
STATUTORY INSTRUMENTS

1985 No. 1887 (C.44)

TRANSPORT

The Transport Act 1985 (Commencement No. 1) Order 1985

Made - - - - 5th December 1985

The Secretary of State for Transport, in exercise of the powers conferred by section 140(2) and (3) of the Transport Act 1985 and of all other enabling powers, hereby makes the following Order:

Citation and Interpretation

1. This Order may be cited as the Transport Act 1985 (Commencement No. 1) Order 1985.
2. In this Order—
“the 1981 Act” means the Public Passenger Vehicles Act 1981; and
“the 1985 Act” means the Transport Act 1985.

Commencement of Provisions

3.—(1) The provisions of the 1985 Act specified in the first column of the Schedule to this Order (which relate to the matters specified in the second column of that Schedule) shall come into operation on 6th January 1986 subject to the limitations (if any) specified in the third column of the Schedule.

(2) Section 107 of the 1985 Act (which relates to grants for services for disabled people in London) shall come into operation on 1st April 1986.

Transitional Provisions

4. Until the repeal of section 42 of the 1981 Act, section 2(4)(b) of the 1985 Act shall be amended by the addition at the end of the words—

“or under section 42 of the 1981 Act.”.

5.—(1) Subject to any provisions made under the 1981 Act or by or under the 1985 Act, any reference in any enactment or instrument passed or made before 30th October 1985 to the traffic commissioners for a traffic area shall be construed as a reference to the traffic commissioner for that area, and related expressions shall be construed accordingly.

(2) Subject to any such provisions, in relation to any application made, thing done or proceedings pending before 6th January 1986 relating to the traffic commissioners for a traffic area, any such

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enactment or instrument shall apply as if that application had been made, thing had been done, or proceedings were pending in relation to the traffic commissioner for that traffic area.

6. Any application for a road service licence under Part III of the 1981 Act or for a variation of any condition attached to such a licence received by the traffic commissioners for a traffic area before 6th January 1986 but not disposed of before that date (including the disposal of any related appeal) shall be dealt with as if the 1981 Act were not modified by paragraphs 2 to 5 of Schedule 6 to the 1985 Act.

7. Any person who on 5th January 1986 was a deputy to the chairman of the traffic commissioners for any traffic area shall be deemed to have been appointed by the Secretary of State under paragraph 3 (if his appointment was under paragraph 4 of Schedule 2 to the 1981 Act) or paragraph 4 (if his appointment was under paragraph 5 of that Schedule) of Schedule 2 to the 1981 Act as substituted by section 3 of the 1985 Act as the deputy to the traffic commissioner for that area on the same terms and conditions as those on which he was appointed as deputy to the chairman of the traffic commissioners.

8. The first report under section 55 of the 1981 Act⁽¹⁾ of the traffic commissioner for a traffic area shall relate to the period subsequent to that covered by the last such report of the traffic commissioners as then constituted for that traffic area and shall include such particulars of the proceedings of such traffic commissioners as the Secretary of State may direct.

9. Until 26th October 1986—

(1) section 89(6)(b) of the 1985 Act shall have effect as if it read as follows—

“(b) a road service licence in respect of, or a consent to the operation of, a community bus service granted under section 45 of the 1981 Act⁽²⁾ or a permit under section 22 of this Act.”;

(2) in section 110(2), the definition of bus service contained in section 92(8) of the Finance Act 1965⁽³⁾ shall be amended by the substitution for paragraphs (a) and (b) of the following—

“(a) provided under a road service licence granted under Part III of the Public Passenger Vehicles Act 1981; or

(b) exempted from requiring a road service licence by section 43 of the London Regional Transport Act 1984; or

(c) provided in a trial area as defined in section 38 of the Public Passenger Vehicles Act 1981 and in respect of which the requirements of section 40 of that Act have been satisfied.”.

5th December 1985

Nicholas Ridley
Secretary of State for Transport

(1) Section 55 was amended by the Transport Act 1985, Schedule 2, paragraph 4(15).
(2) Section 45 was amended in its application in relation to a community bus service within a trial area by the Bus Services in Trial Areas Regulations 1981 (S.I. 1981/269), regulation 5 and Schedule 3.
(3) section 92(8) was substituted by the Transport Act 1968 (c. 73), section 33(2); the London Regional Transport Act 1984 (c. 32), Schedule 6, paragraph 3; and the Transport Act 1985, section 110(2).

SCHEDULE

PROVISIONS COMING INTO OPERATION ON 6TH JANUARY 1986

| <i>Provisions of the Act</i> | <i>Subject matter of provisions</i> | <i>Limitations on Commencement</i> |
|------------------------------|--|--|
| Section 1(3). | Consequential amendments. | To the extent necessary for the bringing into force of the provisions of Schedule 1 brought into force by this Order. |
| Section 2. | Meaning of “local service”. | |
| Sections 3–5. | Traffic commissioners. | In relation to section 4, to the extent necessary to replace section 54 of the 1981 Act with subsections (1) and (2) only of the new section 54. |
| Sections 12 and 13. | Use of taxis in providing local services and supplementary provisions. | In relation to section 13, to the extent that it supplements section 12 . |
| Section 16. | Taxi licensing: control of numbers. | |
| Section 29. | Duty to give Secretary of State information about certain matters. | |
| Section 30. | Plying for hire by large public service vehicles. | |
| Section 32. | Repeals of section 28, 47 and 48 of the 1981 Act. | To the extent that this section relates to section 28 of the 1981 Act. |
| Section 34. | London local services. | |
| Section 47–56. | The National Bus Company. | |
| Sections 57, 59–84 and 87. | Local Passenger Transport Services. | In relation to section 57(6), to the extent it relates to the provisions of |

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| <i>Provisions of the Act</i> | <i>Subject matter of provisions</i> | <i>Limitations on Commencement</i> Schedule 3 brought into force by this Order. |
|---|--|---|
| Section 88–92. | Expenditure on public passenger transport services. | |
| Section 106. | Grants for transport facilities and services. | |
| Section 110. | Grants towards duty charged on bus fuel. | |
| Section 112. | Interpretation of Part V. | |
| Section 113. | Repeal of section 24(3) of the Transport Act 1968. | |
| Sections 118–124. | Road passenger transport services in place of railway services. | |
| Section 125. | The Disabled Persons Transport Advisory Committee. | |
| Section 127(3)–(7) | Offences and legal proceedings. | In relation to sub-section (4) to the extent it relates to section 30(2) only. |
| Section 128. | Supplementary provisions. | |
| Sections 129–139. | General supplementary provisions. | In relation to sub-sections (1), (2) and (3) of section 139, to the extent that these subsections relate to the provisions of Schedules 6, 7 and 8 respectively brought into force by this order. |
| Schedule 1, paragraphs 1–6 (except paragraph 3(3)), 12–14, 15(1), (4) and (5) and 16. | Amendments consequential on the abolition of road service licensing. | In relation to paragraph 3(4), except the omission of the words “or Part III”; and in relation to paragraph 13, except the omission of the definitions of |

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| <i>Provisions of the Act</i> | <i>Subject matter of provisions</i> | <i>Limitations on Commencement</i> “excursion or tour”, “road service licence”, and “trial area”. |
|---|--|--|
| Schedule 2. | Amendments consequential on section 3. | |
| Schedule 3, except for paragraphs 8 and 26. | Amendments consequential on section 57. | In relation to paragraph 24, to the extent that it relates to subsections (1) and (4)–(7) of section 202 of the Local Government Act 1972. |
| Schedule 5. | The Disabled Persons Transport Advisory Committee. | |
| Schedule 6, paragraphs 1–11, 13, 15, 19–21 and 26. | Transitional provisions and savings. | |
| Schedule 7, paragraphs 1, 4, 6, 10–14, 18, 20, 21(1), (4), (6)–(8) and (12) and 23. | Minor and consequential amendments. | In relation to paragraph 21(4), except that the words “subsection (1A) below and” shall be omitted from the insertion. |
| Schedule 8. | Repeals. | To the extent that it relates to the repeals set out in the Appendix to this Schedule. |

EXPLANATORY NOTE

This Order brings into force on 6th January 1986 the provisions of the Transport Act 1985 listed in the Schedule (including its Appendix) to the Order, and also brings section 107 (which relates to grants for services for disabled people in London) into force on 1st April 1986.

The provisions being brought into force on 6th January 1986 include those relating to—

- (1) the definition of “local service”, and the replacement of other definitions in other enactments;

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- (2) the replacement of a body of three traffic commissioners for each traffic area by a single traffic commissioner for each such area;
- (3) the use of taxis in providing local services;
- (4) the transfer of the undertaking of the National Bus Company to the private sector;
- (5) the reorganisation of local passenger transport services outside London;
- (6) expenditure on public passenger transport services, including service subsidies;
- (7) the Disabled Persons Transport Advisory Committee; and
- (8) the transitional period, commencing on 6th January 1986 and ending on 25th October 1986, during which preparations will be made for the abolition of road service licensing outside London.

The Order also includes transitional provisions relating to—

- (a) the substitution of one traffic commissioner for the existing body of three commissioners for each traffic area;
- (b) the conversion of the present deputies to the chairmen of traffic commissioners into deputies to the single traffic commissioners;
- (c) the first report of the single traffic commissioner for each traffic area, which will cover the period since the last report of the traffic commissioners for the area; and
- (d) minor modifications of provisions of the Transport Act 1985 for the period when the provisions in question are only partially in operation.