



# Transport Act 1985

## 1985 CHAPTER 67

### PART IV

#### LOCAL PASSENGER TRANSPORT SERVICES

##### *Passenger transport in other areas*

#### **66 Exclusion of powers of certain councils to run bus undertakings.**

<sup>[F1]</sup>(1) Subject to section 71 of this Act and subsection (2) below <sup>[F2</sup><sup>[F3]</sup>and to sections 123O and] 132C of the Transport Act 2000], but notwithstanding anything in any other statutory provision, a non-metropolitan district council in England <sup>[F4]</sup>a county council or county borough council in Wales] or, in Scotland, a <sup>[F5]</sup>council (other than the council for Orkney Islands, Shetland Islands or Western Isles)] shall not have power to provide a service for the carriage of passengers by road which requires a PSV operator's licence.

(2) Subsection (1) above shall not have effect in relation to any council who, at the time when this section comes into force, are providing any such service until the end of such period as may be specified by order made by the Secretary of State.

References below in this Part of this Act to a council operating a bus undertaking are references to any council to whom this subsection applies.

(3) Any order under subsection (2) above may apply to all councils within that subsection who are not for the time being exempt by virtue of section 71 of this Act from subsection (1) above, to any class of such councils, or to any such council specified in the order; and different periods may be specified by any such order in relation to different councils or classes of councils to whom it applies.

(4) Any order under subsection (2) above shall, in relation to every period specified in the order for the purposes of that subsection ("the primary period"), specify also a period ending before the primary period as the period allowed to councils to whom the primary period applies for complying with such of the requirements of sections 67 to 69 of this Act as are applicable to them.

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*Changes to legislation: Transport Act 1985, Section 66 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (5) A period specified by virtue of subsection (4) above in an order under subsection (2) above is referred to in those sections, in relation to any council to whom it applies, as the council's preparatory period.
- (6) Any order amending a previous order under subsection (2) above, in so far as it extends any period specified in the previous order for the purposes of that subsection, may be framed so as to have effect from a date earlier than the making of the order.
- (7) For the purposes of this Part of this Act—
- (a) a service for the carriage of passengers by road is a service which requires a PSV operator's licence if vehicles used in providing the service are used in such circumstances that a PSV operator's licence is required in respect of that use;
  - (b) any council who have made (whether alone or jointly with any other authority or authorities) arrangements under any enactment for the discharge by any other authority or person of that council's functions with respect to the operation of any such service shall be taken to be providing that service at any time when it is being provided under those arrangements; and
  - (c) references, in relation to any council operating a bus undertaking, to the council's bus undertaking are references (according to the context) to—
    - (i) all activities carried on, whether by the council themselves or by any other authority or person in pursuance of any such arrangements as are mentioned in paragraph (b) above or otherwise, in or for the purposes of the provision by the council of any such service; or
    - (ii) all property of the council used or appropriated for use and all rights and liabilities of the council subsisting for the purposes of any such activities.]

#### Textual Amendments

- F1** Ss. 66-71 repealed (S.) (24.6.2022) by Transport (Scotland) Act 2019 (asp 17), ss. **34(2)**, 130(2) (with ss. 34(3), 126); S.I. 2022/204, reg. 2(a)
- F2** Words in s. 66(1) inserted (E.W.) (11.1.2010 for E.) by Local Transport Act 2008 (c. 26), ss. **40(3)**, 134(4); S.I. 2009/3242, art. 2(1)(a)
- F3** Words in s. 66(1) substituted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Bus Services Act 2017 (c. 21), s. 26(3), **Sch. 2 para. 4**
- F4** Words in s. 66(1) substituted (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 39(3)** (with ss. 54(5)(7), 55(5), Sch. 17 para. 22(1), 23(2)); S.I. 1996/396, art. 3, **Sch. 1**
- F5** Words in s. 66(1) substituted (S.) (1.4.1996) by S.I. 1996/974, art. 2(1), **Sch. 1 Pt. I para. 7(d)**

#### Modifications etc. (not altering text)

- C1** Pt. 4: functions made exercisable (E.) (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **14(1)**
- C2** Ss. 65-71: functions made exercisable concurrently (E.) (28.2.2024) by The East Midlands Combined County Authority Regulations 2024 (S.I. 2024/232), regs. 1(2), **14(4)**
- C3** The period beginning with 6.1.1986 and ending with 25.10.1985 specified as the primary period for the purposes of subsection (2) of section 66 in relation to certain councils by virtue of S.I. 1985/1902, arts. 2, 4, **Sch.**

**Changes to legislation:**

Transport Act 1985, Section 66 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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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\(2\)\(b\)](#)