



Transport Act 1985

1985 CHAPTER 67

PART I

GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

Registration of local services

6 Registration of local services

- (1) In this section " service " means a local service which is neither a London local service nor a service provided under an agreement with the Railways Board (under section 4A of the 1962 Act) where a railway service has been temporarily interrupted.
- (2) Subject to regulations under this section, no service shall be provided in any traffic area in which there is a stopping place for the service unless—
 - (a) the prescribed particulars of the service have been registered with the traffic commissioner for that area by the operator of the service ;
 - (b) the period of notice in relation to the registration has expired; and
 - (c) the service is operated in accordance with the registered particulars.
- (3) In subsection (2) above " the period of notice " , in relation to any registration, means, subject to regulations under this section—
 - (a) the period prescribed for the purposes of this subsection ; or
 - (b) if longer, the period beginning with the registration and ending with the date given to the traffic commissioner by the operator as the date on which the service will begin.
- (4) An application for registration shall only be accepted from a person who either holds an unconditional PSV operator's licence or a permit under section 22 of this Act or is using, or proposing to use, a school bus belonging to that person for fare-paying passengers in accordance with section 46(1) of the 1981 Act.
- (5) In subsection (4) above " unconditional" , in relation to a PSV operator's licence, means a licence which does not have attached to it a condition imposed under section 26(1)

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of this Act prohibiting, or having the effect of prohibiting, the operator from using vehicles under the licence to provide the service to which the application in question relates.

- (6) In this Act any reference to a service registered under this section is a reference to a service in respect of which the prescribed particulars are registered under this section.
- (7) Any registration may be varied or cancelled on an application made by the operator of the service to which it relates.
- (8) Subject to regulations under this section, the variation or cancellation of a registration shall become effective—
 - (a) on the expiry of the period beginning with the date on which the traffic commissioner accepts the application and ending with the date determined in accordance with regulations under this section ; or
 - (b) if later, on the day given to the traffic commissioner by the operator as the effective date for the variation or (as the case may be) cancellation.
- (9) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—
 - (a) for permitting the variation of a registered service, in such circumstances as may be prescribed, without variation of the registration;
 - (b) for excluding or modifying the application of subsection (3) or (8) above in such cases or classes of case as may be prescribed;
 - (c) that in such cases or classes of case as may be prescribed—
 - (i) subsection (2) above shall have effect as if for the reference in paragraph (b) to the period of notice there were substituted a reference to such period as the traffic commissioner may determine ;
 - (ii) subsection (8) above shall have effect as if for the reference in paragraph (a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as he may determine;
 - (d) as to the procedure for applying for registration or for the variation or cancellation of a registration;
 - (e) for an application for registration or for the variation or cancellation of a registration not to be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner such information as he may reasonably require in connection with the application;
 - (f) as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;
 - (g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations ;
 - (h) as to the cancellation of registrations relating to discontinued services ;
 - (i) for enabling a traffic commissioner to require the operator of a registered service, in such circumstances as may be prescribed, to keep records of such matters relating to the operation of the service, in such manner, as may be prescribed ;
 - (j) for requiring the operator of a registered service who is required to keep records by regulations made by virtue of paragraph (i) above to make those records available to the traffic commissioner;

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- (k) for requiring the operator or prospective operator of a registered service to give, to such persons and at such times as may be prescribed, such information as may be prescribed with respect to the service, or proposed service, or any proposal to vary or cancel the registration of the service;
- (l) for excluding from the application of this section services which are—
 - (i) excursions or tours ; or
 - (ii) excursions or tours falling within a prescribed class.

7 Application of traffic regulation conditions to local services subject to registration under section 6

- (1) If a traffic authority asks him to exercise his powers under this section in relation to a particular traffic problem, the traffic commissioner for any traffic area may determine conditions (" traffic regulation conditions ") which must be met in the provision of services in the area to which the conditions are expressed to apply.
- (2) In this section " service " means any local service to which section 6 of this Act applies.
- (3) The area to which traffic regulation conditions may be expressed to apply is any part of the traffic area of the traffic commissioner determining them.
- (4) No traffic commissioner shall determine traffic regulation conditions unless he is satisfied, after considering the traffic in the area in question, that such conditions are required in order to—
 - (a) prevent danger to road users ; or
 - (b) reduce severe traffic congestion.
- (5) In considering what traffic regulation conditions to apply to a particular area a traffic commissioner shall have regard in particular to the interests of—
 - (a) those who have registered under section 6 of this Act services which are or will be operated in the area;
 - (b) those who are, or are likely to be, users of such services ; and
 - (c) persons who are elderly or disabled.
- (6) The purposes for which traffic regulation conditions may be determined are the regulation of—
 - (a) the routes of services;
 - (b) the stopping places for services;
 - (c) when vehicles used in providing services may stop at such stopping places and for how long they may do so; and
 - (d) such other matters as may be prescribed.
- (7) Subject to subsection (8) below, traffic regulation conditions shall apply—
 - (a) to all services operated in the area to which the conditions are expressed to apply ; or
 - (b) to such class of service operated there as may be specified in the conditions.
- (8) Where the traffic commissioner for any traffic area is satisfied that traffic regulation conditions applying generally to a particular part of his traffic area would be inappropriate as a means of achieving the regulation of traffic which he considers is required there, he may determine traffic regulation conditions which apply only to the service or services specified in the conditions.

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- (9) Before determining any traffic regulation conditions, a traffic commissioner shall hold an inquiry if he has received (within the prescribed period) a request for an inquiry from—
- (a) the traffic authority which made the request under subsection (1) above;
 - (b) any other traffic authority likely to be affected by traffic regulation conditions determined in response to that request; or
 - (c) any person who has registered under section 6 of this Act a service which is or will be operated in the area in question;
- and the request has not been withdrawn.
- (10) Subsection (9) above shall not apply where the traffic commissioner is satisfied that the conditions should be determined without delay.
- (11) Where, in reliance on subsection (10) above, a traffic commissioner determines traffic regulation conditions without first holding an inquiry, he shall hold one as soon as is reasonably practicable if any person mentioned in subsection (9)(a) or (c) above or any other traffic authority affected by the conditions has, before the end of the prescribed period, asked him to do so.
- (12) Before asking a traffic commissioner to exercise his powers under this section in relation to a trunk road, a traffic authority shall obtain leave of the Secretary of State; but leave given under this subsection shall not be taken to indicate the Secretary of State's approval of any conditions determined by the traffic commissioner in response to the request.
- (13) Traffic regulation conditions may make different provision with respect to the operation of any service to which they apply during different periods of the year, on different days of the week, or at different times during any period of 24 hours.
- (14) A traffic commissioner may vary or revoke any traffic regulation conditions determined by him on being requested to do so by—
- (a) any traffic authority; or
 - (b) the operator of any service affected by the conditions.
- (15) In this section " traffic authority " means—
- (a) in relation to England and Wales, the council of any metropolitan district or non-metropolitan county; and
 - (b) in relation to Scotland, the council of any region or islands area.

8 Enforcement of traffic regulation conditions, etc.

- (1) Where traffic regulation conditions have been determined under section 7 of this Act, it shall be the duty of the traffic commissioner by whom any relevant licence or permit has been granted to attach the conditions to that licence or, as the case may be, to that permit.
- (2) In this section—
- " licence " means a PSV operator's licence ;
- " permit " means a permit under section 22 of this Act;
- and a licence or permit is relevant for the purposes of this section if a local service registered under section 6 of this Act by the holder of the licence or permit is affected by the conditions.

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- (3) Where the traffic commissioner who determined the traffic regulation conditions and the traffic commissioner who granted the relevant licence or permit are different, it shall be the duty of the commissioner determining the conditions to send to the other commissioner—
 - (a) details of the conditions ; and
 - (b) the name of the person registering the particulars of the local service.
- (4) If traffic regulation conditions which have been attached to a licence or permit under this section are subsequently varied or revoked, it shall be the duty of the traffic commissioner or commissioners concerned to secure that the conditions as so attached are correspondingly varied or (as the case may be) removed.
- (5) Traffic regulation conditions shall be of no effect to the extent to which they are incompatible with any provision made by or under any enactment prohibiting or restricting the use of any road by traffic.
- (6) Where the operator of a local service is unable both to operate the service in accordance with the particulars of the service registered under section 6 of this Act and to comply with—
 - (a) traffic regulation conditions ; or
 - (b) any other provision of a kind mentioned in subsection (5) above;any failure to operate the service in accordance with those particulars which occurs at any time before the expiry of the prescribed period beginning with the coming into force of the conditions or provision shall be disregarded to the extent to which it is attributable to his having to comply with the conditions or provision.

9 Appeals against traffic regulation conditions

- (1) Any person to whom subsection (2) below applies may appeal to the Secretary of State against—
 - (a) the determination, variation or revocation of any traffic regulation conditions under section 7 of this Act; or
 - (b) the refusal by a traffic commissioner to comply with a request duly made under that section to determine, vary or revoke any such conditions.
- (2) The persons to whom this subsection applies are—
 - (a) in relation to any determination, variation or revocation of conditions—
 - (i) any person who has registered under section 6 of this Act a local service which is, or is likely to be, affected by them ; and
 - (ii) any traffic authority aggrieved by the decision in question; and
 - (b) in relation to any refusal to comply with a request, the person making the request.
- (3) An appeal under this section must be made within the prescribed time and in the prescribed manner, and provision may be made by regulations as to the procedure to be followed in connection with such appeals.
- (4) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against and may give such directions as he thinks fit to the traffic commissioner for giving effect to his decision.

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- (5) An appeal lies at the instance of any of the persons mentioned in subsection (6) below on any point of law arising from a decision of the Secretary of State on an appeal under this section—
- (a) to the High Court, where the area of the traffic commissioner concerned is in England or Wales ; and
 - (b) to the Court of Session, where it is in Scotland.
- (6) The persons who may appeal against any such decision of the Secretary of State are—
- (a) the person who appealed to him ;
 - (b) any person who had a right to appeal to him against the relevant decision of the traffic commissioner but did not exercise that right;
 - (c) any traffic authority aggrieved by the decision ; and
 - (d) the traffic commissioner whose decision was appealed against.
- (7) If on an appeal under subsection (5) above the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Secretary of State with the opinion of the court for rehearing and determination by him.
- (8) No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.
- (9) An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the House of Lords determine.
- (10) In this section " traffic authority " has the same meaning as in section 7 of this Act.