

*Status: Point in time view as at 01/02/2001.*

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## SCHEDULES

### SCHEDULE 1

Section 1.

#### AMENDMENTS CONSEQUENTIAL ON THE ABOLITION OF ROAD SERVICE LICENSING

##### *The <sup>M1</sup>Transport Act 1968*

###### **Marginal Citations**

**M1** 1968 c. 73.

- 1 In section 159(1) of the Transport Act 1968 (interpretation)—
- (a) for the definition of “bus service” there shall be substituted the following—
- ““bus service” means a local service other than one on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more places and back”; and
- (b) the following definition shall be inserted at the appropriate place—
- ““local service” has the same meaning as in the Transport Act 1985;”.

##### *The <sup>M2</sup>Local Government (Miscellaneous Provisions) Act 1976*

###### **Marginal Citations**

**M2** 1976 c. 57.

- 2 In section 63(3)(b) of the Local Government (Miscellaneous Provisions) Act 1976 for the words “road service licence” there shall be substituted the words “local service within the meaning of the Transport Act 1985”.

##### *The <sup>M3</sup>Energy Act 1976*

###### **Marginal Citations**

**M3** 1976 c. 76.

- 3 (1) Paragraph 1 of Schedule 1 to the Energy Act 1976 (relaxation of road traffic and transport law) shall be amended as follows.
- (2) In sub-paragraph (1), for the words from “any”, where it first occurs, to “contract carriage” there shall be substituted the words “a local service within the meaning of the Transport Act 1985 or use any public service vehicle on a road for carrying passengers for hire or reward”.

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(3) In sub-paragraph (1), after paragraph (a) there shall be inserted the following paragraph—

“(aa) without complying with the requirements of sections 6 (registration of local services outside London) and 35 (provision of local services within London under London local service licences) of the 1985 Act;”

(4) In sub-paragraph (1)(c) the words “or Part III” shall be omitted and after “1981” there shall be inserted the words “or Part I or II of the Transport Act 1985”.

(5) In sub-paragraph (2), the words “section 60 of”, and the words from “general” to first “vehicles”, shall be omitted and after “1981” there shall be inserted “or Part I of the Transport Act 1985”.

*The <sup>M4</sup>Public Passenger Vehicles Act 1981*

**Marginal Citations**  
**M4** 1981 c. 14.

4 In section 12 of the 1981 Act (PSV operator’s licence), for subsection (1) there shall be substituted the following subsection—

“(1) A public service vehicle shall not be used on a road for carrying passengers for hire or reward except under a PSV operator’s licence granted in accordance with the following provisions of this Part of this Act.”.

5 ..... <sup>F1</sup>

**Textual Amendments**  
**F1** Sch. 1 para. 5 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6.

6 In section 46 of that Act (fare-paying passengers on school buses)—  
    (a) in subsection (1)(b), the word “bus”, where it occurs in the expression “local bus service”, shall be omitted; and  
    (b) in subsection (3), the definition of “local bus service” shall be omitted.

7 In section 52(1)(a)(i) of that Act (fees for grant of PSV operators’ licences and road service licences etc.) the words “and road service licences” shall be omitted.

8 In section 53(1) of that Act (payment of expenses), for the words “II or III” there shall be substituted the words “or II”.

9 In sections 57 and 58 of that Act (death, etc. of licence holder, and provision with respect to partnerships and related matters), the words “or road service licence” (in each place where they occur) shall be omitted.

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- 10 In section 59 of that Act (power to make regulations as to procedure on applications for licences)—
- (a) in paragraph (a) the words “road service licences”; and
  - (b) in paragraph (b) the words “or road service licences”;
- shall be omitted.
- 11 In section 68(4)(a) of that Act (provisions to which a defence under subsection (3) of that section applies), for the words “27(2) and 30(6) and (7)” there shall be substituted the words “and 27(2)”.
- 12 Section 81(2) of that Act (definition for purposes of that Act of the operator of a stage or express carriage service) shall cease to have effect.
- 13 In section 82(1) of that Act (definitions of expressions used in that Act) the definitions of the following expressions shall be omitted—
- “contract carriage”;
  - “excursion or tour”;
  - “express carriage” and “express carriage service”;
  - “road service licence”;
  - “stage carriage” and “stage carriage service”; and
  - “trial area”;
- and after the definition of “local authority” there shall be inserted the following definition—
- “‘local service’ has the same meaning as in the Transport Act 1985;”.
- 14 In section 83 of that Act (construction of references in other Acts to public service vehicles, etc.)—
- (a) in subsection (1), the words “‘stage carriage’, ‘express carriage’ or ‘contract carriage’”; and
  - (b) subsection (2);
- shall be omitted.

*The <sup>M5</sup>Road Traffic Regulation Act 1984*

**Marginal Citations**

**M5** 1984 c. 27.

- 15 (1) The Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In section 7(5) (restriction on the right to appeal from road service licensing decisions of traffic commissioners in any case where the decision is certified to be necessary to secure conformity with a traffic regulation order), for the words from “traffic commissioners” to “the commissioners” there shall be substituted the words “traffic commissioner for the Metropolitan Traffic Area under section 42 of the Transport Act 1985 in the case of a decision of his with respect to a London local service licence if and so far as he certifies”.

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- (3) In section 10—
- (a) in subsection (4) (restriction on the right to appeal from road service licensing decisions of traffic commissioners in any case where the decision is certified to be necessary to secure conformity with an experimental traffic order), for the words from “traffic commissioners” to “the commissioners” there shall be substituted the words “commissioner for the Metropolitan Traffic Area under section 42 of the Transport Act 1985 in the case of a decision of the commissioner with respect to a London local service licence if and so far as he certifies”; and
  - (b) after subsection (5) there shall be inserted the following subsection—
 

“(6) The reference in subsection (4) above to the Metropolitan Traffic Area shall be construed as if it were contained in the Public Passenger Vehicles Act 1981.”
- (4) In section 142(1) (interpretation), in the definition of “public service vehicle”, for the words “and ”stage carriage’ have the same meanings” there shall be substituted the words “has the same meaning”.
- (5) In Schedule 9—
- (a) in paragraph 13(3)(b), for the words “stage carriage” there shall be substituted the words “vehicle being used in the provision of a local service within the meaning of the Transport Act 1985”; and
  - (b) in paragraph 13(3)(c)(i), there shall be substituted for the words from “stage carriage”, where they first occur, to “1981” the words “local service (within the meaning of the Transport Act 1985)” and for the words “stage carriage”, where they next occur, the word “vehicle”.
- 16 (1) Subject to any provision made by or under this Act, in any enactment or instrument passed or made before the commencement of section 1 of this Act—
- (a) any reference to a stage carriage service shall be construed as a reference to a local service;
  - (b) any reference to an express carriage service shall be construed as a reference to any service for the carriage of passengers for hire or reward at separate fares which is neither a local service nor one provided by a vehicle to which sub-paragraph (2) below applies;
  - (c) any reference to a stage carriage shall be construed as a reference to a public service vehicle being used in the provision of a local service;
  - (d) any reference to an express carriage shall be construed as a reference to a public service vehicle being used to carry passengers for hire or reward at separate fares other than one being used in the provision of a local service; and
  - (e) any reference to a contract carriage shall be construed as a reference to a public service vehicle being used to carry passengers for hire or reward otherwise than at separate fares.
- (2) When used in circumstances in which the conditions set out in Part III of Schedule 1 to the 1981 Act are fulfilled, a public service vehicle carrying passengers at separate fares shall be treated, for the purposes of any enactment or instrument to which paragraph (d) or (e) of sub-paragraph (1) above applies, as being used to carry passengers otherwise than at separate fares.

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