

1980 No. 1353 (C. 54)**TRANSPORT****The Transport Act 1980 (Commencement No. 2) Order 1980**

Made - - - - 8th September 1980

The Minister of Transport, in exercise of the powers conferred by section 70(5) and (6) of the Transport Act 1980(a), (hereinafter referred to as "the 1980 Act") and of all other enabling powers, hereby makes the following Order:—

1. This Order may be cited as the Transport Act 1980 (Commencement No. 2) Order 1980.

2.—(1) In this Order, unless the context otherwise requires—

- (a) a reference to a section followed by a number is a reference to the section bearing that number in the 1980 Act, and
- (b) a reference to an Article followed by a number is a reference to the Article bearing that number in this Order.

(2) In this Order, and in any of the provisions of the 1980 Act which are mentioned in this Order, a reference to "the 1960 Act" shall be construed in accordance with section 44(1) of the 1980 Act.

3. As from 6th October 1980—

- (a) the sections of the 1980 Act specified in column (1) of Part I of the Schedule to this Order (which relate to the subject matter specified in column (2) of that Schedule in respect of those sections),
- (b) the paragraphs of Part I of Schedule 5 to the 1980 Act specified in column (1) of Part II of the Schedule to this Order (which relate to the sections of the 1960 Act specified in column (2) of that Schedule in respect of those paragraphs),
- (c) the provisions contained in Part II of Schedule 5 to the 1980 Act for the amendment of Acts (other than the 1960 Act) mentioned in Part III of the Schedule to this Order, and
- (d) the repeals specified in Part I of Schedule 9 to the 1980 Act relating to provisions of the enactments specified in Part IV of the Schedule to this Order

shall have effect.

4. Any service or part of a service being provided immediately before 6th October 1980 by virtue of a road service licence as required by section 134 of the 1960 Act, or a backing made in accordance with section 137 of that Act, and which satisfies the requirements specified in section 3(3)(a)(i) or (ii) and would be an express service if it also satisfied the requirements specified in

section 3(3)(b)(ii) is hereby deemed to have satisfied the provisions of section 3(3)(b)(ii) in respect of the notification of—

- (i) the prescribed particulars of the service and
- (ii) if it is notified to the traffic commissioners at least one day before it is made, any change of a prescribed kind to be made within 21 days from 6th October.

5. Any service which commences within 21 days from 6th October 1980 which satisfies the requirements specified in section 3(3)(a)(i) or (ii) and which is not an excursion or tour is hereby deemed to have satisfied—

- (i) the requirements specified in section 3(3)(b)(ii) in respect of the notification of the prescribed particulars provided that the traffic commissioners have, at least 21 days before the service commences, received an application for a road service licence as required by section 134 of the 1960 Act (in which event any provision relating to the procedure to be followed as regards such an application shall, as from that date, be of no effect), and
- (ii) if it is notified to the traffic commissioners at least one day before it is made, any change of a prescribed kind to be made within 21 days from 6th October.

6. The reference in section 4(4), 9(2) or 37(2) to a person holding a PSV operator's licence granted by the traffic commissioners not being a licence which is of no effect by reason of its suspension shall, from 6th October 1980 until the date on which this Article is revoked, be construed as a reference to a person holding (or, by virtue of Regulation 20(1) of the Public Service Vehicles (Licences and Certificates) Regulations 1952(a) being deemed to hold) at least one public service vehicle licence not being a licence which is of no effect by reason of its suspension, and the reference in paragraph 5(a) of Part III of Schedule 1 of the 1980 Act to the holder of the operator's licence under which the vehicle is to be used shall, from 6th October 1980 until the date on which this Article is revoked, be construed as a reference to the holder of the public service vehicle licence in respect of the vehicle.

7. Every road service licence granted as required by section 134 of the 1960 Act and every backing made in accordance with section 137 of that Act shall, from 6th October 1980 until the date on which any such licence or backing would have expired under the terms on which it was granted or made, be deemed to be a road service licence granted under section 5.

8. Any condition attached to any road service licence or backing mentioned in Article 7 shall, from 6th October 1980, be deemed to be a condition attached, in the case of a condition as to a matter other than fares, under section 6 and, in the case of a condition as to fares, under section 7.

9. If one or more conditions are attached to a road service licence under which there is being provided an excursion or tour in respect of which neither of the conditions specified in section 3(3)(a) is fulfilled, and the holder of the licence applies to the traffic commissioners requesting them to exercise their powers under section 6(3) so as to remove all the conditions attached to the licence, the traffic commissioners may deem the application to be an application for a road service licence under section 9, and if they are satisfied as

mentioned in section 9(1) the said conditions shall be removed in accordance with the application and thereafter the provisions of sections 6 and 7 shall not apply to that licence.

10. If a service is being provided under a road service licence granted as required by section 134 of the 1960 Act or a backing made in accordance with section 137 of that Act and all or part of the service is an express carriage service that licence or backing shall from 6th October 1980 cease to apply—

- (a) if all the service is an express carriage service, completely, or
- (b) if part of the service is a stage carriage service, in so far as the service is an express carriage service.

11. Where, in accordance with Article 10, a road service licence or backing applies only to part of a service, and that part is a stage carriage service, any condition attached to that licence or backing shall from 6th October 1980 apply only in relation to that part of the service, and any such condition which relates to fares shall from that date apply only if it relates entirely to the part of the service which is a stage carriage service.

12. Any permit granted in respect of a service, pursuant to section 30 of the Transport Act 1968 shall, from 6th October 1980 until the date on which it would have expired under the terms of which it was granted, be deemed to be a road service licence granted under section 8, and any road service licence or permit granted in respect of a community bus service pursuant to sections 5 and 6 of the Transport Act 1978(a) shall, from 6th October 1980 until the date on which it would have expired, be deemed to be a road service licence granted pursuant to section 5 of that Act as substituted by section 43 of, and Part II of Schedule 5 to, the 1980 Act.

13. In a case where on 6th October 1980 the traffic commissioners have held a public sitting, for any purpose relating to an application for, or any matters affecting, a road service licence or backing, under section 153 of the 1960 Act and the matter in respect of which the sitting was held has not been determined, the determination shall be made in accordance with the relevant provisions which subsisted at the time when the hearing was completed save that, in the case of an application for a road service licence, the provisions as to the duration of the licence contained in the 1980 Act shall apply and any application or matter affecting a backing shall be treated as applying to a road service licence.

14. In a case where on 6th October 1980 the traffic commissioners are in the process of holding a public sitting, for any purpose relating to an application for, or any matter affecting, a road service licence or backing under section 153 of the 1960 Act the remainder of the sitting shall be held and any determination made in consequence of the sitting shall be made in accordance with the relevant provisions which subsisted immediately before 6th October 1980 save that, in the case of an application for a road service licence, the provisions as to the duration of the licence contained in the 1980 Act shall apply and any application or matter affecting a backing shall be treated as applying to a road service licence.

15. In a case where before 6th October 1980 by virtue of section 153(2)(a) or (b) of the 1960 Act the traffic commissioners have decided not to hold a

(a) 1978 c. 55.

public sitting as regards an application for a road service licence—

- (a) if the traffic commissioners have determined to grant the licence its grant shall be made in accordance with the relevant provisions which subsisted immediately before that date save that the provisions as to the duration of the licence contained in the 1980 Act shall apply;
- (b) if the traffic commissioners have made no determination they shall make their determination in accordance with the relevant provisions which subsist at the time of that making.

16. In a case where a public sitting relating to an application for a road service licence is commenced on or after 6th October 1980 that sitting shall be held, and any determination made in consequence of it shall be made, in accordance with the relevant provisions which subsist at the time of the sitting or determination, whether the application in question was made before, on or after 6th October 1980.

17. In a case where before 6th October 1980 application has been made to the traffic commissioners under section 135(5) of the 1960 Act and on 6th October 1980 the traffic commissioners have not determined the application, their determination of the application shall be made—

- (a) if a public sitting has started before that date, in accordance with the relevant provisions which subsisted immediately before that date;
- (b) in any other case, in accordance with the relevant provisions which subsist at the time of their determination,

and the provisions mentioned in sub-paragraphs (a) and (b) above shall apply to any public sitting in connection with the application as well as to the determination of it.

18. If, when an application is made for a road service licence in respect of a service which is already being provided under a licence to which there is attached a condition which, by virtue of Article 8 is deemed to have been attached under section 7 and the traffic commissioners propose, that no such condition, or that a different condition, should be attached to the licence applied for, their proposal shall be treated as if it were a proposal to alter or remove a condition in accordance with section 7(2).

19. Any appeal made to the Minister before 6th October 1980 in accordance with section 143 of the 1960 Act arising from a decision of the traffic commissioners in relation to, or an application for, a road service licence or a backing for a service for which, on and after 6th October 1980, no road service licence will be required shall, as from that date, be deemed to have been withdrawn.

20. Any appeal made to the Minister before 6th October 1980 under section 143 of the 1960 Act or on or after 6th October 1980 under section 27, arising from a decision of the traffic commissioners in relation to, or an application for, a road service licence for a service which will continue to need a road service licence or, in the case of an appeal under the said section 143, a backing for such a service shall be dealt with by the Minister in accordance with the relevant provisions relating to appeals to him which subsisted at the time when the traffic commissioners made the decision against which the appeal is made, and any appeal against a decision relating to a backing shall be deemed to relate to a road service licence.

21. The reference in section 32(1) to sections 16, 17, 18 and 19(1) shall, from 6th October 1980 until the date on which this Article is revoked, be construed as a reference to sections 127(1), 128(3) and 129(1) of the 1960 Act.

22. The provision made by section 33 for the insertion into section 1 of the Minibus Act 1977(a) of a new subsection (1A) shall, from 6th October 1980 until the date on which this Article is revoked, be construed as if the reference in paragraph (c) in the said subsection to section 19(1) were a reference to sections 127(1) and 129(1) of the 1960 Act.

23. In a case where, before 6th October 1980 an agreement has been sought in accordance with section 23 of the Transport (London) Act 1969(b) but no agreement has been made under that section, the provisions of section 23A of that Act shall apply as if the agreement had been sought on or after 6th October 1980.

24. The coming into effect, by virtue of Article 3 above and Part I of the Schedule below, of section 40 of, and Schedule 4 to, the 1980 Act, and of section 42 shall not affect proceedings in relation to, or the punishment of, any offence committed before 6th October 1980.

25. The provision in section 5(4) of the Transport Act 1978 (the amendment to which by section 43 of, and Part II of Schedule 5 to, the 1980 Act is brought into effect as from 6th October 1980 by virtue of Article 3 above and Part III of the Schedule below), shall from 6th October 1980 until the date on which this Article is revoked, be construed as if the references to sections 17, 18 and 19(1) of the 1980 Act were references to sections 127(1) and 129(1) of the 1960 Act.

26. From 6th October 1980 until the date when this Article is revoked the provisions of section 88(3) of the Road Traffic Act 1972(c) shall continue to apply as if the bringing into effect, by virtue of Article 3 above and Part I of the Schedule below, of section 37 had not occurred.

27. Any order made, or having effect as if made, under section 1, 9 or 12 of the Road Traffic Regulation Act 1967(d) before 6th October 1980 and imposing a prohibition or restriction on waiting shall, subject to the provisions of any order made after that date varying or revoking any such prohibition or restriction, have effect as if the bringing into effect, by virtue of Article 3 above and Part I of the Schedule below, of the repeal, in section 1(3) of the said Act of 1967, of the words "or express carriage", and the bringing into effect, by virtue of Article 3 above and Part I of the Schedule below, of section 13(3) had not occurred.

28. Article 4 of the Transport Act 1980 (Commencement No. 1) Order 1980(e) is hereby revoked.

8th September 1980.

Norman Fowler,
Minister of Transport.

(a) 1977 c. 25.
(d) 1967 c. 76.

(b) 1969 c. 35.
(e) S.I. 1980/913.

(c) 1972 c. 20.

SCHEDULE

PROVISIONS OF 1980 ACT COMING INTO OPERATION ON 6TH OCTOBER 1980

PART I

(1) Sections of the 1980 Act	(2) Subject matter of sections
Section 1(3) and (4) so far as it relates to the other sections specified in this Part of this Schedule.	Provision that Part I of the 1980 Act shall be construed and have effect as if it were (except so far as it textually amends any enactment) contained in Part III of the 1960 Act and that any reference to the said Part III in any statutory provision not contained in either the said Part I or the said Part III shall, unless the context otherwise requires, be construed as including a reference to the said Part I.
Section 2.	Definition of "public service vehicle".
Section 3.	Classification of public service vehicles as stage, express or contract carriages.
Schedule 1.	Public service vehicles: Conditions affecting status or classification.
Part I.	Sharing of taxis and hire-cars.
Part II.	Parties of overseas visitors.
Part III.	Alternative conditions affecting status or classification.
Section 4.	Road service licences.
Section 5.	Grant of road service licences.
Section 6.	Attachment to road service licences of conditions as to matters other than fares.
Section 7.	Attachment to road service licences of conditions as to fares.
Section 8.	Grant of road service licences for services on routes not otherwise served.
Section 9.	Grant of road service licences for certain excursions or tours.
Section 10.	Revocation and suspension of road service licences.
Section 11.	Duration of road service licences.
Section 12.	Designation of trial areas.
Section 13.	Stage carriage services in trial areas.
Section 14.	Duty to publish particulars of stage carriage services in trial areas.

(1) Sections of the 1980 Act	(2) Subject matter of sections
Section 15.	Relaxation in trial areas of operators' duty to co-operate and exchange information.
Section 28(1), (2), (3), (4), (5), (7), (8), (9) and (10) in so far as it relates to road service licences.	Appeals to the Minister.
Section 29 in so far as it relates to road service licences.	Further appeals on points of law.
Section 32.	Fare-paying passengers on school buses.
Section 33.	Use of certain vehicles by educational and other bodies.
Section 35.	Amendment of Transport (London) Act 1969.
Section 37.	Reduction of minimum age for drivers of public service vehicles.
Section 38 in so far as it amends section 159 of the 1960 Act in relation to— applications for, and the grant of, road service licences; application for, and the issue of, certificates under section 27 as to repute, professional competence, financial standing; applications for, and the issue of, documents required in relation to public service vehicles registered in Great Britain while making journeys to or from places outside Great Britain or in relation to public service vehicles registered outside Great Britain; applications for, and the issue of, licences to drive public service vehicles, and provisions for the traffic commissioners or the commissioner of police for the metropolis for a person to undergo a test for his competence as a driver in connection with an application by him for a licence to drive a public service vehicle, being a test which he is by virtue of regulations required to undergo in that connection.	Fees for the grant of licences etc.
Section 40.	Increase of penalties.
Schedule 4.	Increase of penalties.

(1) Sections of the 1980 Act	(2) Subject matter of sections
Section 41 in so far as it relates to road service licences.	Offences by bodies corporate.
Section 42(1) in so far as it relates to the provisions specified in section 42(2) except sections 25(5) and 26(4).	Defences available to persons charged with certain offences.
Section 42(2) save in so far as it specifies sections 25(5) and 26(4).	
Section 42(3) in so far as it relates to the provisions specified in section 42(4) except sections 17(3), 18(9)(b), 19(5), 22(7) and 24(4).	
Section 42(4) save in so far as it specifies sections 17(3), 18(9)(b), 19(5), 22(7) and 24(4).	
Section 43(1) in so far as it relates to the sections of the 1960 Act specified in Part II of the Schedule to this Order, and to the provisions mentioned in Part III of that Schedule.	Amendments of other Acts.
Section 43(2).	
Section 44 in so far as it relates to any provision specified in this Order.	Interpretation.
Section 61.	Insurance or security in respect of private use of vehicles to cover use under car-sharing arrangements.
Section 62.	Grants towards duty charged on bus fuel, and new bus grants.
Section 65.	Repeal of section 2 of, and Schedule 1 to, the Transport Charges etc. (Miscellaneous Provisions) Act 1954(a) (which relate to charges on independent tramways, trolley vehicles and railways of the nature of a tramway).
Section 69 in so far as it relates to the repeals specified in Part IV of the Schedule to this Order.	Repeals.

(a) 1954 c. 64.

PART II

(SECTIONS OF THE 1960 ACT FOR THE AMENDMENT OF WHICH SECTION 43 OF, AND PART I OF SCHEDULE 5 TO, THE 1980 ACT PROVIDE)

(1) Paragraphs of Part I of Schedule 5 to the 1980 Act	(2) Sections of the 1960 Act to which paragraphs specified in column (1) relate
Paragraph 4 in so far as it relates to or consists of sub-paragraph (c).	Section 144 (drivers' licences).
Paragraph 7.	Section 149 (power of Minister to modify restrictions on use of roads by public service vehicles).
Paragraph 9.	Section 153 (procedure of traffic commissioners).
Paragraph 11 in so far as it relates to or consists of sub-paragraphs (b), (c) and (d).	Section 160 (regulations for the purposes of Part III).
Paragraph 13.	Section 248 (power to hold inquiries).

PART III

(ACTS (OTHER THAN THE 1960 ACT) FOR THE AMENDMENT OF WHICH SECTION 43 OF, AND PART II OF SCHEDULE 5 TO, THE 1980 ACT PROVIDE.)

(1) Title of Act	(2) Provisions in Part II of Schedule 5 to the 1980 Act commenced by this Order
Local Government (Miscellaneous Provisions) Act 1953(a).	The whole provision.
Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958(b).	The whole provision.
Transport Act 1962(c).	The whole provision.
Finance Act 1965(d).	The whole provision.
Road Traffic Regulation Act 1967(e).	The whole provision except paragraph 4(2)(b) and (c) and 4(3).
Transport Act 1968(f).	The whole provision.
Transport (London) Act 1969.	The whole provision.
Road Traffic Act 1972(g).	The whole provision.
Road Traffic (Foreign Vehicles) Act 1972(h).	The provisions specified in paragraphs 1(b) and 2.
Local Government (Miscellaneous Provisions) Act 1976(i).	The provisions specified in paragraph 2.
The Energy Act 1976(j).	The provisions specified in subparagraphs (a) and (c).
Passenger Vehicles (Experimental Areas) Act 1977(k).	The whole provision.
Minibus Act 1977.	The whole provision.
Transport Act 1978.	The whole provision.

(a) 1953 c. 26.

(d) 1965 c. 25.

(g) 1972 c. 20.

(j) 1976 c. 76.

(b) 1958 c. 50.

(e) 1967 c. 76.

(h) 1972 c. 27.

(k) 1977 c. 21.

(c) 1962 c. 46.

(f) 1968 c. 73.

(i) 1976 c. 57.

PART IV

Repeals specified in Part I of Schedule 9 to the 1980 Act relating to provisions of:—

1. *The 1960 Act*, namely—

Sections 117 and 118.

In section 119(3)(a), the word “or backed”.

In section 128(2), the words from “In the application” onwards.

Sections 134, 135, 136, 137, 138, 139, 139A and 140.

Section 143(1), (2), (3), (4) and (9) in so far as it relates to road service licences.

Section 149.

Section 154(2).

In section 156(1), the words “or backed”.

In section 160—

in subsection (1), the words “or the Twelfth Schedule thereto”;

in subsection (2), the words “and the Twelfth Schedule thereto”.

Section 234.

Section 240.

In section 247(2), the words from “or (in a case” onwards.

In section 257(1), the definition of “road service licence”.

Section 258.

Schedule 12.

In Schedule 17, the entries relating to the Local Government (Miscellaneous Provisions) Act 1953 and the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958.

2. Acts other than the 1960 Act, namely—

Short Title	Extent of repeal
Education (Miscellaneous Provisions) Act 1953(a).	Section 12.
Transport Charges Etc. (Miscellaneous Provisions) Act 1954.	Section 2. Schedule 1.
Public Service Vehicles (Travel Concessions) Act 1955(b).	In section 1(7), the words “and two”.
Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958.	In section 7(1), the words from “and the references” onwards.
Transport Act 1962.	In Schedule 2, in Part I, the entries relating to section 12 of the Education (Miscellaneous Provisions) Act 1953 and section 135 of the 1960 Act.
London Government Act 1963(c).	In section 9(6)(b), the words from “except” to “1960”. Section 14(6)(d). In Schedule 5, in Part I paragraph 25.
Finance Act 1965.	In section 92(8), the definition of “road service licence”.
Road Traffic Regulation Act 1967.	In section 1(3) the words “or express carriage”.
Transport Act 1968.	In Schedule 6, the amendment of section 135(2) of the 1960 Act. Section 21(1). Section 30. In section 138, in subsection (1)(a) the words from “subject” to “granted or backed”, and in subsection (3)(a) the words “subject as mentioned in subsection (1)(a) of this section”. Section 145(1). In section 159(1), in the definition of “road service licence” the words from “and except” onwards.

(a) 1953 c. 33.

(b) 1955 c. 26.

(c) 1963 c. 33.

Short Title	Extent of repeal
Transport (London) Act 1969.	In section 23(6), the words from "except" to "that section". In section 23(7), in the definition of "road service licence" the words from "and includes" onwards. Section 24(4)(b) and (d). In Schedule 3, in paragraph 8, in the subsection substituted in section 92 of the Finance Act 1965, the definition of "road service licence"; and paragraph 11.
Tribunals and Inquiries Act 1971(a).	Section 13(5). In section 13(6)(a) the words from "or to a decision" to "traffic commissioners". In Schedule 1, in paragraph 30(a), the words from "and" onwards, in so far as these provisions are applicable as regards road service licences.
European Communities Act 1972(b).	In Schedule 4, paragraph 10.
Local Government Act 1972(c).	Section 186(3).
Local Government (Scotland) Act 1973(d).	In Schedule 18, paragraphs 26 and 31 to 35.
Road Traffic Act 1974(e).	In Schedule 5, all the entries in Part I except those relating to sections 127, 128(3), 132(3), 148(2) and 239 of the 1960 Act. In Schedule 6, paragraph 1. In Schedule 7, the entry relating to section 131(1)(b) of the 1960 Act.
Transport Act 1978.	Sections 6, 7(1) and (2), and 8; Schedule 1 and Schedule 2 except paragraph 5.

EXPLANATORY NOTE

(This Note is not part of the Order.)

1. This Order brings into operation on 6th October 1980 the provisions of the Transport Act 1980 which are specified in Parts I, II, III and IV of the Schedule to this Order. Those provisions relate to—

- (a) the definition of "public service vehicle" and the classification of public service vehicles as stage, express or contract carriages;
- (b) road service licences, including the attachment of conditions to them;
- (c) trial areas;

(a) 1971 c. 62.
(d) 1973 c. 65.

(b) 1972 c. 68.
(e) 1974 c. 50.

(c) 1972 c. 70.

- (d) appeals to the Minister and further appeals on points of law, in so far as they relate to road service licences and London bus agreements;
- (e) fare-paying passengers on school buses;
- (f) the extension of the Minibus Act 1977 so as to provide for the use of large passenger-carrying vehicles by educational and other bodies;
- (g) reduction of the minimum age for drivers of public service vehicles;
- (h) fees for road service licences and other matters;
- (i) increases in penalties;
- (j) offences by bodies corporate;
- (k) defences available to persons charged with certain offences;
- (l) amendments to certain other Acts;
- (m) interpretation;
- (n) insurance or security in respect of private use of vehicles to cover use under car-sharing arrangements;
- (o) grants towards duty charged on bus fuel, and new bus grants; and
- (p) various repeals.

2. This Order makes a number of transitional provisions. These arise, mostly, from the coming into operation of provisions in the Transport Act 1980 relating to road service licences before the coming into operation of provisions in that Act relating to PSV operators' licences and as to the fitness of public service vehicles. Other transitional provisions cover situations where—

- (a) a process has been started but not finished before 6th October 1980;
- (b) all or part of a service which required a road service licence or backing before 6th October 1980 ceases to require a road service licence after that date;
- (c) provisions under legislation revoked by this Order as to road service licences or backings and permits, and conditions attached to road service licences, are translated into provisions of the legislation which is brought into operation by this Order; and
- (d) an order has been made before 6th October 1980 under section 1, 9 or 12 of the Road Traffic Regulation Act 1967 imposing a prohibition or restriction on the waiting of vehicles which, by virtue of section 1(3) of that Act, did not affect an express carriage and, in a trial area, a stage carriage.

3. Also Article 26 provides that, from 6th October 1980 until that Article is revoked, the statements required on driving licences in view of section 88(3) of the Road Traffic Act 1972 shall not be affected by the coming into operation of section 37 of the 1980 Act.

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