



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 4

#### GENERAL PROVISIONS RELATING TO PASSENGER TRANSPORT

##### *Services not operated as registered etc*

#### **62 Attachment of conditions to related licences**

- (1) Section 26 of the TA 1985 (conditions attached to PSV operator's licence) is amended as follows.
- (2) In subsection (1) (which sets out the cases in which the power is exercisable and the power)—
  - (a) for "Where" substitute "Subsection (1A) below applies in any case where";
  - (b) for the words from "he may" to the end of subsection (1) substitute the subsections set out in subsection (3).
- (3) The subsections are—
  - "(1A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, a condition falling within subsection (1B) below to any one or more of the following PSV operator's licences (wherever granted)—
    - (a) the licence mentioned in subsection (1) above;
    - (b) any other licence held by the operator;
    - (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).
  - (1B) The conditions are—
    - (a) a condition prohibiting the holder of the licence from using vehicles under the licence to provide any local service of a description specified in the condition;

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*Status: This is the original version (as it was originally enacted).*

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- (b) a condition prohibiting the holder of the licence from so using vehicles to provide local services of any description.
- (1C) A condition under subsection (1A) may be attached—
  - (a) indefinitely; or
  - (b) for a period of time specified by the traffic commissioner (which may commence immediately or on a date so specified).”.
- (4) In subsection (2)—
  - (a) after “attach” insert “(or direct another commissioner to attach)”;
  - (b) for “subsection (1)” substitute “subsection (1A)”;
  - (c) for “that subsection” substitute “subsection (1) above”.
- (5) After subsection (2) insert—
 

“(2A) Where a direction is given under subsection (1A) above to a traffic commissioner for another area, that traffic commissioner must either—

  - (a) attach the condition to the licence; or
  - (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.”.
- (6) In subsection (3), for “subsection (1)” substitute “subsection (1A)”.
- (7) In subsection (5) (power to impose conditions in certain cases relating to the use of vehicles)—
  - (a) for “Where” substitute “Subsection (5A) below applies in any case where”;
  - (b) for the words from “he may” to the end of subsection (5) substitute the subsections set out in subsection (8).
- (8) The subsections are—
 

“(5A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, to any one or more of the licences mentioned in subsection (5B) below a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.

(5B) The licences are the following PSV operator’s licences (wherever granted)—

  - (a) the licence mentioned in subsection (5) above;
  - (b) any other licence held by the operator;
  - (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).

(5C) Where a direction is given under subsection (5A) above to a traffic commissioner for another area, that traffic commissioner must either—

  - (a) attach the condition to the licence; or
  - (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.”.
  - (9) In subsection (6)—
    - (a) for “subsection (5)” substitute “subsection (5A)”;

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*Status: This is the original version (as it was originally enacted).*

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(b) in paragraph (a) after “the commissioner” insert “who attached that condition”.

(10) At the end of the section insert—

“(7) In this section “undertaking” and “group undertaking” have the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).”.