



# Transport Act 1985

## 1985 CHAPTER 67

### PART IV

#### LOCAL PASSENGER TRANSPORT SERVICES

##### *Passenger Transport Areas*

#### **57 Passenger Transport Areas, Authorities and Executives.**

(1) In section 9 of the 1968 Act (designation of passenger transport areas and establishment of Passenger Transport Authorities and Executives)—

(a) for subsections (1) to (4) there shall be substituted the following subsections—

“(1) For the purposes of this Part of this Act—

(a) each of the following areas, that is to say—

- (i) in England and Wales, the metropolitan counties; and
- (ii) in Scotland, that part of the Strathclyde region which was a designated area for the purposes of this Part of this Act immediately before the date on which section 57 of the Transport Act 1985 came into operation;

shall be a passenger transport area;

(a) the Passenger Transport Authority for a passenger transport area (referred to below in this Part of this Act, in relation to that area, as “the Authority”) shall be—

- (i) in relation to a passenger transport area in England and Wales, the metropolitan county council; and
- (ii) in relation to the Strathclyde passenger transport area, the Strathclyde regional council; and

(c) the Passenger Transport Executive for a passenger transport area (referred to below in this Part of this Act, in relation to that area, as “the Executive”) shall be the body which

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immediately before the date mentioned in paragraph (a) above was the Passenger Transport Executive for the designated area for the purposes of this Part of this Act corresponding to that passenger transport area.

- (2) The Executive for a passenger transport area consists of—
- (a) a Director General appointed in accordance with Part II of Schedule 5 to this Act by the Authority; and
  - (b) not less than two nor more than eight other members so appointed by the Authority after consultation with the Director General.

- (3) Subject to subsection (2) of this section and Part II of Schedule 5 to this Act, the Secretary of State may by order make with respect to the Executive for any passenger transport area—

- (a) such provision with respect to any of the matters referred to in Part III of that Schedule; and
- (b) such supplementary, incidental and consequential provision; as appears to the Secretary of State to be necessary or expedient.

- (4) Before making any order under subsection (3) of this section, the Secretary of State shall consult with the Passenger Transport Authority for the area and, where the area is in England and Wales, with the councils of the districts comprised in the area.”;

- (b) in subsection (5), as it applies to England and Wales, for the words “constituent areas” there shall be substituted the words “the districts comprised in a passenger transport area”;
- (c) in subsection (5), as it applies to Scotland, for the word “designated” there shall be substituted the words “passenger transport”; and
- (d) subsection (7) shall be omitted.

- (2) After section 9 there shall be inserted the following sections—

**“9A General functions of Passenger Transport Authorities and Executives.**

- (1) It shall be the duty of the Authority for any passenger transport area to formulate from time to time general policies with respect to the descriptions of public passenger transport services they consider it appropriate for the Executive for their area to secure for the purpose of meeting any public transport requirements within their area which in the view of the Authority would not be met apart from any action taken by the Executive for that purpose.
- (2) The Authority shall seek and have regard to the advice of the Executive for their area in formulating their policies under subsection (1) of this section.
- (3) It shall be the duty of the Executive for any passenger transport area to secure the provision of such public passenger transport services as they consider it appropriate to secure for meeting any public transport requirements within their area in accordance with policies formulated by the Authority for their area under subsection (1) of this section.

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- (4) The Executive shall have power to enter into an agreement providing for service subsidies for the purpose of securing the provision of any service under subsection (3) of this section; but their power to do so—
- (a) shall be exercisable only where the service in question would not be provided without subsidy; and
  - (b) is subject to sections 89 to 92 of the Transport Act 1985 (tendering for local services, etc.).
- (5) Where it appears to the Authority for any passenger transport area that it would be appropriate for the Executive for that area to take any measures for the purpose of or in connection with promoting, so far as relates to that area—
- (a) the availability of public passenger transport services other than subsidised services and the operation of such services, in conjunction with each other and with any available subsidised services, so as to meet any public transport requirements the Authority consider it appropriate to meet; or
  - (b) the convenience of the public (including persons who are elderly or disabled) in using all available public passenger transport services (whether subsidised or not);
- the Authority may from time to time formulate general policies with respect to the description of such measures to be taken by the Executive for that area, and the Executive shall take such measures for the purpose or in the connection mentioned above as appear to them to be appropriate for carrying out those policies.
- (6) It shall be the duty—
- (a) of the Authority for any passenger transport area, in formulating any such policies; and
  - (b) of the Executive for any passenger transport area, in carrying out any such policies;
- so to conduct themselves as not to inhibit competition between persons providing or seeking to provide public passenger transport services in their area.
- (7) It shall be the duty both of the Authority and of the Executive for any passenger transport area, in exercising or performing any of their functions under the preceding provisions of this section, to have regard to the transport needs of members of the public who are elderly or disabled.
- (8) No person who is for the time being—
- (a) the operator of any public passenger transport services;
  - (b) a director of any company or (as the case may be) an employee of any company or other person who is such an operator;
  - (c) a director or employee of any company which is a member of a group of inter-connected bodies corporate any one or more of which is such an operator;
  - (d) in Scotland, a partner or (as the case may be) an employee of a partner of such an operator;

shall be appointed as a member, officer or servant of the Executive for any passenger transport area; and any person so appointed who subsequently becomes such an operator, director, partner or employee shall immediately

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vacate his membership of the Executive, or (as the case may be) his office or employment with the Executive.

- (9) References in subsection (5) above to subsidised services are references to services provided under an agreement providing for service subsidies entered into—
- (a) by the Executive for the area in question or for any other area under subsection (4) of this section; or
  - (b) by any non-metropolitan county or district council in England and Wales or by any regional or islands council in Scotland under section 63 of the Transport Act 1985.
- (10) For the purposes of subsection (8) above, any two bodies corporate are to be treated as interconnected if one of them is a body corporate of which the other is a subsidiary or if both of them are subsidiaries of the same body corporate; and in that subsection “group of interconnected bodies corporate” means a group consisting of two or more bodies corporate all of which are interconnected with each other in the sense given above.
- (11) In this section and section 9B of this Act “public passenger transport services” has the same meaning as in the Transport Act 1985; and—
- (a) references in this section to agreements providing for service subsidies; and
  - (b) references in this section and that section to the operator of, or to persons operating, any public passenger transport services;
- shall be read as if contained in that Act.

### **9B Consultation and publicity with respect to policies as to services.**

- (1) When considering from time to time the formulation of policies for the purposes of section 9A(1) of this Act, the Authority for a passenger transport area shall consult—
- (a) with every Passenger Transport Authority, county council or regional council whose area may be affected by those policies; and
  - (b) either with persons operating public passenger transport services within their area or with organisations appearing to the Authority to be representative of such persons;
- and where the passenger transport area is in England and Wales the Authority shall also consult with the councils of the districts comprised in that area about the requirements of transport arising out of or in connection with the exercise and performance by those councils of their functions as local education authorities or of their social services functions.
- (2) As soon as practicable after any occasion when they formulate new or altered policies for those purposes, the Authority concerned shall publish a statement of all policies so formulated by them on that or any previous occasion which for the time being apply in relation to the performance by the Executive for their area of their duty to secure services under section 9A(3).
- (3) When the Authority publish such a statement, they shall send a copy of the statement—
- (a) to each Authority or council whom they were required to consult under subsection (1)(a) above; and

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- (b) to each of the persons or (as the case may be) organisations whom they consulted under subsection (1)(b) above;  
in relation to the formulation of their policies on the occasion in question.
- (4) The Authority shall also—
- (a) cause a copy of the statement last published by them under subsection (2) above to be made available for inspection (at all reasonable hours) at such places as they think fit; and
- (b) give notice, by such means as they think expedient for bringing it to the attention of the public, as to the places at which a copy of that statement may be inspected.”
- (3) Section 20 of the 1968 Act (which imposes a special duty on the Executive for any passenger transport area to which that section is applied by an order made by the Secretary of State under subsection (1) of that section to secure by agreement with the Railways Board the provision of such railway passenger services as the Authority decide to be necessary to ensure a proper contribution towards the provision of a properly integrated and efficient system of public passenger transport to meet the needs of their area) shall apply in relation to the Executive for every passenger transport area; and subsection (1) of that section shall accordingly cease to have effect.
- (4) Without prejudice to section 17(2)(b) of the <sup>M1</sup>Interpretation Act 1978 (preservation of subordinate legislation) any order under section 9(1) of the 1968 Act or under section 202(4) of the 1972 Act (orders establishing Passenger Transport Executives) which applies in relation to a Passenger Transport Executive immediately before this section comes into force shall have effect, so far as it makes with respect to that Executive any such provision as is mentioned in section 9(3) (as substituted by subsection (1) above), as if made under that provision (as so substituted).
- (5) Section 9A(8) of the 1968 Act shall not apply in relation to any person appointed before this section comes into force as a member, officer or servant of the Passenger Transport Executive for any passenger transport area.
- (6) Schedule 3 to this Act shall have effect for the purpose of making amendments consequential on the provisions of this section in the 1968 Act and in the other enactments there mentioned.

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**Marginal Citations**

**M1** 1978 c. 30.

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