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## SCHEDULES

### SCHEDULE 1 **E+W+S**

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 ..... F1

**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 ..... F2

**Textual Amendments**  
F2 Sch. 1 para. 6 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

7 ..... F3

**Textual Amendments**  
F3 Sch. 1 para. 7 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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 ..... F4

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**Textual Amendments**

**F4** Sch. 1 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

10 **F5** .....

**Textual Amendments**

**F5** Sch. 1 para. 10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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 **F6** .....

**Textual Amendments**

**F6** Sch. 1 para. 12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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 **F7** .....

**Textual Amendments**

**F7** Sch. 1 para. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*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

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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”.

- (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

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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.

## SCHEDULE 2 **E+W+S**

### AMENDMENTS CONSEQUENTIAL ON SECTION 3

#### PART I **E+W+S**

#### SCHEDULE SUBSTITUTED FOR SCHEDULE 2 TO THE 1981 ACT **E+W+S**

#### “SCHEDULE 2 **E+W+S**

#### TRAFFIC COMMISSIONERS

##### *Terms of service of traffic commissioners*

- 1 The Secretary of State may remove a traffic commissioner from his office for inability or misbehaviour.
- 2 If a traffic commissioner acquires a financial interest in a transport undertaking which carries passengers or goods by road within Great Britain he shall, within four weeks after so doing, give notice of that acquisition in writing to the Secretary of State specifying the interest so acquired and the Secretary of State, after taking the matter into consideration, may if he thinks fit declare that the traffic commissioner has vacated his office.

##### *Appointment and terms of office of deputies to traffic commissioners*

- 3 In the case of illness, incapacity or absence of a traffic commissioner, the Secretary of State may appoint some other person to act as his deputy.
- 4 If the Secretary of State considers that the duties to be performed by a traffic commissioner, or any deputy appointed under paragraph 3 above to the traffic commissioner, cannot conveniently or efficiently be performed by one person, the Secretary of State may appoint one or more persons to act as deputy to the traffic commissioner.
- 5 A person appointed under paragraph 4 above shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Secretary of State may determine, and shall act for the traffic commissioner whose deputy he is in such matters as the traffic commissioner, or any deputy appointed by reason of the traffic commissioner's illness, incapacity or absence, may from time to time direct or as the Secretary of State may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the traffic commissioner.

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- 6 (1) Where the office of traffic commissioner for any traffic area becomes vacant the Secretary of State may, pending the appointment of a new traffic commissioner for that area under section 4 of this Act, appoint a person (whether or not over the age of sixty-five) under this paragraph to act as traffic commissioner for that area for a limited period.
- (2) Any person appointed under sub-paragraph (1) above shall—
- (a) hold office for such period as the Secretary of State specifies when making the appointment; and
  - (b) during that period be treated for all purposes (except those of paragraph 9 below) as the traffic commissioner for the traffic area in question.

*Staff of traffic commissioners*

- 7 Subject to the approval of the Treasury, the Secretary of State may appoint such persons to act as officers and servants of a traffic commissioner as he considers appropriate.

*Remuneration and pensions*

- 8 There shall be paid to a traffic commissioner and deputy traffic commissioner, and to the persons acting as officers or servants of a traffic commissioner, such remuneration and allowances as may be determined by the Secretary of State with the consent of the Treasury.
- 9 The principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act 1972) which is for the time being in force shall apply to persons holding the office of traffic commissioner for each of the traffic areas.”

**PART II E+W+S**

FURTHER CONSEQUENTIAL AMENDMENTS

*The <sup>M6</sup>Transport Act 1968*

**Marginal Citations**

**M6** 1968 c. 73.

- 1 (1) The Transport Act 1968 shall be amended as follows.
- (2) In section 96(10)(b), there shall be substituted for the words “commissioners or licensing authority” the word “commissioner” and for the words “commissioners or authority think” the words “commissioner thinks”.
  - (3) In section 98(3), there shall be substituted for the words “commissioners or licensing authority” in both places the word “commissioner” and for the words “commissioners or authority think” the words “commissioner thinks”.
  - (4) In section 99, there shall be substituted for the words “commissioners or licensing authority” in subsections (1) and (8) the word “commissioner”.
  - (5) In section 103(5), for the words “commissioners or licensing authority” there shall be substituted the word “commissioner”.

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### The <sup>M7</sup>Tribunals and Inquiries Act 1971

#### Marginal Citations

**M7** 1971 c. 62.

**F8**<sup>2</sup> .....

#### Textual Amendments

**F8** Sch. 2 Pt. II para. 2 repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), Sch. 4 Pt.I

**3** ..... **F9**

#### Textual Amendments

**F9** Sch. 2 Pt. II para. 3 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 3, Sch. 1 Part I (with Sch. 4 paras. 1–3)

### The <sup>M8</sup>Public Passenger Vehicles Act 1981

#### Marginal Citations

**M8** 1981 c. 14.

- 4 (1) The Public Passenger Vehicles Act 1981 shall be amended as follows.
- (2) In section 3(3), for the word “commissioners”, whenever occurring, there shall be substituted the word “commissioner”.

**F10**(3) .....

- (4) In section 12, there shall be substituted—
- (a) for the word “commissioners”, whenever occurring, the word “commissioner”;
  - (b) in subsection (3), for the words “different areas” the words “a different area”;
  - and
  - (c) in subsection (4), for the word “they” the word “he”.
- (5) In section 14 (grant of licences)—
- (a) for the word “commissioners”, whenever occurring, there shall be substituted the word “commissioner”;
  - (b) in subsections (1) and (3), for the word “are” in each place (other than where it first occurs in subsection (3)) there shall be substituted the word “is”;
  - (c) in subsection (4), there shall be substituted for the word “determine” the word “determines” and for the word “they” the word “he”.

**F11**(6) .....

- (7) In section 16, there shall be substituted—

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- (a) in subsection (1), for the words “Traffic commissioners” the words “A traffic commissioner” and for the words “those commissioners” the words “that commissioner”;
- (b) in subsection (3), for the words “Traffic commissioners” the words “A traffic commissioner” and for the word “them” the word “him” and for the words “they think” the words “he thinks”;
- (c) in subsection (5), for the word “commissioners” the word “commissioner” and for the words “they think” the words “he thinks”;
- (d) in subsection (6) for the word “commissioners” in both places the word “commissioner”, for the word “their” in both places the word “his” and for the word “they” the word “he”;
- (e) in subsection (8), for the word “commissioners” the word “commissioner” and for the words “they are” the words “he is”; and
- (f) in subsection (9), for the word “commissioners” in both places the word “commissioner”.

(8) In section 17, there shall be substituted—

- (a) in subsection (1), for the word “commissioners” the word “commissioner” and for the word “them” the word “him”;
- (b) in subsection (2), for the word “commissioners” where it first occurs the word “commissioner” and for the words “the commissioners direct” the words “he directs”;
- (c) in subsection (4), for the words “Traffic commissioners” the words “A traffic commissioner” and for the word “them” the word “him”; and
- (d) in subsection (5), for the words “traffic commissioners decide” the words “a traffic commissioner decides” and for the words “they” and “them” the words “he” and “him”.

<sup>F11</sup>(9) . . . . .

(10) In section 19, there shall be substituted—

- (a) in subsections (1), (2) and (3), for the word “commissioners” the word “commissioner”; and
- (b) in subsection (4) for the words “Traffic commissioners” the words “A traffic commissioner”, for the word “them” in each place the word “him” and for the word “his” the words “the holder’s”.

(11) In section 20, there shall be substituted—

- (a) in subsection (3), for the word “commissioners” where first occurring the word “commissioner”, for the words “those commissioners” in both places the words “that commissioner”, for the word “them” in each place the word “him”, for the word “they” in both places the word “he”, for the word “him”, in both places in paragraph (a), the words “the holder” and for the word “him”, in paragraph (b), the words “the holder or former holder”; and
- (<sup>F10</sup>) in subsection (6), for the word “commissioners” the word “commissioner”.]

(12) In section 21, there shall be substituted—

- (a) for the word “commissioners”, whenever occurring, the word “commissioner”;
- (b) in subsection (2), for the words “they” and “their” the words “he” and “his”; and



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- (c) in subsection (3), for the words “they are satisfied they” the words “he is satisfied he” and for the word “them” the words “the commissioner”.
- (13) ..... F12
- (14) In section 52, there shall be substituted—
- (a) in subsection (1), for the word “commissioners” whenever occurring the word “commissioner”;
  - (b) in subsection (2), for the words “The traffic commissioners” the words “A traffic commissioner”; and
  - (c) in subsection (3), for the words “the traffic commissioner” the words “a traffic commissioner”.
- (15) In section 55, for the word “commissioners” there shall be substituted the word “commissioner” and for the word “their” there shall be substituted the word “his”.
- (16) In section 56, in subsection (1), there shall be substituted for the word “commissioners” the word “commissioner” and there shall be omitted the words “them or”.
- (17) In section 57, for the word “commissioners”, whenever occurring, there shall be substituted the word “commissioner.”
- (18) In section 60(1), for the words “the commissioners” there shall be substituted the words “traffic commissioners”.
- (19) In section 69(1), for the words “the traffic commissioners” there shall be substituted the words “a traffic commissioner”.
- (20) In section 82 (interpretation), the following definition shall be inserted at the appropriate place—
- “‘traffic commissioner’ means the person appointed to be the commissioner for a traffic area constituted for the purposes of this Act;”
- (21) In Schedule 3 there shall be substituted—
- (a) in paragraph 1, for the words “traffic commissioners” in both places the words “a traffic commissioner” and for the word “commissioners”, in both places, the word “commissioner”; and
  - (b) in paragraphs 5 and 9, for the word “commissioners” whenever occurring the word “commissioner”.

#### Textual Amendments

- F10** Sch. 2 Pt. II para. 4(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, Sch. 8; S.I. 1992/1286, art. 2, Sch., Appendix.
- F11** Sch. 2 para. 4(6)(9) repealed (1.1.1996) by 1994 c. 40, ss. 81, 82(4), Sch. 17; 1995/2835, art. 2
- F12** Sch. 2 Pt. II para. 4(13) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6

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### *The <sup>M9</sup>Civic Government (Scotland) Act 1982*

**Marginal Citations**

**M9** 1982 c. 45.

- 5 In section 18 of the Civic Government (Scotland) Act 1982, there shall be substituted—
- (a) for the word “commissioners” whenever occurring the word “commissioner”;
  - (b) in subsection (2), for the word “them” the word “him”;
  - (c) in subsection (3), for the words “they consider” in both places the words “he considers”, for the words “they decided” the words “he decided” and for the words “they should consider” the words “he should consider”;
  - (d) in subsection (5), for the words “they alter” the words “he alters”; and
  - (e) in subsection (8), for the word “their” in both places the word “his”.

### *The <sup>M10</sup>Road Traffic Regulation Act 1984*

**Marginal Citations**

**M10** 1984 c. 27

- 6 In section 38(4) and (7) of and paragraph 31(a) of Schedule 9 to the Road Traffic Regulation Act 1984 there shall be substituted for the word “commissioners” in each place the word “commissioner”.

### *The <sup>M11</sup>London Regional Transport Act 1984*

**Marginal Citations**

**M11** 1984 c. 32.

- 7 In Schedule 5 to the London Regional Transport Act 1984, there shall be substituted—
- (a) in paragraph 11(5), for the word “commissioners”, where it first occurs, the word “commissioner” and for the words “those commissioners” the words “the commissioner”;
  - (b) in paragraph 11(8), for the word “commissioners”, in both places, the word “commissioner”; and
  - (c) in paragraph 12(7), for the word “commissioners” the word “commissioner”.

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SCHEDULE 3 **E+W+S**

Section 57(6).

AMENDMENTS CONSEQUENTIAL ON SECTION 57

*The* <sup>M12</sup> *Transport Act 1968*

**Marginal Citations**

**M12** 1968 c. 73.

1 **F13** .....

**Textual Amendments**

**F13** Sch. 3 para. 1 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

2 In—  
(a) sections 10, 12, 14, 15, 20 and 23 of that Act; and  
(b) paragraph 11(a) of Schedule 5 to that Act;  
for the word “designated” (in each place where it occurs) there shall be substituted the words “passenger transport”.

3 In section 9(6) of that Act, the words “or 6” shall be omitted, and for the words “sections 20(6) and (7) and 21(5)” there shall be substituted the words “section 20(6) and (7)”.

4 In section 10 of that Act (general powers of Executive)—  
(a) in subsection (1)—  
(i) in paragraph (ii) (power to carry passengers by land, otherwise than by road, and by water), for the words from “the following distance” to the end of the paragraph there shall be substituted the words “the distance of twenty-five miles from the nearest point on the boundary of that area;”; and  
(ii) in paragraph (xxiii), for the words “the discharge of their duty under section 9(3) of this Act” there shall be substituted the words “their business;”; and  
(b) in subsection (2) (things done by subsidiaries to count as things done by Executive for certain purposes), the words from “or with the consent” to “Act” (which refer to consents under Schedule 6 to that Act) shall be omitted.

5 **F14** .....

**Textual Amendments**

**F14** Sch. 3 para. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

6 In section 12 of that Act (borrowing powers of Executive)—  
(a) in subsection (3)(d) the words from “or by” to the end of the paragraph shall be omitted; and  
(b) in subsection (4)—

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- (i) for the words “Each of the councils of constituent areas” there shall be substituted the words “The Authority for the Executive’s area”;
- (ii) for the words “such a council” there shall be substituted the words “the Authority for a passenger transport area”; and
- (iii) for the word “council” in each place where it occurs in paragraphs (a) and (b) there shall be substituted the word “Authority”.

7 For section 13 of that Act (precepting powers), as it applies to England and Wales, there shall be substituted the following section—

**“13 Power to make grants.**

The Authority shall have power to make grants to the Executive for any purpose.”

F15g .....

**Textual Amendments**  
**F15** Sch. 3 para. 8 repealed (E.W.) (11.9.1998) by 1998 c. 18, ss. 54(3), 55(2), Sch. 5

9 F16 .....

**Textual Amendments**  
**F16** Sch. 3 para. 9 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

10 F17 .....

**Textual Amendments**  
**F17** Sch. 3 para. 10 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

11 F18 .....

**Textual Amendments**  
**F18** Sch. 3 para. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

12 In section 16 of that Act (publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities)—

- (a) in subsection (1)—
  - (i) for the words “area designated by an order under section 9(1) of this Act” there shall be substituted the words “passenger transport area”; and
  - (ii) for the words “by the order aforesaid” there shall be substituted the words “by any order made, or having effect as if made, under section 9(3) of this Act”; and
- (b) in subsection (2), the words from “and if” to “would not” shall be omitted.

13 F19 .....

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**Textual Amendments**

**F19** Sch. 3 para. 13 repealed (24.7.2005 for E.W. and otherwise prosp.) by Railways Act 2005 (c. 14), ss. 59, 60, Sch. 13 Pt. 1 (with s. 14(4)(5), Sch. 11 para. 11(2)); S.I. 2005/1909, art. 2, Sch

14 **F20** .....

**Textual Amendments**

**F20** Sch. 3 para. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

15 In section 24(2) of that Act (co-operation between Passenger Transport Executives and the National Bus Company and the Scottish Transport Group), for the words from the beginning to “Act” there shall be substituted the words “In the case of any area which is a passenger transport area for the purposes of Part II of this Act”.

16 In section 54 of that Act (provisions with respect to railway closures)—  
(a) in subsection (2), for the words “designated under section 9(1) thereof” there shall be substituted the words “which is a passenger transport area for the purposes of Part II of this Act”; and  
(b) in subsection (3), for the words “an area designated as aforesaid” there shall be substituted the words “any such area as is mentioned in that subsection”.

17 In section 134(1) of that Act (authorities to whom duty to act as a body engaged in a commercial enterprise applies), for the words from “designated” to “section 9(1)” there shall be substituted the words “area which is a passenger transport area for the purposes of Part II”.

18 In section 137 of that Act (obligation to establish machinery for negotiation and consultation with staff)—  
(a) in subsection (1) (authorities to whom the section applies), for the words from “designated” to “section 9(1)” there shall be substituted the words “area which is a passenger transport area for the purposes of Part II”;  
(b) in subsection (3)(b), for the words from “Authority” to the end of the paragraph there shall be substituted the words “Passenger Transport Authority for the passenger transport area in question (referred to below in this section as the relevant Passenger Transport Authority)”; and  
(c) [<sup>F21</sup>in subsection (4), for the words “Authority established as aforesaid” and “Authority so established” there shall be substituted the words “relevant Passenger Transport Authority”.]

**Textual Amendments**

**F21** Sch. 3 para. 18(c) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 7 Pt. 4; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

19 In section 141(1) of that Act (application of Town and Country Planning Acts), for the words from “designated” to “section 9(1)” there shall be substituted the words “for any area which is a passenger transport area for the purposes of Part II”.

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- 20 —In section 160(5) of that Act (stamp duty not chargeable on certain instruments), for the words “established under section 9(1)” there shall be substituted the words “for any area which is a passenger transport area for the purpose of Part II”.
- 21 (1) In Schedule 5 to that Act (constitution, etc., of Passenger Transport Authorities and Executives), Part I (which relates to Passenger Transport Authorities) shall be omitted.
- (2) In Part II of that Schedule—
  - (a) paragraph 1 shall be omitted;
  - (b) in paragraph 2, as it applies to England and Wales, for the words “any of the councils of constituent areas” (in each place where they occur) there shall be substituted the words “the Authority for the passenger transport area”; and
  - (c) in paragraph 2, as it applies to Scotland, for the word “designated” there shall be substituted the words “passenger transport”.
- (3) In Part III of that Schedule the following provisions shall be omitted—
  - (a) paragraphs 1, 2, 3(a), 4, 5, 10, 11(c), 12, 16 and 17;
  - (b) in paragraphs 6, 7 and 9 the words “the Authority and” and “respectively”, in each place where they occur;
  - (c) in paragraph 8 the words “the Authority or” and “the chairman of the Authority or, as the case may be”;
  - (d) in paragraph 11, the words “the Authority or” in sub-paragraph (a) and “the Authority” in sub-paragraph (b); and
  - (e) in paragraph 13, the words “the Authority or”, in both places where they occur, and “the Authority” where those words last occur;
 and in paragraph 3(b), for “9(1)(b)” there shall be substituted “9(2)”.

*The <sup>M13</sup>Post Office Act 1969*

**Marginal Citations**  
 M13 1969 c. 48.

F22 22 .....

**Textual Amendments**  
 F22 Sch. 3 para. 22 repealed (26.3.2001) by 2000 c. 26, s. 127(6), Sch. 9; S.I. 2001/1148, art. 2(2), Sch. (subject to transitional provisions in arts. 3-42)

*The Pensions (Increase) Act 1971*

- 23 In paragraph 6(2)(c) of Schedule 3 to the <sup>M14</sup>Pensions (Increase) Act 1971 (extended definition of employing authority), for the words from “established under section 9(1)” to the end there shall be substituted the words “for the purposes of Part II of the <sup>M15</sup>Transport Act 1968”.

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**Marginal Citations**

**M14** 1971 c. 56.

**M15** 1968 c. 73.

*The<sup>M16</sup>Local Government Act 1972*

**Marginal Citations**

**M16** 1972 c. 70.

24 **F23** .....

**Textual Amendments**

**F23** Sch. 3 para. 24 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

25 **F24** .....

**Textual Amendments**

**F24** Sch. 3 para. 25 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*The<sup>M17</sup>Local Government (Scotland) Act 1973*

**Marginal Citations**

**M17** 1973 c. 65.

26 **F25** .....

**Textual Amendments**

**F25** Sch. 3 para. 26 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

27 **F26** .....

**Textual Amendments**

**F26** Sch. 3 para. 27 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

28 **F27** .....

**Textual Amendments**

**F27** Sch. 3 para. 28 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

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*<sup>F28</sup> The <sup>M18</sup>Local Government, Planning and Land Act 1980*

**Textual Amendments**

**F28** Sch. 3 para. 29 repealed (E.W.) by Local Government and Housing Act 1989 (c. 42, SIF 81:1), s. 194(2), Sch.12 Part I

**Marginal Citations**

**M18** 1980 c. 65.

29 In section 82 of the Local Government, Planning and Land Act 1980 (Passenger Transport Executives and their subsidiaries)—

- (a) in subsection (1)—
- (i) in paragraph (a) the words “whose area is either the whole or part of one county” shall be omitted, and for the words “county council” there shall be substituted the words “metropolitan county passenger transport authority for the county which is coterminous with or includes that Executive’s area”; and
- (ii) for the word “council” in each place where it occurs in paragraphs (b) to (d) there shall be substituted the word “authority”;
- (b) subsections (2) and (3) shall be omitted; and
- (c) in subsection (4), for the words “subsections (1) to (3)” there shall be substituted the words “subsection (1)”.]

*The <sup>M19</sup>Transport Act 1983*

**Marginal Citations**

**M19** 1983 c. 10.

30 In section 1 of the Transport Act 1983 (interpretation of Part I), in paragraph (a) of the definition of “Executive”, for the words from “an area” to “county” there shall be substituted the words “any passenger transport area (within the meaning of Part II of the Act of 1968)”.

<sup>F29</sup>31 In section 3(3) of that Act (formulation of Executive’s financial plan may assume grants will be provided by the Authority to extent considered necessary by the Executive for discharge of certain duties), for the words “general duty under section 9(3)” there shall be substituted the words “duty under section 9A(3)”.]

**Textual Amendments**

**F29** Sch. 3 para. 31 repealed (E.W.) (1.2.2001 for E. and 14.8.2002 for W.) by 2000 c. 38, s. 274, Sch. 31 Pt. II; S.I. 2001/57, art. 3, Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II) (as amended by S.I. 2001/115, art. 3(2)); S.I. 2002/2024, art. 2(b)

32

<sup>F30</sup> .....



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#### Textual Amendments

**F30** Sch. 3 para. 32 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

### *The <sup>M20</sup>Road Traffic Regulation Act 1984*

#### Marginal Citations

**M20** 1984 c. 27.

- 33 In paragraph 31(b) of Schedule 9 to the Road Traffic Regulation Act 1984 (local authority to consult Passenger Transport Executive before making certain orders) for the words from “designated under section 9(1)” to the end there shall be substituted the words “which is a passenger transport area for the purposes of Part II of the Transport Act 1968, shall consult with the Passenger Transport Executive for that passenger transport area.”.

## SCHEDULE 4 **E+W+S**

Section 117(2).

### CONSTITUTION, POWERS AND PROCEEDINGS OF THE TRANSPORT TRIBUNAL

#### *Constitution*

- 1 The Transport Tribunal [<sup>F31</sup>(referred to in this Schedule as “the tribunal”)] shall be a court of record and have an official seal which shall be judicially noticed.

#### Textual Amendments

**F31** Words in Sch. 4 para. 1 inserted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), Sch. 1 para. 9(a)

- 2 (1) The tribunal shall consist of—
- (a) a president and two or more chairmen appointed by the Lord Chancellor (referred to below in this Schedule as judicial members); and
  - (b) two or more other members appointed by the Secretary of State.
- [<sup>F32</sup>(2) The president of the tribunal shall be—
- [<sup>F33</sup>(a) a person who satisfies the judicial-appointment eligibility condition on a 7-year basis; or]
  - (b) an advocate or solicitor in Scotland of at least [<sup>F34</sup> 7 ] years’ standing.
- (2A) Each chairman shall be—
- [<sup>F35</sup>(a) a person who satisfies the judicial-appointment eligibility condition on a 5-year basis; or]
  - (b) an advocate or solicitor in Scotland of at least [<sup>F36</sup> 5 ] years’ standing.]

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#### Textual Amendments

- F32** Sch. 4 para. 2(2)(2A) substituted for paragraph 2(2) by [Courts and Legal Services Act 1990 \(c. 41, SIF 37\)](#), s. 71(2), [Sch. 10 para. 65](#)
- F33** Sch. 4 para. 2(2)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 17\(2\)\(a\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)
- F34** Word in Sch. 4 para. 2(2)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 17\(2\)\(b\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)
- F35** Sch. 4 para. 2(2A)(a) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 17\(3\)\(a\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)
- F36** Word in Sch. 4 para. 2(2A)(b) substituted (21.7.2008) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 10 para. 17\(3\)\(b\)](#); S.I. 2008/1653, art. 2(d) (with arts. 34)

#### *Tenure of Office*

- 3 (1) Subject to the following provisions of this paragraph [<sup>F37</sup>and to subsections (4) to (6) of section 26 of the Judicial Pensions and Retirement Act 1993 (power to authorise continuance in office up to the age of seventy-five)], each judicial member of the tribunal shall hold office until [<sup>F38</sup>the day on which he attains the age of seventy] and shall then retire.
- <sup>F39</sup>(2) Where the Lord Chancellor considers it desirable in the public interest to retain a judicial member in office after he reaches that age, he may from time to time authorise that member's continuance in office until such date (not later than the date on which that member reaches seventy-five) as he thinks fit.]
- (3) The Lord Chancellor may, if he thinks fit, remove a judicial member from office on the ground of incapacity or misbehaviour.
- [<sup>F40</sup>(3A) The Lord Chancellor may remove a judicial member from office under subparagraph (3) only with the concurrence of the appropriate senior judge.
- (3B) The appropriate senior judge is the Lord Chief Justice of England and Wales, unless the judicial member who is to be removed exercises functions wholly or mainly in Scotland, in which case it is the Lord President of the Court of Session.]
- (4) A judicial member may at any time by notice in writing to the Lord Chancellor resign his office.
- (5) Subject to the preceding provisions of this paragraph and to paragraph 6 below, a judicial member shall hold and vacate office in accordance with such terms and conditions as may be determined by the Lord Chancellor at the time of his appointment and shall, on ceasing to hold office, be eligible for reappointment.

#### Textual Amendments

- F37** Words in Sch. 4 para. 3(1) inserted (31.3.1995) by [1993 c. 8, ss. 26, Sch. 6 para. 57\(2\)\(a\)](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art. 2](#)
- F38** Words in para. 3(1) substituted (31.3.1995) by [1993 c. 8, ss. 26, para. 57\(2\)\(b\)](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art. 2](#)
- F39** Sch. 4 para. 3(2) repealed and superseded (31.3.1995) by [1993 c. 8, ss. 26\(4\)-\(6\), Sch. 6 para. 57\(3\), Sch. 9](#) (with [Sch. 7 paras. 2\(2\), 3\(2\), 4](#)); S.I. 1995/631, [art. 2](#)

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**F40** Sch. 4 para. 3(3A)(3B) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 179\(2\)](#); S.I. 2006/1014, [art. 2\(a\)](#), Sch. 1 para. 11(r)

- 4 (1) A member of the tribunal appointed by the Secretary of State shall hold and vacate office in accordance with such terms and conditions (both as to his term of office and otherwise) as may be determined by the Secretary of State at the time of his appointment and, on ceasing to hold office, be eligible (subject to the following provisions of this paragraph) for reappointment.
- (2) Subject to sub-paragraph (3) below, a person shall not be appointed as a member of the tribunal by the Secretary of State for a term extending beyond the end of the completed year of service in which he reaches seventy.
- (3) Where the Secretary of State considers it desirable in the public interest that a person should be appointed for a term exceeding that allowed under sub-paragraph (2) above, that person may be appointed for such term, not extending beyond the date on which he reaches seventy-five, as the Secretary of State thinks fit.
- (4) A member appointed by the Secretary of State may at any time by notice in writing to the Secretary of State resign his office.

#### *Staff of the tribunal*

- 5 The <sup>F41</sup>Lord Chancellor] may make available to the tribunal such staff as he considers necessary for assisting the tribunal in the proper execution of their duties.

#### **Textual Amendments**

**F41** Words substituted by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

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

**C1** Functions transferred to the Lord Chancellor by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

#### *Remuneration and expenses*

- 6 There shall be paid to the members of the tribunal such remuneration as the <sup>F42</sup>Lord Chancellor] may with the consent of the Treasury determine.

#### **Textual Amendments**

**F42** Words substituted by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

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

**C2** Functions transferred to the Lord Chancellor by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

- 7 Any remuneration payable under paragraph 6 above and any other expenses of the tribunal shall be met by the <sup>F43</sup>Lord Chancellor].

#### **Textual Amendments**

**F43** Words substituted by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

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

**C3** Functions transferred to the Lord Chancellor by [S.I. 1989/495](#), **art. 2(1)(2)**

*Powers and proceedings*

- 8 (1) <sup>F44</sup>... The tribunal shall for the purpose of the exercise of any of their functions have full jurisdiction to hear and determine all matters whether of law or of fact.
- (2) As respects—
- (a) the attendance and examination of witnesses;
  - (b) the production and inspection of documents;
  - (c) the enforcement of their orders;
  - (d) the entry on and inspection of property; and
  - (e) other matters necessary or proper for the due exercise of their jurisdiction;
- the tribunal shall have, in England and Wales, all such powers, rights and privileges as are vested in the High Court, and, in Scotland, all such powers, rights and privileges as are vested in the Court of Session.
- (3) Execution may be had in England and Wales of any order of the tribunal as if it were an order of the High Court, and any order of the tribunal may be recorded for execution in the books of council and session in Scotland, and shall be enforceable accordingly.

**Textual Amendments**

**F44** Words in Sch. 4 para. 8(1) omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 9(b)**

<sup>F45</sup>g .....

**Textual Amendments**

**F45** Sch. 4 para. 9 omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 9(c)**

- 10 (1) The president or, in his absence, such one of the other judicial members as the president or (if the president is unable for any reason to exercise the power conferred on him by this sub-paragraph) the [<sup>F46</sup>Lord Chief Justice] may direct, shall preside at any sitting of the tribunal.

[<sup>F47</sup>(1A) Before exercising his functions under sub-paragraph (1) the Lord Chief Justice must—

- (a) consult the Lord Chancellor, and
- (b) obtain the agreement of the Lord President of the Court of Session.]

- (2) The president or other judicial member presiding at a sitting of the tribunal in pursuance of sub-paragraph (1) above is referred to below in this paragraph as the presiding member.

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- (3) If at any sitting of the tribunal the members sitting are evenly divided as to any decision, the presiding member shall have a second or casting vote; but otherwise decisions of the tribunal shall be by a majority of the members sitting.
- [<sup>F48</sup>(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under sub-paragraph (1).
- (5) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under sub-paragraph (1A)(b).]

#### Textual Amendments

- F46** Words in Sch. 4 para. 10(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 179\(3\)\(a\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(r\)](#)
- F47** Sch. 4 para. 10(1A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 179\(3\)\(b\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(r\)](#)
- F48** Sch. 4 para. 10(4)(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\), ss. 15, 148, Sch. 4 para. 179\(3\)\(c\); S.I. 2006/1014, art. 2\(a\), Sch. 1 para. 11\(r\)](#)

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

- C4** Functions transferred to the Lord Chancellor by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

- 11 (1) Subject to paragraph 10 above, the [<sup>F49</sup>Lord Chancellor] may from time to time make general rules governing the procedure and practice of the tribunal and generally for carrying into effect the tribunal's duties and powers.
- (2) Without prejudice to the generality of sub-paragraph (1) above, rules under that sub-paragraph may provide for—
- (a) the awarding of costs by the tribunal;
  - (b) the reference of any question to a member of the tribunal, or to any other person appointed by them, for report after holding a local inquiry;
  - (c) the review by the tribunal of decisions previously given by them;
  - (d) the number of members of the tribunal to constitute a quorum;
  - (e) enabling the tribunal to dispose of any proceedings notwithstanding that in the course of those proceedings there has been a change in the persons sitting as members of the tribunal; and
  - (f) the right of audience before the tribunal.
- (3) Rules under sub-paragraph (1) above may also, subject to the consent of the Treasury, prescribe the scale of fees for and in connection with proceedings before the tribunal.

#### Textual Amendments

- F49** Words substituted by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

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

- C5** Functions transferred to the Lord Chancellor by [S.I. 1989/495, art. 2\(1\)\(2\)](#)

- 12 (1) The Secretary of State shall give to the tribunal such assistance as the tribunal may reasonably require.

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- (2) The Secretary of State shall place at the disposal of the tribunal any information in his possession which he considers will be of assistance to the tribunal in connection with any matter before them, and shall be entitled to appear and be heard in any proceedings before the tribunal.
- 13 (1) Subject to sub-paragraph (2) below and to any rules made under paragraph 11 above, the tribunal may sit in any part of Great Britain in such place or places as may be convenient for the determination of the proceedings before them.
- (2) An appeal from [<sup>F50</sup>a determination of any traffic commissioner in relation to a traffic area in Scotland] shall be heard in Scotland.

#### Textual Amendments

**F50** Words in Sch. 4 para. 13(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. 1 (with arts. 1(3), 2, 7)

#### *Appeals*

- 14 (1) Subject to sub-paragraphs (2) and (3) below, an appeal shall lie in accordance with rules made by the [<sup>F51</sup>Lord Chancellor] from the tribunal to the Court of Appeal or to the Court of Session.
- (2) No appeal shall lie from the tribunal upon a question of fact or locus standi.
- (3) An appeal shall not be brought except in conformity with such rules of court as may from time to time be made in relation to such appeals by the authority having power to make rules of court for the Court of Appeal or the Court of Session (as the case may be).
- (4) On the hearing of an appeal the Court of Appeal and the Court of Session may draw all such inferences as are not inconsistent with the facts expressly found and are necessary for determining the question of law, and may make any order which the tribunal could have made, and also any such further or other order as may be just.
- (5) The costs of and incidental to an appeal shall be at the discretion of the Court, but neither the tribunal nor any member of the tribunal shall be liable to any costs by reason or in respect of any appeal.
- (6) Subject to sub-paragraph (7) below, the decision of the Court of Appeal or the Court of Session (as the case may be) shall be final.
- (7) Where there has been a difference of opinion between those Courts, either of those Courts in which a matter affected by such a difference of opinion is pending may give leave to appeal to the [<sup>F52</sup>Supreme Court] on such terms as to costs as [<sup>F52</sup>the Court of Appeal or Court of Session (as the case may be)] shall determine.

#### Textual Amendments

**F51** Words substituted by S.I. 1989/495, art. 2(1)(2)

**F52** Words in Sch. 4 para. 14(7) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), Sch. 9 para. 42(3); S.I. 2009/1604, art. 2(d)

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

C6 Functions transferred to the Lord Chancellor by S.I. 1989/495, art. 2(1)(2)

*Exercise of powers by Lord Chancellor*

- 15 The Lord Chancellor shall consult the Lord Advocate before exercising any of his powers under [<sup>F53</sup>paragraph 2 or 3 above].

**Textual Amendments**

F53 Words substituted by S.I. 1989/495, art. 2(3)

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

C7 Sch. 4 para. 15: Functions of the Lord Advocate transferred to the Secretary of State, and all property, rights and liabilities to which the Lord Advocate is entitled or subject in connection with any such function transferred to the Secretary of State for Scotland (19.5.1999) by S.I. 1999/678, arts. 2, 3, Sch. (with art. 7)  
Sch. 4 para. 15 modified (30.6.1999) by S.I. 1999/1748, art. 3, Sch. 1 para. 7  
Sch. 4 para. 15: Transfer of certain functions (1.7.1999) by S.I. 1999/1750, art 2, Sch. 1 (with art. 7)

*Annual Report*

- 16 The tribunal shall make annually a report of all their proceedings to the [<sup>F54</sup>Lord Chancellor] and it shall be laid before Parliament.

**Textual Amendments**

F54 Words substituted by S.I. 1989/495, art. 2(1)(2)

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

C8 Functions transferred to the Lord Chancellor by S.I. 1989/495, art. 2(1)(2)

*[<sup>F55</sup>Powers of First-tier Tribunal and Upper Tribunal in relation to transport appeals*

**Textual Amendments**

F55 Sch. 4 paras. 17, 18 and cross-heading inserted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), Sch. 1 para. 9(d)

- 17 (1) The First-tier Tribunal and the Upper Tribunal are to have full jurisdiction to hear and determine all matters (whether of law or of fact) for the purpose of the exercise of any of their functions under an enactment relating to transport.

In the case of the Upper Tribunal, this is subject to sub-paragraph (3).

- (2) On an appeal from any determination of a traffic commissioner other than an excluded determination, the Upper Tribunal is to have power—
- (a) to make such order as it thinks fit; or
- [<sup>F56</sup>(b) to remit the matter to—



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- (i) the traffic commissioner who made the decision against which the appeal is brought; or
- (ii) as the case may be, such other traffic commissioner as may be required by the senior traffic commissioner to deal with the appeal, for rehearing and determination by the commissioner in any case where the tribunal considers it appropriate;]
- and any such order is binding on the commissioner.
- (3) The Upper Tribunal may not on any such appeal take into consideration any circumstances which did not exist at the time of the determination which is the subject of the appeal.
- (4) A determination of a traffic commissioner is an excluded determination for the purposes of this paragraph if it is made under—
- (a) the Goods Vehicles (Community Authorisations) Regulations 1992; or
  - (b) the Public Service Vehicles (Community Licences) Regulations 1999.

#### Textual Amendments

**F56** Sch. 4 para. 17(2)(b) 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)

18. Paragraph 12 applies in relation to the First-tier Tribunal and the Upper Tribunal for the purpose of the exercise of any of their functions under an enactment relating to transport.]

## SCHEDULE 5 E+W+S

Section 125(9).

### THE DISABLED PERSONS TRANSPORT ADVISORY COMMITTEE

#### *Administration, etc.*

- 1 The Secretary of State shall make arrangements for the Committee to be provided with such administrative support and office accommodation as he considers appropriate.
- 2 <sup>[F57]</sup>(1) The Secretary of State shall provide the Committee with funds with which to pay to their members <sup>[F58]</sup>such remuneration, and] such travelling and other allowances, and to defray such other expenses in connection with their functions, as he may determine.
- <sup>[F59]</sup>(2) In relation to Scotland, the only remuneration that may be paid under this paragraph is remuneration for the performance of functions which relate to reserved matters (within the meaning of the Scotland Act 1998).]

#### Textual Amendments

**F57** Sch. 5 para. 2 renumbered as Sch. 5 para. 2(1) (6.4.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 72\(2\)\(a\)](#), 134(4); [S.I. 2009/107](#), art. 4(1), [Sch. 4 Pt. 1](#)



*Status: Point in time view as at 14/01/2021.*

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- F58** Words in Sch. 5 para. 2(1) inserted (6.4.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 72(2)(b)**, 134(4); S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1
- F59** Sch. 5 para. 2(2) inserted (6.4.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 72(3)**, 134(4); S.I. 2009/107, art. 4(1), Sch. 4 Pt. 1

### *Constitution and procedure*

- 3 (1) Any person appointed to be a member of the Committee shall hold and vacate office in accordance with the terms of his appointment and shall, on ceasing to be a member of the Committee, be eligible for re-appointment.
- (2) Any person so appointed may at any time resign his office by written notice given to the Secretary of State.
- 4 (1) The Committee shall meet whenever convened by the Chairman and at least four times a year.
- (2) Without prejudice to the discretion of the chairman to call a meeting whenever he thinks fit, he shall call one when required to do so by any five members of the Committee.
- (3) Minutes shall be kept of the proceedings of every meeting of the Committee.
- (4) Subject to the preceding provisions of this paragraph, the Committee shall determine their own procedure (including the quorum at their meetings).
- 5 The Committee may delegate the exercise and performance of any of their functions to such of their sub-committees as they think fit.
- 6 The validity of any proceedings of the Committee shall not be affected by any vacancy amongst the members, by any defect in the appointment of a member or by any failure to comply with the requirement imposed by section 125(3) of this Act.

## SCHEDULE 6 **E+W+S**

Section 139(1).

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Road service licensing during transitional period*

1 **F60** .....

#### **Textual Amendments**

**F60** Sch. 6 paras. 1-5 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), **Sch. 1 Pt. 14**

2 **F61** .....

#### **Textual Amendments**

**F61** Sch. 6 paras. 1-5 repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), **Sch. 1 Pt. 14**

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3 F62 .....

**Textual Amendments**

**F62** Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

4 F63 .....

**Textual Amendments**

**F63** Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

5 F64 .....

**Textual Amendments**

**F64** Sch. 6 paras. 1-5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

*Registration of local services outside London*

- 6 (1) In paragraphs 7 to 12 below—  
     “local service” means a local service which is not a London local service;  
     F65 .....  
     “road service licence” has the same meaning as in the 1981 Act; and  
     F65 .....
- (2) Section 135(3) of this Act shall not apply to any regulations made under paragraphs 7 to 11 below.
- (3) For the purposes of paragraph 8 below, a local service is improved if, but only if, there is any increase in—  
     (a) the frequency of the service;  
     (b) the length of its route;  
     (c) the number of stopping places for the service; or  
     (d) the number of passengers which can be carried by the service taken as a whole.

**Textual Amendments**

**F65** Sch. 6 para. 6(1): definitions of "relevant authority" and "the transitional period" repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

- 7 (1) Where an application for registration of the prescribed particulars of a local service falls within one of the Cases mentioned in sub-paragraph (2) below—  
     (a) the traffic commissioner to whom the application is made shall register those particulars;  
     (b) they shall be deemed to have been registered with him under section 6 of this Act; and

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- (c) the period of notice (mentioned in section 6) in relation to that registration shall be deemed to have expired.

(2) The Cases are—

**Case A**

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time before 1st March 1986; and
- (b) the prescribed requirements are satisfied in relation to the application.

**Case B**

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time after the grant of the licence mentioned in paragraph (b) below but before 14th September 1986;
- (b) a road service licence has been granted for that service at any time after 28th February 1986; and
- (c) the prescribed requirements are satisfied in relation to the application.

**Case C**

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 13th September 1986;
- (b) the particulars of the service are the same as those of a trial area service; and
- (c) the prescribed requirements are satisfied in relation to the application.

In this Case “trial area service” means a local service provided in a trial area (as defined by section 38 of the 1981 Act) and in respect of which the requirements of section 40 of that Act (duty to publish particulars of services in trial areas) have been satisfied.

**Case D**

Where—

- (a) the application for registration of the prescribed particulars of a local service is received by the traffic commissioner at any time during the period beginning with 1st March 1986 and ending with 25th October 1986;
- (b) the application is supported in writing, in accordance with sub-paragraph (3) below, by an authority responsible for expenditure on public passenger transport services (as defined for Part V of this Act by section 88(8)); and
- (c) the prescribed requirements are satisfied in relation to the application.

(3) An authority of the kind mentioned in paragraph (b) of Case D shall give their support to an application in accordance with this sub-paragraph if, but only if, the local service in question is one—

- (a) which the operator has contracted with that authority to operate under an agreement providing for service subsidies; or

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- (b) for the provision of which that authority have issued an invitation to tender under section 89 of this Act and for which the person applying for registration of the particulars of the service has submitted a tender to provide the service without subsidy; or
- (c) in respect of which the conditions mentioned in sub-paragraph (4) below are satisfied.

(4) The conditions are that—

- (a) the service is to be operated by a person who has entered into an agreement with London Regional Transport (“LRT”) to operate it; and
- (b) the authority has entered into an agreement or arrangement with LRT to contribute to the costs incurred by LRT in securing the service.

*Variation and cancellation of registrations during transitional period*

8 F66 .....

**Textual Amendments**  
**F66** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*Duty to notify relevant authorities of applications for registrations etc.*

9 F67 .....

**Textual Amendments**  
**F67** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*Publication of information by traffic commissioner*

10 F68 .....

**Textual Amendments**  
**F68** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*School buses*

11 F69 .....

**Textual Amendments**  
**F69** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*Continuation of existing road service licences*

12 F70 .....

*Status: Point in time view as at 14/01/2021.*

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**Textual Amendments**

**F70** Sch. 6 paras. 8-12 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*Traffic commissioners*

- 13 (1) The person who, immediately before the commencement of section 3 of this Act, was the chairman of the traffic commissioners for any traffic area shall be deemed to have been appointed by the Secretary of State (under section 4 of the 1981 Act as substituted by section 3 of this Act) as the traffic commissioner for that area on the same terms and conditions as those on which he was appointed as chairman of the traffic commissioners; and in relation to any such person appointed before 1st May 1985, subsection (4)(b) of the substituted section 4 shall have effect as if for the words from “sixty-five” to “direct” there were substituted the word “seventy”.
- (2) For the purposes of the principal civil service pension scheme any period of service as chairman of the traffic commissioners for any area which ends with the commencement of section 3 of this Act and any period of service as traffic commissioner for that area which begins on that commencement shall be treated as a single, unbroken, period of service.

*PSV operators’ licences*

14 F71 .....

**Textual Amendments**

**F71** Sch. 6 para. 14 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*Appeals under section 18 of Civic Government (Scotland) Act 1982 (c.45)*

- 15 Anything done or treated by virtue of any enactment as having been done under section 18 of the Civic Government (Scotland) Act 1982 before the coming into force of paragraph 5 of Part II of Schedule 2 to this Act which could be done under the said section 18 as amended by the said paragraph shall be treated as having been done under the said section 18 as so amended.

*London local service licences*

16 F72 .....

**Textual Amendments**

**F72** Sch. 6 paras. 16-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

17 F73 .....

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**Textual Amendments**

**F73** Sch. 6 paras. 16-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

18 **F74** .....

**Textual Amendments**

**F74** Sch. 6 paras. 16-18 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*Compensation for loss of employment, etc.*

- 19 Any regulations made under section 17(3) of the 1968 Act which are in force immediately before the repeal of that section by this Act—
- (a) shall continue in force notwithstanding that repeal; and
  - (b) may be varied or revoked by regulations made under section 84 of this Act as if they had been made by reason of any such transfer of property, rights and liabilities as is mentioned in section 84(1)(c).

*Tendering*

20 **F75** .....

**Textual Amendments**

**F75** Sch. 6 para. 20 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

*Agreements under section 3 of the <sup>M21</sup>Transport Act 1978*

**Marginal Citations**

**M21** 1978 c. 55.

- 21 (1) Where—
- (a) before the date on which the repeal by this Act of section 3 of the Transport Act 1978 comes into force any non-metropolitan county council have, in exercise of the power conferred by that section, entered into an agreement with London Regional Transport under which payments fall to be made by that council towards expenses incurred by London Regional Transport in securing the provision of a public passenger transport service (“the old agreement”);
  - (b) the service is provided under an agreement entered into by London Regional Transport accepting a tender invited for its provision; and
  - (c) the old agreement is still in force immediately before that date;
- that council shall have power to enter into a new agreement with London Regional Transport to contribute towards any of the expenses to which they were liable to contribute in respect of that service under the old agreement.

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- (2) An agreement entered into under this paragraph shall be made so as to remain in force for a period ending not later than the date on which the agreement mentioned in sub-paragraph (1)(b) above expires.

*Travel concessions*

22 F76 .....

**Textual Amendments**

**F76** Sch. 6 para. 22 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

- 23 (1) Notwithstanding the repeal by this Act of the Travel Concessions Acts 1955 and 1964, section 138 of the 1968 Act and section 1(1) of the <sup>M22</sup>Concessionary Travel for Handicapped Persons (Scotland) Act 1980, but subject to the following provisions of this paragraph—

- (a) the Acts of 1955 and 1964 and section 1(1) of the Act of 1980 shall continue to have effect in relation to any council of any description within section 66(1) of this Act who—

(i) at the time when section 66 comes into force are providing a service for the carriage of passengers by road which requires a PSV operator’s licence; and

(ii) immediately before the date on which that repeal comes into force are granting travel concessions under arrangements made under the Acts of 1955 and 1964 or (as the case may be) under section 1(1) of the Act of 1980 to persons travelling on any such service operated by them;

so long as the council retain their bus operating powers and continue to provide that service; and

- (b) section 138(2) of the 1968 Act shall continue to have effect for the purpose of authorising any local authority who immediately before that date are contributing to the cost incurred by that council in granting those concessions to continue to do so.

- (2) Subject to the following provisions of this paragraph, where in the case of any such council—

- (a) any such arrangements (“the former arrangements”) are in force immediately before the date on which any scheme or order under Part IV of this Act providing for the transfer to any company or companies of property, rights and liabilities comprised in that council’s bus undertaking comes into force; and

- (b) that council retain their bus operating powers during any period after that date;

the council may reimburse the cost incurred by any company to which any public service vehicles formerly used or appropriated for use for the purposes of the council’s bus undertaking are transferred under the scheme or order in granting travel concessions at any time during that period in accordance with arrangements made with that company (“the new arrangements”) which meet the requirements of sub-paragraph (3) below.

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- (3) Subject to the following provisions of this paragraph, the travel concessions to be granted under the new arrangements—
- (a) shall correspond to the travel concessions available under the former arrangements; and
  - (b) shall be available in respect of journeys on public service vehicles transferred to the company in question under the scheme or order and used in operating services on routes to which the former arrangements applied.
- (4) In any case to which sub-paragraph (2) above applies any local authority who immediately before the date on which the scheme or order in question comes into force are contributing to the cost incurred by the council in question in granting travel concessions under the former arrangements may contribute to any cost incurred by that council under sub-paragraph (2) above.
- (5) Sub-paragraph (1) above, and sub-paragraph (2) above so far as relates to travel concessions granted on or after the date on which the repeal mentioned in sub-paragraph (1) above comes into force—
- (a) shall not apply in relation to any council unless there is in operation on that date a scheme established under section 93 of this Act by that council, or by authorities who include that council, which covers the whole of that council's area; and
  - (b) where any such scheme which is in operation on that date subsequently ceases to operate, shall not apply in relation to the granting of travel concessions or (as the case may be) in relation to travel concessions granted at any time after the date on which the scheme ceases to operate.
- (6) The travel concessions—
- (a) that may be provided under the Acts of 1955 and 1964 or (as the case may be) under the Act of 1980 by virtue of sub-paragraph (1) above; and
  - (b) that may be financed by any council under sub-paragraph (2) above;
- shall be limited to concessions which correspond to travel concessions available at the time in question under the scheme mentioned in sub-paragraph (5) above.
- (7) For the purposes of sub-paragraph (3)(a) or (as the case may be) sub-paragraph (6) above, travel concessions correspond to any other travel concessions in question if they are—
- (a) of the same value;
  - (b) available subject to the same terms, limitations or conditions; and
  - (c) available to persons of the same descriptions;
- as those other concessions.
- (8) A council of any description within section 66(1) of this Act who at the time when that section comes into force are providing a service for the carriage of passengers by road which requires a PSV operator's licence shall be regarded for the purposes of this paragraph as retaining their bus operating powers until section 66(1) has effect in relation to that council.
- (9) In this paragraph "local authority" has the same meaning as in section 93 of this Act, and expressions to which a meaning is given for any purposes of Part IV or Part V of this Act have the same meaning.



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#### Marginal Citations

M22 1980 c. 29.

24 F77 .....

#### Textual Amendments

F77 Sch. 6 para. 24 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

### *The Transport Tribunal*

- 25 (1) The repeals made by this Act which relate to the Transport Tribunal shall not affect any judgment or order given, any document issued or any other thing done under any repealed enactment before the date on which the repeals take effect; and any such judgment or order, document or thing shall have effect as if it had been given, issued or (as the case may be) done under the provision of this Act corresponding to the repealed enactment.
- (2) Any reference in any instrument or other document to such an enactment shall be taken as regards anything done after that date as a reference to the corresponding provision of this Act.
- (3) Without prejudice to the generality of sub-paragraph (1) above, any rules made by the Transport Tribunal under paragraph 11 of Schedule 10 to the 1962 Act which are in operation immediately before Schedule 4 to this Act comes into force shall have effect as if they had been made by the Secretary of State under paragraph 11 of Schedule 4.
- (4) Sub-paragraph (1) above does not apply in relation to any appointment made under Schedule 10 to the 1962 Act.
- (5) Paragraphs 3 and 4(1) of Schedule 10 to the 1962 Act (appointment of members of the tribunal and tenure of office of the president) shall continue to apply in relation to the person who, at the time when section 117 of this Act comes into force, is the president of the Transport Tribunal, notwithstanding their repeal by this Act; and Schedule 4 to this Act shall have effect, so far as relates to the appointment and tenure of office of the president of the tribunal, subject to the provisions of this sub-paragraph.
- (6) Any person who, immediately before section 117 of this Act comes into force, is a member of the special panel mentioned in subsection (3)(a) of that section, shall be treated as if he had been appointed by the Lord Chancellor, on the coming into force of that section, as a chairman of the Transport Tribunal under paragraph 2(1)(a) of Schedule 4 to this Act.
- (7) Sub-paragraph (6) above applies in relation to any such person whether or not he would be qualified for such appointment in accordance with paragraph 2(2) of that Schedule; and, subject to paragraphs 3 and 6 of that Schedule, the terms and conditions applicable to any such person's tenure of office as such a chairman shall be the same as those applicable to his office immediately before section 117 of this Act comes into force.

*Status: Point in time view as at 14/01/2021.*

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- (8) Any person other than the president of the Transport Tribunal who is a member of the tribunal at the time when that section comes into force shall be treated as if he had been appointed as such a member by the Secretary of State under paragraph 2(1)(b) of Schedule 4 to this Act for a term ending when his current term of office expires, and otherwise on the same terms and conditions as those applicable to his office immediately before that section comes into force.
- (9) Rules made by the Secretary of State under paragraph 11 of Schedule 4 to this Act may include provision for applying those rules to proceedings pending before the tribunal at the time when those rules come into force with any modifications which appear to the Secretary of State to be necessary or desirable.

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

**C9** Sch. 6 para. 25(9) excluded by S.I. 1986/1450, art. 3(1)

*Transfers under section 17 of the 1968 Act*

- 26 Notwithstanding the repeal by this Act of—
- (a) section 17 of the 1968 Act (transfer of Executive of local authority transport undertakings); and
  - (b) section 202(4) of the 1972 Act (power by order establishing Passenger Transport Executive to make any provision that could be made by an order under section 17 of the 1968 Act);
- the provisions of Schedule 4 to the 1968 Act, as they had effect immediately before that repeal came into operation, continue to apply for the purpose of determining the effect or giving effect to, or making any provision consequential on or incidental to, any transfer under section 17 (including that section as applied by section 202(4)).

SCHEDULE 7 **E+W+S**

Section 139(2).

MINOR AND CONSEQUENTIAL AMENDMENTS

*General*

- 1 In England and Wales, the provisions made by or under any enactment which apply to motor vehicles used—
- (a) to carry passengers under a contract express or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum; and
  - (b) to ply for hire for such use;
- shall apply to motor vehicles adapted to carry less than nine passengers as they apply to motor vehicles adapted to carry less than eight passengers.

*Status:* Point in time view as at 14/01/2021.

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### *The <sup>M23</sup>London Hackney Carriages Act 1843*

#### **Marginal Citations**

**M23** 1843 c. 86.

- 2 In section 25 of the London Hackney Carriages Act 1843 (power to revoke or suspend licences of drivers of hackney carriages), the following paragraph shall be added at the end—

““A magistrates” court that makes an order revoking or suspending any licence under this section may, if the court thinks fit, suspend the effect of the order pending an appeal against the order.”

### *The <sup>M24</sup>Town Police Clauses Act 1847*

#### **Marginal Citations**

**M24** 1847 c. 89.

- 3 Section 46 of the Town Police Clauses Act 1847 (drivers not to act without first obtaining a licence) shall not apply to a person driving a hackney carriage licensed under that Act for the purpose of or in connection with—
- (a) any test of the mechanical condition or fitness of the hackney carriage or its equipment carried out for the purposes of [<sup>F78</sup>section 45 of the Road Traffic Act 1988] (tests of satisfactory condition of vehicles other than goods vehicles) or for the purposes of any requirements with respect to such condition or fitness imposed by or under any other enactment; or
  - (b) any test of that person’s competence to drive a hackney carriage carried out for the purposes of any application made by him for a licence to drive a hackney carriage.

#### **Textual Amendments**

**F78** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 31](#)

### *The <sup>M25</sup>Road Traffic Act 1930*

#### **Marginal Citations**

**M25** 1930 c. 43.

- 4 <sup>F79</sup> .....

#### **Textual Amendments**

**F79** [Sch. 7 para. 4](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), s. 1(1), [Sch. 1 Pt. 14](#)

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*The <sup>M26</sup>Transport Charges &c. (Miscellaneous Provisions) Act 1954*

**Marginal Citations**

**M26** 1954 c. 64.

5 **F80** .....

**Textual Amendments**

**F80** Sch. 7 para. 5 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

*The <sup>M27</sup>Transport Act 1962*

**Marginal Citations**

**M27** 1962 c. 46.

- 6 In section 3(3) of the 1962 Act (powers of the Railways Board), for paragraph (b) (power to carry goods and passengers by road) there shall be substituted the following paragraph—
- “(b) in the circumstances specified in sections 4 and 4A of this Act respectively, to carry goods by road and to secure the provision by other persons of services for the carriage of passengers by road”.

*The <sup>M28</sup>Transport Act 1968*

**Marginal Citations**

**M28** 1968 c. 73.

- 7 In section 10(1)(xiii) of the 1968 Act (power of Passenger Transport Executive to charge for services, etc.), after the word “Act” there shall be inserted the words “and section 104(1) of the Transport Act 1985 (travel concessions on services provided by Passenger Transport Executives)”.
- 8 In section 15(2)(b) of that Act (approval of Passenger Transport Authority required for reduction or waiver of charges by Executive), for the words “138(1) of this Act” there shall be substituted the words “104(2) of the Transport Act 1985 (travel concessions on services provided by Passenger Transport Executives)”.
- 9 In section 16(2) of that Act (annual report of Authorities and Executives to include information with respect to certain businesses carried on by Executives and their subsidiaries), for the words from “which do not” to “road service licence” there shall be substituted the words “other than local services”.
- 10 In section 34 of that Act (assistance for rural bus or ferry services), as it applies to England and Wales—
- (a) in subsection (1) the words “bus service or” shall be omitted; and
- (b) after that subsection there shall be inserted the following subsection—

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“(1A) The Council of the Isles of Scilly may, on such conditions, if any, as they think fit, afford assistance to any other person, by way of grant, loan or both, for the purpose of securing the provision, improvement or continuance of any bus service if in the opinion of that Council that service is or will be for the benefit of persons residing in rural areas.”.

11 F81 .....

**Textual Amendments**

**F81** Sch. 7 para. 11 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

12 In section 56 of that Act (assistance towards capital expenditure on public transport facilities), for subsection (4) (which excludes grants under the section unless the grant-making authorities are satisfied that the purpose in view accords with general transport planning for the relevant locality) there shall be substituted the following subsection—

“(4) No grant under subsection (1) of this section shall be made for any purpose unless the Secretary of State is satisfied that the provision, improvement or development of the facilities in question is appropriate in the light of—

- (a) any general policies formulated by a Passenger Transport authority under section 9A(1) or (5) of this Act;
- (b) any general policies formulated by a non-metropolitan county council under section 63(1) or by a regional or islands council under section 63(2) of the Transport Act 1985 (policies with respect to services to be secured to meet public transport requirements within the county); and
- (c) any measures adopted by such a council under subsection (6) of that section (measures for promoting co-ordination of services and convenience of the public in using services for their area);

which are relevant to the need for facilities of the description in question in the locality in which they are, or are to be, provided; and no payment under subsection (2) of this section shall be made for any purpose unless the local authority or local authorities in question are so satisfied.”

*The <sup>M29</sup>Post Office Act 1969*

**Marginal Citations**

**M29** 1969 c. 48.

F82 13 .....

**Textual Amendments**

**F82** Sch. 7 para. 13 repealed (26.3.2001) by 2000 c. 26, s. 127(6), Sch. 9; S.I. 2001/1148, art. 2, Sch. (subject to arts. 3-42)

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*The <sup>M30</sup>Local Authority Social Services Act 1970*

**Marginal Citations**

**M30** 1970 c. 42.

- 14 At the end of section 5(6) of the Local Authority Social Services Act 1970 (definition of “disqualified” in relation to membership of a social services committee) there shall be inserted the words “or under section 74 of the Transport Act 1985 (disabilities of directors of public transport companies)”.

*The <sup>M31</sup>Tribunals and Inquiries Act 1971*

**Marginal Citations**

**M31** 1971 c. 62.

- <sup>F83</sup>15 .....

**Textual Amendments**

**F83** Sch. 7 para. 15 repealed (1.10.1992) by Tribunals and Inquiries Act 1992 (c. 53), ss. 18(2), 19(2), **Sch. 4 Pt. 1**

*The <sup>M32</sup>Local Government (Scotland) Act 1973*

**Marginal Citations**

**M32** 1973 c. 65.

- 16 <sup>F84</sup> .....

**Textual Amendments**

**F84** Sch. 7 para. 16 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), **Sch. 1 Pt. 14**

*The <sup>M33</sup>Local Government (Miscellaneous Provisions) Act 1976*

**Marginal Citations**

**M33** 1976 c. 57.

- 17 (1) In section 46(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 (prohibition on use as a private hire vehicle of a vehicle which is not a licensed hackney carriage), after the words “hackney carriage” there shall be inserted the words “or London cab”.

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(2) In section 75(1) of that Act (vehicles to which Part II does not apply), the following paragraph shall be inserted after paragraph (c)—

“(cc) apply to a vehicle while it is being used in connection with a wedding;”

and paragraph (d)(i) shall be omitted.

(3) In section 80(1) of that Act (interpretation of Part II)—

(a) the following definition shall be inserted at the appropriate place—

““London cab” means a vehicle which is a hackney carriage within the meaning of the Metropolitan Public Carriage Act 1869;”;

(b) in the definition of “private hire vehicle”, after the words “service vehicle” there shall be inserted the words “or a London cab”; and

(c) in the definition of “vehicle licence”, after the words “the Act of 1847” there shall be inserted the words “in relation to a London cab a licence under section 6 of the Metropolitan Public Carriage Act 1869”.

*The<sup>M34</sup>Licensing (Scotland) Act 1976*

**Marginal Citations**

**M34** 1976 c. 66.

<sup>F85</sup>18 .....

**Textual Amendments**

**F85** Sch. 7 para. 18 repealed (S.) (1.9.2009 at 5.00 a.m.) by [Licensing \(Scotland\) Act 2005 \(asp 16\)](#), s. 150(2), [sch. 7](#) (with s. 143); [S.S.I. 2007/472](#), art. 3

*The<sup>M35</sup>Concessionary Travel for Handicapped Persons (Scotland) Act 1980*

**Marginal Citations**

**M35** 1980 c. 29

19 (1) In section 1 of the Concessionary Travel for Handicapped Persons (Scotland) Act 1980 (travel concessions for handicapped persons)—

(a) subsection (1) shall be omitted; and

(b) for subsection (2) there shall be substituted the following subsection—

“(2) Section 93 of the Transport Act 1985 (travel concession schemes) shall apply in relation to handicapped persons as it applies in relation to persons mentioned in subsection (7) of that section.”.

(2) In section 2(1) of that Act (interpretation)—

(a) in the definition of “handicapped persons”, for the words from “qualified” to “1964” there shall be substituted the words “eligible persons within the meaning of section 93(7) of the Transport Act 1985”;

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- (b) the definition of “public service vehicle” shall be omitted; and
- (c) in the definition of “travel concession”, for the word “1955” there shall be substituted the word “1985”.

*The<sup>M36</sup>Transport Act 1980*

**Marginal Citations**  
**M36** 1980 c. 34.

- 20 In section 64(3) of the Transport Act 1980 (definition of taxi), for the words “section 270 of the Burgh Police (Scotland) Act 1892” there shall be substituted the words “section 10 of the Civic Government (Scotland) Act 1982”.

*The<sup>M37</sup>Public Passenger Vehicles Act 1981*

**Marginal Citations**  
**M37** 1981 c. 14.

- 21 (1) The Public Passenger Vehicles Act 1981 shall be amended as follows.
- <sup>F86</sup>(2) .....
- <sup>F86</sup>(3) .....
- (4) In section 16(1), there shall be inserted at the beginning “Subject to subsection (1A) below and section 12(7) of the Transport Act 1985”.
- (5) In section 17(3) (grounds for the revocation, suspension, etc., of a PSV operator’s licence by a traffic commissioner), there shall be added at the end—
- “<sup>(f)</sup> the licence is one in relation to which a direction given by a traffic commissioner under section 28(4) of the Transport Act 1985 (power when disqualifying a former licence holder to direct that certain other PSV operators’ licences should be liable to be revoked, suspended, etc.) has effect”.
- (6) In section 17(4) (traffic commissioners not to take action under section 17(1) or (2) without first holding public sitting) for the words “a public sitting” there shall be substituted the words “an inquiry”.
- (7) ..... <sup>F87</sup>
- (8) In section 56(1) (records of licences, etc.), there shall be added at the end, the words “and shall allow the record to be inspected at all reasonable times by members of the public”.
- (9) In section 60 (power to make regulations), in subsection (1)(f) after the word “by” there shall be inserted the words “, and the information to be displayed in or on”, and at the end there shall be added the words “or it is to be displayed”.
- (10) In section 79 (vehicles excluded from regulation as private hire vehicles), for the words “or 42(1)” there shall be substituted the words “or (4)”.



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- (11) In section 87 (power to repeal specified sections of the Act), for the reference to “50(6)(b)” there shall be substituted a reference to “51(1)(b)”.
- (12) In Schedule 1 (conditions affecting status or classification as a public service vehicle), paragraph 4 (parties of overseas visitors) shall cease to have effect.

**Textual Amendments**

- F86** Sch. 7 para. 21(2)(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, Sch.8; S.I. 1992/1286, art. 2, Sch., Appendix.
- F87** Sch. 7 para. 21(7) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6

*The Local Government Finance Act 1982*

<sup>F88</sup>22 .....

**Textual Amendments**

- F88** Sch. 7 para. 22 repealed (E.W.) (11.9.1998) by 1998 c. 18, s. 54(3), Sch. 5

*The <sup>M38</sup>Civic Government (Scotland) Act 1982*

**Marginal Citations**

- M38** 1982 c. 45.

- 23 (1) The Civic Government (Scotland) Act 1982 shall be amended as follows.
- (2) In section 18(6) (power of Secretary of State to make rules as to procedure in relation to appeals in respect of taxi fares), after the word “may” there shall be inserted the words “by order made by statutory instrument”.
  - (3) In section 20(1) (regulations relating to taxis and private hire cars and their drivers), at the end there shall be added the words—

“and may provide that such conditions shall be imposed or, as the case may be, shall not be imposed for different areas or classes of areas; and different conditions or classes of conditions may be prescribed in relation to different categories of taxi or private hire car.”
  - (4) In section 21(2) (offences), after the word “driver” where second occurring there shall be inserted the words—

“(otherwise than in a public place from the person to be conveyed in it, or a person acting on his behalf, for a journey beginning there and then)”.
  - (5) In section 10 (taxi and private hire car licences), for subsection (3) (refusal to grant taxi licences) there shall be substituted the following subsection—

“(3) Without prejudice to paragraph 5 of Schedule 1 to this Act, the grant of a taxi licence may be refused by a licensing authority for the purpose of limiting

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the number of taxis in respect of which licences are granted by them if, but only if, they are satisfied that there is no significant demand for the services of taxis in their area which is unmet.”

*The <sup>M39</sup>London Regional Transport Act 1984*

**Marginal Citations**

**M39** 1984 c. 32.

- 24 In section 35(1) of the London Regional Transport Act 1984 (application of section to certain businesses carried on by London Regional Transport or any subsidiary of theirs), for the words from “which do not” to the end there shall be substituted the words “other than local services (within the meaning of the Transport Act 1985)”.
- 25 In section 55(3) of that Act (definitions of expressions used in the penalty fares provisions), for the definition of “bus service” there shall be substituted the following—
- “‘bus service’ means a local service within the meaning of the Transport Act 1985 other than an excursion or tour within the meaning of that Act;”.
- 26 <sup>F89</sup> .....

**Textual Amendments**

**F89** Sch. 7 para. 26 repealed (22.7.2004) by Statute Law (Repeals) Act 2004 (c. 14), s. 1(1), Sch. 1 Pt. 14

- 27 In Schedule 5 to that Act (transitional provisions and savings)—
- (a) at the end of paragraph 10 there shall be added the following sub-paragraph—
- “(9) In this paragraph and paragraphs 11 and 12 below—
- (a) “London bus service” has the same meaning as in Part II of the Transport Act 1985; and
- (b) “London local service licence” means a London local service licence under that Part of that Act.”;
- (b) for the word “road”, in each place where it occurs in paragraphs 11 and 12, there shall be substituted the words “London local”;
- (c) in paragraph 11(4) the words from “(and shall accordingly” to the end shall be omitted;
- (d) in paragraph 12(3), for the words “the <sup>M40</sup>Public Passenger Vehicles Act 1981” there shall be substituted the words “Part II of the Transport Act 1985”;
- (e) in paragraph 12(4), for the words “31(2) to (4), 34 and 35” there shall be substituted the words “37(2) and (3) and 39”;
- (f) in paragraph 12(5), for “32(1)” there shall be substituted the words “38(1) and (2)” and for the words “subsection (5)” there shall be substituted the words “subsections (6) and (7)”;
- (g) paragraph 12(6) shall be omitted; and
- (h) in paragraph 12(7), for “37(2)” there shall be substituted “41(1)”.

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### Marginal Citations

M40 1981 c. 14.

## SCHEDULE 8 **E+W+S**

Section 139(3).

### REPEALS

Chapter	Short title	Extent of repeal
..... F90	..... F90	..... F90
20 & 21 Geo. 5. c. 43.	The Road Traffic Act 1930.	In section 101(2), paragraph (a).  In section 121(1A), the words “contract carriages”.
2 & 3 Eliz. 2 c. 64.	The Transport Charges &c. (Miscellaneous Provisions) Act 1954.	Section 1.  In section 12, in subsection (1), the words from “including” to “Act” and subsection (2).  In section 13(1), the words “public service vehicles, road service licences and”.
3 & 4 Eliz. 2. c. 26.	The Public Service Vehicles (Travel Concessions) Act 1955.	The whole Act.
10 & 11 Eliz. 2. c. 46.	The Transport Act 1962.	In section 4, in subsection (1) (a), the word “and” immediately following sub-paragraph (ii), sub-paragraph (iii) and the words “and passengers”, subsection (5), and in subsection (6) the words “or passengers”.  Section 57, except subsection (7).  In section 92, the definitions of the following expressions — “contract carriage”; “express carriage”; and “stage carriage”.

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Chapter	Short title	Extent of repeal
		Schedule 10.
1964 c. 95.	The Travel Concessions Act 1964.	The whole Act.
1965 c. 25.	The Finance Act 1965.	In section 92(1), the words “any bus service”.
1968 c. 73.	The Transport Act 1968.	In section 9, in subsection (6) the words “or 6”, and subsection (7).  In section 10(2), the words from “or with the consent” to “Act”.  Section 11(1), as it applies to England and Wales.  In section 12(3)(d), the words from “or by” to the end of the paragraph.  In section 14(3), as it applies to Scotland, the words “for the designated area”.  In section 15, subsection (1) (a), in subsection (2)(a) the words from “or provided by” to “Act”, subsection (3) and—  (a) in relation to England and Wales, the words in subsection (2) following paragraph (b) and subsection (4); and  (b) in relation to Scotland, the words in subsection (2) from “and, in the case” to the end.  Section 15A(1).  In section 16(2), the words from “and if” to “would not”.  Sections 17 to 19.  In section 20, subsection (1), in subsection (2) the words “to which this section applies” and in paragraph (a) the words “review as soon as may be, and subsequently”, and subsection (8).
1968 c. 73.— <i>cont.</i>	The Transport Act 1968— <i>cont.</i>	

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Section 21.

In section 22, in subsections (1) and (2) the words “or regulations”, and subsections (3) to (6).

Section 24(3).

Section 29(4).

In section 34(1) as it applies to England and Wales, the words “bus service or”.

In section 34, as it applies to Scotland, subsection (1) and, in subsection (3), the words “(1) or”.

Section 36.

In section 54, in subsection (5)(d) the words from “and to the Bus Company” to “Scottish Group”, and in the words following paragraph (d) the words from “or, where” to “jointly” and the words from “or, as the case may be” to the end, and subsection (6).

Section 59(3).

Section 88.

Section 90.

In section 103(1), the definition of “licensing authority”.

Section 138.

In section 159(1), the definitions of the following expressions— “area bus service”; “excursion or tour”; “express carriage” and “state carriage”; and “road service licence”.

Chapter

1968 c. 73.—*cont.*

Short title

The Transport Act  
1968—*cont.*

Extent of repeal

In Schedule 5—

Part I;

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		in Part II, paragraph 1; and in Part III—
		paragraphs 1, 2, 3(a), 4, 5, 10, 11(c), 12, 16 and 17;
		in paragraphs 6, 7 and 9, the words “the Authority and” and “respectively” in each place where they occur;
		in paragraph 8, the words “the Authority or” and “the chairman of the Authority or, as the case may be”;
		in paragraph 11, in subparagraph (a), the words “the Authority or” and in subparagraph (b), the words “the Authority”; and
		in paragraph 13, the words “the Authority or”, in both places where they occur, and “the Authority” where those words last occur.
		Schedule 6.
		In Part II of Schedule 10, the entries relating to the Transport Act 1962.
1969 c. 48.	The Post Office Act 1969.	In section 7(1A)(f), the words from “above” to the end.
1970 c. 24.	The Finance Act 1970.	Section 16(1).
1972 c. 70.	The Local Government Act 1972.	Section 80(4).
		Section 186(5).
		In section 202, subsection (1), the words “Subject to subsection (3) below” in subsection (2) and subsections (3) to (7).
		In Schedule 24, Part II.
1973 c. 65.	The Local Government (Scotland) Act 1973.	Section 150(5).
		Section 151.
		In Schedule 18, paragraphs 1(a) to (d) and (f), 7(c), 10, 11, 20, 21(1), 27 and 28.

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1974 c. 7.	The Local Government Act 1974.	In Schedule 6, paragraph 22(7).
1976 c. 76.	The Energy Act 1976.	In Schedule 1, in paragraph 1(1)(c) the words “or Part III” and “and”, paragraph 1(1)(d) and in paragraph 1(2) the words “section 60 of” and the words from “general” to “first vehicles”.
Chapter	Short title	Extent of repeal
1978 c. 55.	The Transport Act 1978.	Sections 1 to 4.
1980 c. 29.	The Concessionary Travel for Handicapped Persons (Scotland) Act 1980.	Section 1(1).
		In section 2(1), the definition of “public service vehicle”.
1980 c. 34.	The Transport Act 1980.	In Schedule 5, in Part II, the paragraph amending the Transport Act 1968.
1980 c. 65.	The Local Government, Planning and Land Act 1980.	In section 4(4)(e), the words from “established” to the end.
		In section 82, in subsection (1)(a) the words “whose area is either the whole or part of one county”, and subsections (2) and (3).
1981 c. 14.	The Public Passenger Vehicles Act 1981.	In section 1, in subsection (3) the word “II” and in subsection (5) the words “section 2”.
		Section 2.
		In section 16(8), the words “under this section”.
		Section 28.
		Part III.
		Sections 42 to 45.
		In section 46, in subsection (1)(b) the word “bus” (where it occurs in “local bus service”), and in subsection (3) the definition of “local bus service”.
		Sections 47 to 49.

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		In section 52(1)(a)(i), the words “and road service licences”.
		In section 52(3), the words “or by virtue of regulations under section 44 of this Act”.
		In section 53(1), the word “the” before the words “traffic commissioners” and the words “or section 45”.
		In section 56, in subsection (1) the words “them or” and subsection (2).
		In section 57, the words “or road service licence” (in each place where they occur).
		In section 58(2), the words “or road service licence”.
		In section 59, in paragraph (a) the words “road service licences”, and in paragraph (b) the words “or road service licences”.
Chapter	Short title	Extent of repeal
1981 c. 14.— <i>cont.</i>	The Public Passenger Vehicles Act 1981.— <i>cont.</i>	In section 60—
		in subsection (1), the words from “for any purpose” to “generally”, the words from “and regulations under this section” to the end, paragraph (d) and in paragraph (h) the words “or, as the case may be, the commissioner of police of the metropolis”; and subsection (3).
		In section 61(2), the words “section 59 or 60 of”.
		Section 62.
		In section 65(1)(a), the words “or III”.
		In section 66(a), the words “or III”.



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In section 67, the words  
“other than regulations made  
under section 44 thereof”.

In section 68, in  
subsection (2) the words  
“33(7), 40(6)”.

In section 69(1), the words  
“or III”.

In section 70(1), the words  
“or III”.

In section 71(1), the words  
“or III”.

In section 72, the words “or  
III”.

In section 74(1), the words  
“or Part III”.

In section 76, the words from  
“except” to the end.

Section 81(2).

In section 82(1), the  
definitions of the following  
expressions—

“community bus service”;

“contract carriage”;

“excursion or tour”;

“express carriage” and  
“express carriage service”;

“road service licence”;

“stage carriage” and “stage  
carriage service”; and

“trial area”.

In section 83, in  
subsection (1) the  
words “stage carriage”,  
“express carriage” or  
“contract carriage”, and  
subsection (2).

In Schedule 1, paragraphs 3  
and 4.

Schedule 4.

Schedule 5.

Chapter

Short title

Extent of Repeal

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1982 c. 49.	The Transport Act 1982.	Part I.  In section 73(4), the words “5(5) or”.
1983 c. 10.	The Transport Act 1983.	In section 3, in subsection (1) the word “and” immediately following paragraph (a), and in subsection (4) the word “and” immediately following paragraph (b).  Section 9(2).
1984 c. 27.	The Road Traffic Regulation Act 1984.	Section 3(4).  In Schedule 13, paragraphs 48 and 49.
1984 c. 32.	The London Regional Transport Act 1984.	In section 28, in subsection (1) paragraph (d) and the word “or” immediately preceding it, and in subsection (2) the words “and the council of any district”.  Sections 43 to 45.  In section 50, subsections (2) and (6) and, in subsection (8) (a), sub-paragraph (i) and the words from “and any person” to the end of the paragraph.  In section 68, the definitions of “London bus service” and “road service licence”.  In Schedule 5, in paragraph 11(4) the words from “(and shall accordingly” to the end, and paragraph 12(6).  In Schedule 6, paragraphs 3, 5, 6 and 15(1)(a).
1985 c. 51.	The Local Government Act 1985.	In section 42(1)(c), the words “which is or was coterminous with a metropolitan county”.  In Schedule 12, paragraphs 1, 2, 3(2) and 4.  In Schedule 14, paragraph 59(1)(e).

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*Status: Point in time view as at 14/01/2021.*

*Changes to legislation: Transport Act 1985 is up to date with all changes known to be in force on or before 21 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)*

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**Textual Amendments**

**F90** Entry relating to the Town Police Clauses Act 1847 repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Part X](#)

**Status:**

Point in time view as at 14/01/2021.

**Changes to legislation:**

Transport Act 1985 is up to date with all changes known to be in force on or before 21 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.