



# Greater London Authority Act 1999

## 1999 CHAPTER 29

### PART IV

#### TRANSPORT

### CHAPTER V

#### REGULATION OF BUS SERVICES IN GREATER LONDON

##### *Bus services outside the network*

#### **185 London service permits.**

- (1) A London local service which is not part of the London bus network may be provided only by a person who is authorised to provide the service by a permit granted by Transport for London (a London service permit).
- (2) The Mayor shall prepare and adopt a document (the guidance document) containing the criteria by which applications for a London service permit will be considered.
- (3) The Mayor shall keep the guidance document under review and may revise it at any time.
- (4) Where the guidance document is revised, the Mayor shall adopt the document as revised.

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

- C1** S. 185(1) modified (28.6.2000) by S.I. 2000/1462, art. 4(1)(3)
- C2** S. 185(3): transfer of functions to the Secretary of State during "the interim guidance period" (as defined in S.I. 2000/1462, art. 7(10)) by S.I. 2000/1462, art. 7(4) (with art. 7(9))

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## **186 Grant of London service permits.**

- (1) An application for a London service permit shall be made in such manner and accompanied by such supporting evidence as may be determined by Transport for London.
- (2) Transport for London may charge a fee—
  - (a) for processing the application for a London service permit under subsection (1) above,
  - (b) for granting a London service permit, or
  - (c) for both (a) and (b) above.
- (3) In deciding whether to grant a London service permit Transport for London—
  - (a) shall have regard to the criteria contained in the guidance document,
  - (b) shall have regard to any other material considerations, and
  - (c) shall consult the persons and bodies specified in subsection (4) below.
- (4) The persons and bodies mentioned in subsection (3)(c) above are—
  - (a) the London authorities affected,
  - (b) the commissioner or commissioners of police affected,
  - (c) the London Transport Users’ Committee, and
  - (d) any other person whom Transport for London considers it appropriate to consult.
- (5) Where Transport for London grants a London service permit it shall send notice of the grant, including particulars of the services authorised by the permit to be provided, to the London Transport Users’ Committee, the London authorities affected and the commissioner or commissioners of police affected.
- (6) For the purposes of this section, the London authorities affected are the London authorities in whose area there is situated any part of the route of the London local service to which the application for the London service permit relates.
- (7) For the purposes of this section a commissioner of police is affected if he is—
  - (a) the Commissioner of Police of the Metropolis, or
  - (b) the Commissioner of Police of the City of London,
 and any part of the route of the London local service to which the application for the London service permit relates is situated in the police area for which he is the Commissioner.

## **187 Conditions.**

- (1) Transport for London may attach to a London service permit granted under section 186 above such conditions as it thinks fit.
- (2) The conditions that may be attached to a London service permit by virtue of subsection (1) above include conditions for securing—
  - (a) that suitable routes are used in providing any service authorised to be provided by the permit,
  - (b) that passengers are not taken up or are not set down except at specified points, or are not taken up or are not set down between specified points, or
  - (c) the safety and convenience of the public, including persons who have mobility problems.

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- (3) No condition as to fares shall be attached under this section to a London service permit.
- (4) Transport for London may at any time vary a London service permit—
  - (a) by altering any condition attached to the permit,
  - (b) by removing any condition attached to the permit, or
  - (c) by attaching to the permit any condition.
- (5) Compliance with any condition attached to a London service permit under this section may be temporarily dispensed with by Transport for London if it is satisfied—
  - (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached, or, if the condition has been altered, when it was last altered, and
  - (b) that such a dispensation would not adversely affect the safety and convenience of the public, including persons who have mobility problems.
- (6) If a condition attached to a London service permit under this section is contravened, the holder of the permit shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) It shall be a defence for a person charged with an offence under subsection (6) above to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

## **188 Revocation.**

- (1) Subject to subsection (2) below, a London service permit may be revoked or suspended by Transport for London on the ground that there has been a contravention of any condition attached to it.
- (2) Transport for London shall not revoke or suspend a London service permit unless, owing to—
  - (a) the frequency of the breach of conditions, or
  - (b) the breach having been committed intentionally, or
  - (c) the danger to the public involved in the breach,Transport for London is satisfied that the permit should be revoked or suspended.
- (3) On revoking or suspending a London service permit Transport for London shall send notice of the revocation or suspension to each commissioner of police and London authority notified of the grant of the licence in accordance with section 186(5) above.
- (4) A London service permit suspended under this section shall during the period of suspension be of no effect.

## **189 Appeals.**

- (1) Where Transport for London refuses to grant a London service permit, it must issue a notice stating the reasons for the decision to do so to the person who made the application for the permit.
- (2) A person to whom a notice has been issued under subsection (1) above may appeal to the Mayor against the decision in relation to which the notice was issued.
- (3) Where Transport for London—

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- (a) attaches any condition to a London service permit, or alters or removes any condition so attached; or
  - (b) revokes or suspends a London service permit,
- it must issue a notice to the holder of the permit stating the reasons for the decision to do so.
- (4) A holder of a London service permit to whom a notice has been issued under subsection (3) above may appeal to the Mayor against the decision in relation to which the notice was issued.
  - (5) An appeal under this section against a decision of Transport for London must be made before the end of the period of 28 days beginning with the date of issue of the notice relating to the decision.
  - (6) Where an appeal is made to the Mayor under this section he shall refer the matter to a panel of persons appointed by him for the purposes of hearing such an appeal (an appeal panel).
  - (7) The Mayor may charge a person making an appeal under this section such reasonable fee as the Mayor considers appropriate having regard to any expenses incurred or likely to be incurred by the Mayor in respect of the appeal.
  - (8) A person shall be disqualified from being appointed to be, or being, a member of an appeal panel if he is—
    - (a) an Assembly member,
    - (b) a member of staff of the Authority,
    - (c) a member of, or a member of staff of, Transport for London, or
    - (d) a director of a subsidiary of Transport for London or a member of staff of such a subsidiary.
  - (9) The Mayor may pay to the members of an appeal panel such fees and expenses as he considers appropriate.
  - (10) An appeal panel shall regulate its own procedure but, unless the person making the appeal requests otherwise, any appeal hearing shall be conducted on the basis of documentary evidence only.
  - (11) An appeal panel hearing an appeal under this section shall make a report to the Mayor concerning the appeal, including if the panel considers appropriate any recommendation about payment of the costs of the appeal.
  - (12) A recommendation under subsection (11) above may include a recommendation that Transport for London pay to the person who made the appeal a sum equivalent to all or part of any fee paid to the Mayor by virtue of subsection (7) above.
  - (13) Where the Mayor receives a report under subsection (11) above, he shall issue to Transport for London under section 155(1) above such guidance or directions, if any, as he considers appropriate having regard to the report.

## **190 Duration.**

- (1) The duration of a London service permit shall not be longer than five years.
- (2) If, on the date on which a London service permit is due to expire, an application has been made for the grant of a new London service permit in substitution for it and—

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- (a) Transport for London has neither granted nor refused to grant the London service permit applied for,
  - (b) Transport for London has refused to grant the London service permit applied for but an appeal against the refusal has been made under section 189 above and not disposed of, or
  - (c) Transport for London has granted the London service permit applied for but an appeal against a decision to attach a condition to the permit has been made under section 189 above and not disposed of,
- subsection (3) below shall apply.
- (3) Where this subsection applies, the existing London service permit shall continue in force—
- (a) in a case falling within subsection (2)(a) above, until Transport for London grants or refuses to grant the London service permit applied for, or
  - (b) in a case falling within subsection (2)(b) or (c) above, until the appeal has been disposed of.
- (4) Where subsection (3)(a) above applies, if Transport for London—
- (a) refuses to grant the London service permit applied for, or
  - (b) grants the London service permit applied for but at the time of the grant attaches any condition to the permit,
- the existing London service permit shall continue in force until any appeal which is made under section 189 above against the decision in question has been disposed of.
- (5) This section is without prejudice to section 188 above.

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