



# Transport Act 1985

## 1985 CHAPTER 67

### PART VI

#### MISCELLANEOUS AND GENERAL

##### *Provisions supplementary to Parts I and II*

#### **126 Application of sections 52 and 56 of the 1981 Act.**

- (1) The power under section 52(1) of the 1981 Act (fees for grant of licences, etc.) to prescribe fees chargeable by traffic commissioners shall apply in relation to fees so chargeable in respect of—
- (a) applications for the registration of services under section 6 of this Act and for the variation [<sup>F1</sup>or cancellation] of such registrations;
  - [<sup>F2</sup>(aa) the continuation in force of registrations under that section;]
  - (b) the issue of any documents issued in accordance with regulations under that section with respect to registrations under that section;
  - (c) applications for, and the grant of, permits under section 19 or 22 of this Act; and
  - (d) applications for, and the grant of, London local service licences.
- (2) Subsection (2) of that section (power of traffic commissioners to decline to proceed until any fee or instalment of a fee is paid) shall accordingly apply as if subsection (1) above were included in subsection (1) of that section; and for that purpose the references in subsection (2) of that section to licences shall include references to permits.
- (3) Section 56 of the 1981 Act (records of licences) shall apply in relation to [<sup>F3</sup>each of the following] —
- (a) registrations under section 6 of this Act;
  - (b) traffic regulation conditions determined under section 7 of this Act;
  - [<sup>F4</sup>(bb) permits under section 19 or 22 of this Act granted, varied or revoked by a traffic commissioner;

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- (bc) copies of permits submitted to a traffic commissioner by way of a return made pursuant to an order under section 19(7)(c) of this Act;]
  - (c) London local service licences granted under Part II of this Act;
- as it applies in relation to licences granted under that Act.

#### Textual Amendments

- F1** Words in s. 126(1)(a) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 52(2)**, 134(4); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)
- F2** S. 126(1)(aa) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 52(3)**, 134(4); [S.I. 2009/107](#), [art. 2\(1\)](#), [Sch. 1 Pt. 1](#)
- F3** Words in s. 126(3) inserted (6.4.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 61(2)**, 134(4); [S.I. 2009/107](#), [art. 4\(1\)](#), [Sch. 4 Pt. 1](#)
- F4** S. 126(3)(bb)(bc) substituted for word (6.4.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 61(3)**, 134(4); [S.I. 2009/107](#), [art. 4\(1\)](#), [Sch. 4 Pt. 1](#)

## 127 Offences and legal proceedings.

- (1) Section 65 of the 1981 Act (forgery and misuse of documents) shall apply to the following documents, namely—
  - (a) a permit under section 19 or 22 of this Act; and
  - (b) a London local service licence.
- (2) Section 66 of that Act (false statements to obtain licence, etc.) shall apply in relation to a false statement for the purpose of obtaining the grant of any such permit or licence as it applies in relation to a false statement for the purposes there mentioned.
- (3) Section 67 of that Act (penalty for breach of regulations under that Act) shall have effect as if Parts I and II of this Act were contained in that Act.
- (4) The defence provided by section 68(3) of that Act (that the person charged took all reasonable precautions and exercised all due diligence to avoid the commission of an offence under certain provisions of that Act) shall apply in relation to an offence under any of the following provisions of this Act, that is to say, sections 23(5), 30(2), 35(6) and 38(7).
- (5) The provisions of that Act mentioned in subsection (6) below shall apply in relation to an offence, or (as the case may be) in relation to proceedings for an offence, under Part I or II of this Act as they apply in relation to an offence, or in relation to proceedings for an offence, under Part II of that Act.
- (6) Those provisions are—
  - section 69 (restriction on institution in England or Wales of proceedings for an offence under Part II);
  - section 70 (duty to give information as to identity of driver in certain cases);
  - section 71 (evidence by certificate in proceedings in England or Wales for an offence under Part II);
  - section 72 (proof in summary proceedings in England or Wales of identity of driver of vehicle); and
  - section 74 (offences under Part II committed by companies).

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- (7) Section 75 of that Act (destination of fines in respect of certain offences committed in Scotland) shall have effect as if Part I of this Act were contained in provisions of that Act preceding section 75.

**128 Further supplementary provisions.**

- (1) The provisions of the 1981 Act mentioned in subsection (2) below shall have effect as if Parts I and II of this Act were contained in that Act.
- (2) Those provisions are—  
sections 76 and 77 (power of Secretary of State to hold inquiries for the purposes of that Act and general provisions as to inquiries so held); and  
section 85 (nothing in that Act to authorise a nuisance).

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2ZA) inserted by [2019 asp 17 s. 37\(2\)\(a\)](#)
- s. 6(7ZA) inserted by [2019 asp 17 s. 37\(2\)\(b\)](#)