are subsidiaries of the same body corporate; and in that subsection “group of interconnected bodies corporate” means a group consisting of two or more bodies corporate all of which are interconnected with each other in the sense given above.
- (4) In section 82 of this Act “local authority” means—
 - (a) in relation to England and Wales, the council of a county, London borough or district or the Common Council of the City of London; and
 - (b) in relation to Scotland, a ^{F6} . . . council.
- (5) In sections 81 and 82 of this Act and this section—
 - (a) “bus station” means a parking place which may be used by public service vehicles (including any such parking place which forms part of any interchange facilities for enabling passengers travelling by one means of transport to continue their journey by another); and
 - (b) “associated facilities” means, in relation to a bus station, any amenities or facilities provided for use in connection with that station.

Textual Amendments

F6 Words in s. 83(4)(b) repealed (S.) (1.4.1996) by S.I. 1996/974, art. 2(2), Sch. 2

84 Compensation for loss of employment, etc.

- (1) Regulations may provide for the payment, by such persons as may be prescribed by or determined under the regulations, in such cases and to such extent as may be so prescribed or determined, of pensions, allowances or gratuities by way of compensation to or in respect of persons who have suffered loss of employment or loss or diminution of emoluments or pension rights by reason of—
 - (a) the disposal under section 75(2) of this Act of any interests held by a Passenger Transport Authority or district [^{F7} council or, in Scotland, a council (other than the council for Orkney Islands, Shetland Islands or Western Isles)] in a public transport company;
 - (b) the disposal by any such company of the whole or any part of that company’s undertaking; or
 - (c) any transfer of property, rights and liabilities under section 59, 61, 68 or 70 of this Act.
- (2) Regulations under this section may—

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- (a) include provision as to the manner in which and the persons to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations;
- (b) make or authorise the Secretary of State to make exceptions and conditions in relation to any classes of persons or any circumstances to which the regulations apply; and
- (c) be framed so as to have effect from a date earlier than the making of the regulations;

but regulations having effect from a date earlier than their making shall not place any individual who is qualified to participate in the benefits for which the regulations provide in a worse position than he would have been in if the regulations had been so framed as to have effect only from the date of their making.

- (3) Regulations under this section may include all or any of the following provisions, namely—
 - (a) provision authorising the payment, without probate or, in Scotland, confirmation, and without other proof of title, of any sum due under the regulations in respect of a person who has died to his personal representatives or such other persons as may be prescribed by the regulations;
 - (b) provision rendering void any assignment or, in Scotland, assignation of or charge on, or any agreement to assign or charge, any benefit under the regulations, and provision that on the bankruptcy of or, in Scotland, sequestration of the estate of, or granting of a trust deed for creditors by, a person entitled to such a benefit no part of it shall pass to any trustee or other person acting on behalf of the creditors except in accordance with an order made by a court in pursuance of any enactment specified in the regulations; and
 - (c) such incidental, supplementary, consequential and transitional provisions as appear to the Secretary of State to be necessary or expedient.
- (4) Subject to subsection (5) below, where regulations under this section have made provision for the payment of pensions, allowances or gratuities as mentioned in subsection (1) above, compensation in respect of any such loss of employment or loss or diminution of emoluments or pension rights as is mentioned in that subsection shall be paid only in accordance with those regulations in any case to which those regulations apply; and accordingly such compensation shall not be paid under any other statutory provision, by virtue of any provision in a contract or otherwise.
- (5) Subsection (4) above shall not prevent any person from making any payment to which a person is entitled by virtue of contractual rights acquired by him before such date as the Secretary of State may by order specify.

Textual Amendments

F7 Words in s. 84(1)(a) substituted (S.) (1.4.1996) by S.I. 1996/974, art. 2(1), Sch.1 Pt. 1 para. 7(f)

85 Incorporation of Passenger Transport Executives in Authorities for their area.

- (1) The Secretary of State may by order make provision for the transfer of all functions, property, rights and liabilities of the Passenger Transport Executive for any passenger transport area specified in the order to the Passenger Transport Authority for that area.

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- (2) An order under this section may contain such supplementary, incidental and consequential provisions as may appear to the Secretary of State to be necessary or expedient.
- (3) Without prejudice to the generality of subsection (2) above, any such order may, in particular—
 - (a) provide for enactments relating to the functions of Passenger Transport Executives and Authorities respectively to have effect in relation to the passenger transport area specified in the order with such modifications as may be so specified; and
 - (b) provide for the dissolution of the Passenger Transport Executive for that area.
- (4) The property, rights and liabilities to which an order under this section relates shall, subject to subsection (5) below, be transferred and vest in accordance with the order on such date as may be appointed by the order for that purpose.
- (5) Subject to the following provisions of this section, Schedule 4 to the 1968 Act shall apply to any transfer under subsection (4) above; and subsection (4) above shall have effect subject to the provisions of that Schedule.
- (6) In Schedule 4 as it applies by virtue of subsection (5) above—
 - (a) any reference to a transfer by or a vesting by virtue of that Act shall be read as a reference to a transfer by or a vesting by virtue of the order; and
 - (b) the reference in paragraph 13(5) to the relevant provisions of that Act shall be read as including a reference to the relevant provisions of this Act.
- (7) Any order under this section may make modifications in Schedule 4 for the purposes of its application to a transfer effected by that order.
- (8) No order shall be made under this section unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.

86 Amendments consequential on orders under section 85.

- (1) The Secretary of State may by order provide for the modifications in the enactments mentioned in section 85(3)(a) of this Act, as those modifications apply for the time being in relation to passenger transport areas to which an order under that section applies, to have general effect on the date on which, by virtue of the cumulative effect of orders under that section, they first have effect in relation to all such areas in Great Britain.
- (2) Any order made under this section may contain such supplementary, incidental and consequential provisions (including provisions modifying any enactments contained in this or any other Act) as may appear to the Secretary of State to be necessary or expedient in consequence of giving general effect to the modifications mentioned in subsection (1) above.

87 Interpretation of Part IV.

In this Part of this Act—

- (a) references to the initial company shall be read, in relation to any passenger transport area, in accordance with section 60(1) of this Act;

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- (b) references to a council operating a bus undertaking shall be read in accordance with section 66(2) of this Act;
- (c) references to—
 - (i) a service for the carriage of passengers by road which requires a PSV operator’s licence;
 - (ii) the provision of any such service by any council; and
 - (iii) the bus undertaking of any council operating a bus undertaking;
 shall be read in accordance with the relevant provisions of section 66(7) of this Act;
- (d) references to a joint undertaking of which any council’s bus undertaking forms part shall be read in accordance with section 67(6) of this Act; and
- (e) references to—
 - (i) a public transport company;
 - (ii) a public transport company’s controlling authority;
 - (iii) a composite authority;
 - (iv) component councils of a composite authority; and
 - (v) an associated company;
 shall be read in accordance with the relevant provisions of section 72 of this Act. [^{F8}and
- (f) references to a district council shall be read, in relation to Wales, as references to a county council or county borough council, and references to a district shall be so read as references to a county or, as the case may be, county borough.]

Textual Amendments

F8 S. 87(f) and word
 “and”

immediately preceding added (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 39(8)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**

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