

Status: Point in time view as at 01/02/2001.

Changes to legislation: Transport Act 1985, Cross Heading: Road service licensing during transitional period is up to date with all changes known to be in force on or before 10 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)

SCHEDULES

SCHEDULE 6

TRANSITIONAL PROVISIONS AND SAVINGS

Road service licensing during transitional period

- 1 (1) In this paragraph “the transitional period” means the period beginning with the day on which this paragraph is brought into force and ending with 25th October 1986.
- (2) During the transitional period, Part III of the 1981 Act shall apply in relation to services which do not involve the use of any place in London as a stopping place with the modifications set out in paragraphs 2 to 5 below.
- 2 (1) In paragraphs (a) and (b) of section 31(2) for the words “be against the interests of the public” there shall, in each case, be substituted the words “interfere with the transition to deregulation”.
- (2) For subsections (3) and (4) of section 31 there shall be substituted the following subsections—
 - “(3) For the purposes of subsection (1) above the grant of a road service licence shall be taken to interfere with the transition to deregulation if, but only if—
 - (a) it has a severely detrimental effect on traffic conditions;
 - (b) it disrupts arrangements made, or proposed to be made—
 - (i) in England and Wales, by a non-metropolitan county council or Passenger Transport Executive; and
 - (ii) in Scotland, by a regional or islands council or Passenger Transport Executive;with a view to achieving a satisfactory transition to deregulation; or
 - (c) the applicant is in receipt of a subsidy from one or more local authorities otherwise then—
 - (i) under an agreement with respect to which the requirements of section 89 of the Transport Act 1985 are satisfied; or
 - (ii) by way of reimbursement for providing travel concessions in accordance with a travel concession scheme which satisfies the requirements of section 93 of that Act;and that subsidy gives the applicant an unfair commercial advantage in relation to the provision of any local service in the area in question;and in this Part of this Act references to “interference with the transition to deregulation” shall be construed accordingly.

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- (4) In considering whether the grant of a licence would interfere with the transition to deregulation, the commissioners—
- (a) shall have regard to any objections or other representations (made to them in the prescribed manner) which they consider are relevant; and
 - (b) shall not consider whether the grant would be disruptive as mentioned in subsection (3)(b) above except at the instance of the council or Executive concerned.”
- (3) In subsection (5), after the words “police district” there shall be inserted the words “and Passenger Transport Executive for any area”.
- 3 (1) In section 32 (attachment to licences of conditions as to matters other than fares)—
- (a) in subsection (1), for the words from “interests of the public” to “Act” there shall be substituted the words “desirability of preventing interference with the transition to deregulation”;
 - (b) in subsection (3)—
 - (i) in paragraph (a), for the words “interests of the public” there shall be substituted the words “desirability of preventing interference with the transition to deregulation”; and
 - (ii) in paragraphs (b) and (c), for the words “those interests” there shall, in each case, be substituted “that desirability”; and
 - (c) in subsections (4) and (5) for the words from “be against” to the end there shall be substituted, in each case, the words “interfere with the transition to deregulation”.
- 4 In section 34 (grant of road service licences for services on routes not otherwise served), in subsection (1)(a) for the words from “be against” to “public” there shall be substituted the words “interfere with the transition to deregulation”, and subsection (1)(b) shall apply with the necessary modifications.
- 5 In section 50(8) (persons who, in addition to applicant, have right of appeal against decision of traffic commissioners), in paragraph (a), after the words “local authority” there shall be inserted the words “or Passenger Transport Executive”.

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