

BUS SERVICES BILL

Keeling Schedule for amendments to the Transport Act 1985

KEELING SCHEDULE Sections 6, 26, 66 and 82 of the Transport Act 1985

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 which falls within subsection (1A) **or (1D)** below nor a service provided under an agreement entered into, where a railway service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the National Assembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services).

(1A) A service falls within this subsection if conditions A and B are satisfied in relation to it.

(1B) Condition A is satisfied if the service is provided in pursuance of—

- (a) the obligation placed on a local authority by section 508B(1), section 508F(1), or section 509AA(7)(b) or (9)(a) of the Education Act 1996 (provision of transport etc);
- (b) the exercise of the power of a local authority under section 508C(1) of that Act;
- (c) arrangements made by a local authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes);
- (d) the obligation placed on a local authority by sections 3 or 4 of the Learner Travel (Wales) Measure 2008; or
- (e) the exercise of the power of a local authority under section 6 of that Measure].

(1C) Condition B is satisfied if the service is for the carriage of any of the following persons (and no other)—

- (a) a person receiving education or training at premises to or from which transport is provided in pursuance of the obligation, the exercise of the power or the arrangements, as the case may be, mentioned in paragraph (a), (b), (c), (d) or (e) of subsection (1B);
- (b) a person supervising or escorting any such person while he is using such transport;
- (c) a person involved with the provision of education or training at any such premises.

(1D) A service falls within this subsection if—

- (a) it has one or more stopping places in England, and**
- (b) it is provided under an agreement entered into, where a railway service has been temporarily interrupted, with the person who usually provides the railway service.**

(1E) Where a service is provided both inside and outside England, any part of the service which is provided outside England is to be treated as a separate service for the purposes of subsection (1D) if there is any stopping place for that part of the service outside England

(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 a traffic commissioner 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.

(2A) Where—

- (a) any registration restrictions imposed under ~~section 113D(1) or section 114(3A) of the Transport Act 2000~~ (~~quality—advanced quality partnership schemes and quality partnership schemes~~) are in force, and
- (b) an application for registration is made in respect of a service in relation to which those restrictions have effect,

section 6A of this Act has effect in relation to the application.

(2B) Where--

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force ~~in relation to an area in Wales,~~
- (b) an operator proposes to provide a local service which is to have one or more stopping places within the area to which the scheme relates,
- (c) the proposed service is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
- (d) the operator does not propose to provide the service under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to registration of that service.

~~(2C) Where—~~

- ~~(a) a requirement imposed under section 138A(5)(b) of the Transport Act 2000 (requirements specified in an enhanced partnership scheme) has effect, and~~
- ~~(b) an application to register a service, or to vary the registration of a service, is made in respect of a service to which that requirement would apply if the application were granted,~~

~~section 6D has effect with respect to the application.~~

~~(2D) Where—~~

- ~~(a) an enhanced partnership scheme under section 138A of the Transport Act 2000 is in operation,~~
- ~~(b) a service is registered, or a registration of a service is varied, under this section, and~~
- ~~(c) a requirement imposed under section 138A(5)(b) of the Transport Act 2000 applies to the service or the service as varied,~~

~~the requirement is to be recorded with the particulars of the service required to be registered under this section.~~

(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) 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.

(7A) Where—

- (a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force **in relation to an area in Wales**,
- (b) the operator of a local service registered under this section proposes to vary the registration,
- (c) the service, as proposed to be varied, is to have one or more stopping places within the area to which the scheme relates,
- (d) the service, as proposed to be varied, is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and
- (e) the operator does not propose to provide the service, as proposed to be varied, under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to the variation of the registration.

(7B) Where an enhanced partnership scheme under section 138A of the Transport Act 2000 is in operation, the registration of a service may also be cancelled under section 6E.

(8) Subject to regulations under this section and, in the case of variation, to section 6B of this Act, the variation or cancellation of a registration shall become effective—

- (a) on the expiry of the period beginning with the date on a 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* [a 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 a 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 a traffic commissioner 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 a traffic commissioner unless the applicant gives to a traffic commissioner such information as a traffic commissioner may reasonably require in connection with the application **(or, if the applicant is subject to requirements imposed by regulations made by virtue of section 141A(1)(a) of the Transport Act 2000, complies with those requirements)**;

- (f) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations;
 - (g) as to the cancellation of registrations relating to discontinued services;
 - (h) as to the cancellation of registrations relating to discontinued services;
 - (ha) as to the variation or cancellation of the record of a requirement imposed under section 138A(5)(b) of the Transport Act 2000;
 - (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 a traffic commissioner;
 - (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;
 - (ka) for imposing restrictions on the use that may be made of records made available as mentioned in paragraph (j) above or information given as mentioned in paragraph (k) above;
 - (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.
- (10) Regulations made by virtue of paragraph (ka) of subsection (9) above—
- (a) may create one or more criminal offences relating to the use of records or information in breach of the restrictions imposed by those regulations, but
 - (b) may not provide, in respect of any such offence, for a penalty greater than a fine not exceeding level 4 on the standard scale.

6A Applications for registration etc where restrictions are in force

- (1) This section applies in any case where—
- (a) any registration restrictions imposed under section 113D(1) or section 114(3A) of the Transport Act 2000 are in force in the case of an advanced quality partnership scheme or a quality partnership scheme ("the scheme");
 - (b) an application for registration, or for variation or cancellation of registration, is made under section 6 of this Act in respect of a local service in relation to which those restrictions have effect; and
 - (c) the application is one which would fall to be accepted by a traffic commissioner, apart from this section.
- (2) In any such case the traffic commissioner, before deciding whether or not to accept the application, must give to—
- (a) each relevant authority, and
 - (b) each relevant operator,
- a notice complying with subsection (3) below.
- (3) The notice must—
- (a) identify the application and state that it has been made;
 - (b) provide prescribed particulars of the application;
 - (c) inform the persons to whom it is required to be sent of the right of each of them to make relevant representations to the traffic commissioner about the application.

- (4) If no relevant representations are made, the application is to be accepted.
- (5) If any relevant representations are made by a relevant authority or a relevant operator, the traffic commissioner must decide whether the effect of accepting the application would be detrimental to the provision of local services under the scheme.
- (6) The traffic commissioner may decide that question only after—
- (a) considering those representations;
 - (b) taking account of any other relevant applications and any relevant representations made in relation to those applications;
 - (c) holding such inquiries under section 54 of the 1981 Act as the traffic commissioner may think fit; and
 - (d) applying the registration criteria.
- (7) If the traffic commissioner decides that the effect of accepting the application would not be detrimental to the provision of such services, the application is to be accepted.
- (8) If subsection (7) above does not apply, the traffic commissioner may do any one or more of the following—
- (a) refuse to accept the application;
 - (b) require the applicant to amend the application in such respects as the traffic commissioner may require before submitting it again;
 - (c) if the applicant has not given a written undertaking under section 113J(4) or (5) or section 118(4) of the Transport Act 2000 in relation to the scheme, require the applicant to give such an undertaking before the application may be accepted.
- (9) An appeal against any decision of a traffic commissioner under this section may be made to the Upper Tribunal by any of the following persons—
- (a) the person who made the application;
 - (b) any relevant authority that made relevant representations against the application;
 - (c) any relevant operator who made relevant representations against the application.
- (10) . . .
- (11) Regulations may be made for the purposes of carrying this section into effect; and the provision that may be made by any such regulations includes provision—
- (a) as to the procedure for giving notice under subsection (2) above;
 - (b) prescribing the particulars of the application that are to be provided in such a notice;
 - (c) as to the procedure for making relevant representations;
 - (d) as to the procedure to be followed in determining the application.
- (12) In this section—
- “advanced quality partnership scheme” means a scheme under section 113C of the Transport Act 2000;
- "quality partnership scheme" means a scheme under section 114 of the Transport Act 2000;
- ~~"registration criteria" means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;~~
- “registration criteria”—
- (a) in relation to an advanced quality partnership scheme, means the criteria specified in the scheme by virtue of section 113D(3) of the Transport Act 2000;
 - (b) in relation to a quality partnership scheme, means the criteria specified in the scheme by virtue of section 114(3C) of the Transport Act 2000;
- "relevant application" means any application under section 6 of this Act—
- (a) which is made in respect of a local service in relation to which the registration restrictions have effect, and

- (b) which (whenever made) is awaiting the decision of a traffic commissioner;
- "relevant authority" means the authority, or any of the authorities, that made the scheme;
- "relevant operator" means—
- (a) any operator of local services who has given an undertaking under section 113J(4) or (5) or section 118(4) of the Transport Act 2000 in respect of the scheme;
 - (b) any other operator of local services which might be affected if the application were to be accepted;
- "relevant representations" means representations that the effect of accepting the application would be detrimental to the provision of services under the scheme, having regard to the registration criteria
- "the traffic commissioner" means the traffic commissioner dealing with the application mentioned in subsection (1).

6B Applications for registration where quality contracts scheme in force

- (1) This section applies—
 - (a) by virtue of subsection (2B) of section 6 of this Act ("Case 1"), in relation to registration of the proposed local service mentioned in that subsection;
 - (b) by virtue of subsection (7A) of that section ("Case 2"), in relation to the proposed variation of the registration mentioned in that subsection.
- (2) Where this section applies, the operator may apply to a traffic commissioner—
 - (a) in Case 1, for registration of the proposed service under section 6 of this Act, or
 - (b) in Case 2, for variation of the registration under that section,

notwithstanding anything in section 129(1)(a) of the Transport Act 2000 (sections 6 to 9 of this Act not to apply).
- (3) The traffic commissioner must not accept the application except in accordance with subsections (4) to (6) below.
- (4) On receipt of the application, the traffic commissioner must consult the authority or authorities who made the quality contracts scheme.
- (5) If, within the prescribed time, the traffic commissioner receives from the authority or authorities a clearance certificate in respect of the application, the traffic commissioner must—
 - (a) in Case 1, register the service under section 6 of this Act, or
 - (b) in Case 2, vary the registration under that section.
- (6) If the traffic commissioner does not receive such a certificate within that time, the application must be rejected.
- (7) In relation to Case 2, regulations may prescribe cases in which subsections (3) to (6) above do not apply.
- (8) In this section—

"clearance certificate" means a certificate that the provision—

 - (a) in Case 1, of the proposed local service, or
 - (b) in Case 2, of the local service as proposed to be varied,

will not have an adverse effect on local services provided under quality contracts in the area to which the quality contracts scheme relates;

"prescribed" means prescribed in regulations;

"the relevant authority or authorities" means the authority or authorities—

 - (a) who last continued the quality contracts scheme in force under section 131A of the Transport Act 2000, or
 - (b) if the scheme has not been so continued, who made it;

"the traffic commissioner" means the traffic commissioner dealing with the application.

6C Variation or cancellation of registration: service information

(1) Regulations may require the operator of a local service registered under section 6 to provide prescribed information to any local transport authority in England in whose area the service has a stopping place if—

- (a) the operator—
 - (i) has made an application under section 6 to vary or cancel the registration of the service, or
 - (ii) has notified the local transport authority in accordance with regulations under that section that it proposes to make such an application, and
- (b) the authority requests the operator to provide the information.

(2) The information that may be prescribed is information relating to—

- (a) the number of passengers using the service, the journeys made by those passengers and the fares paid by them, and
- (b) the revenue obtained by operating the service.

(3) Regulations under this section may, in particular—

- (a) make provision about the periods of time in respect of which information may be required,
- (b) make provision about the time when, and the manner and form in which, information is to be provided,
- (c) provide for a traffic commissioner not to accept an application to vary or cancel the service if the operator has failed to comply with the regulations,
- (d) make provision about the use and disclosure of information provided under the regulations (including provision about its further disclosure),
- (e) make provision as to cases in which section 67 of the 1981 Act does not apply in relation to contraventions of, or failures to comply with, the regulations,
- (f) make provision subject to conditions, and
- (g) make supplementary, incidental, consequential or transitional provision.

6D Applications for registration where an enhanced partnership scheme is in operation

(1) This section applies in any case where—

- (a) an enhanced partnership scheme under section 138A of the Transport Act 2000 is in operation;
- (b) a requirement imposed under section 138A(5)(b) of the Transport Act 2000 has effect;
- (c) an application for registration, or for variation of registration, is made under section 6 of this Act in respect of a local service to which that requirement would apply if the application were granted; and
- (d) the application is one which would fall to be accepted, apart from this section.

(2) A traffic commissioner must refuse the application if—

- (a) the requirement is an operation requirement, and
- (b) the traffic commissioner considers that the person who would be the operator of—
 - (i) the service proposed to be provided, or,
 - (ii) the service as proposed to be varied,is unlikely to be able to comply with that requirement as regards that service.

(3) If, where the requirement is a route requirement, the registration, or variation of registration, of the service under section 6 is prevented by regulations under section 6E(6), a traffic commissioner must refuse the application.

(4) In this section—

“local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;

“operation requirement” means a requirement imposed under section 138A(5)(b) of the Transport Act 2000, other than a route requirement;

“route requirement” means a requirement imposed under section 138A(5)(b) of the Transport Act 2000 that falls within section 138C(1) of that Act.

6E Cancellation and control of registration where enhanced partnership scheme is in operation

(1) This section applies in a case where—

- (a) an enhanced partnership scheme under section 138A of the Transport Act 2000 is in operation, and
- (b) one or more requirements imposed under section 138A(5)(b) of the Transport Act 2000 by the scheme have effect.

(2) If a traffic commissioner considers that—

- (a) an operation requirement imposed by the scheme applies to a service registered under section 6, and
- (b) the service is not being provided in accordance with that requirement, the traffic commissioner may cancel the registration of that service.

(3) If a traffic commissioner considers that—

- (a) a route requirement imposed by the scheme applies to a service registered under section 6, and
- (b) that service cannot be provided in accordance with that requirement, the traffic commissioner must cancel the registration of that service.

(4) If a traffic commissioner considers that—

- (a) a route requirement imposed by the scheme applies to two or more services registered under section 6, and
- (b) those services cannot all be provided in accordance with that requirement, the traffic commissioner must cancel the registration of those services.

(5) Subject to regulations under this section, a cancellation of the registration of a service under subsection (2), (3) or (4) becomes effective on the expiry of the period beginning with the date on which a traffic commissioner gives notice to the operator of the service of the cancellation of the registration and ending with the date determined in accordance with regulations under this section.

(6) Regulations under this section may make provision controlling the registration, or the variation of registration, under section 6 of local services which would, or would as varied, be subject to a route requirement by reference to which a registration or registrations was or were cancelled under subsection (3) or (4).

(7) Regulations under subsection (6) may, in particular—

- (a) provide for the determination of the services that may be registered and the persons who may register such services;
- (b) provide for those matters to be determined by the local transport authority or authorities operating the enhanced partnership scheme;
- (c) provide for the authority or authorities to award contracts authorising persons to provide local services or local services of particular descriptions;

- (d) provide for services not to be registered under section 6, and for variations of registration under section 6 not to be made, in prescribed cases;
 - (e) make provision as to the period during which the registration, or variation of registration, of local services under section 6 is subject to provision under subsection (6).
- (8) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular—
- (a) make provision as to the procedure for cancellation under this section, including provision for giving notice of an intention to cancel unless an operator of a local service satisfies prescribed conditions;
 - (b) make provision for cancellation under subsection (3) or (4) to be revoked if prescribed conditions are satisfied, including conditions relating to the variation or cancellation under section 6 of the registration of one or more of the services affected;
 - (c) make provision for the time at which cancellation under subsection (3) or (4) becomes effective to be postponed in prescribed circumstances.
- (9) In this section—
- “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;
- “operation requirement” and “route requirement” have the same meaning as in section 6D.”

6F Enhanced partnership schemes: appeals

- (1) A person may appeal to the Upper Tribunal against—
- (a) a decision to record a requirement under section 6(2D) (recording of requirements specified in an enhanced partnership scheme) in relation to a service provided by the person,
 - (b) a refusal under section 6D(2) or (3) of an application made by the person, or
 - (c) a cancellation under section 6E of the registration of a service provided by the person.
- (2) But if the decision, refusal or cancellation was made by a local transport authority by virtue of section 6G—
- (a) the appeal as regards that matter is to be made to a traffic commissioner, and
 - (b) the local transport authority or authorities operating the relevant enhanced partnership scheme under section 138A of the Transport Act 2000 is or are to be parties to the proceedings.
- (3) On an appeal under subsection (2), a traffic commissioner may—
- (a) uphold the decision,
 - (b) quash the decision, or
 - (c) substitute a decision for the decision made.
- (4) Regulations may make provision—
- (a) as to the time within which, and the manner in which, appeals under subsection (2) may be made, and
 - (b) as to the procedure to be followed in connection with such appeals.
- (5) A decision of a traffic commissioner on an appeal under subsection (2) may be appealed to the Upper Tribunal by—
- (a) the person who appealed under subsection (2), or
 - (b) the local transport authority or authorities operating the relevant enhanced partnership scheme.
- (6) A local transport authority or authorities operating an enhanced partnership scheme under section 138A of the Transport Act 2000 may appeal to the Upper Tribunal against—
- (a) a decision of a traffic commissioner to register a service that has a stopping place in the area to which the scheme relates, or

- (b) a decision of a traffic commissioner not to record a requirement under section 6(2D) in relation to such a service.

(7) For the purposes of section 13(2) of the Tribunals, Courts and Enforcement Act 2007 (appeals to Court of Appeal etc against decisions of the Upper Tribunal) the following persons are to be treated as parties to a case—

- (a) the person whose service is in question;
- (b) the local transport authority or authorities operating the relevant enhanced partnership scheme; and
- (c) a traffic commissioner.

(8) In this section “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000.

6G Traffic commissioner functions where an enhanced partnership scheme in operation

(1) This section applies where notice of—

- (a) the making of an enhanced partnership scheme under section 138A of the Transport Act 2000, or
- (b) the varying of an enhanced partnership scheme.

is given to a traffic commissioner under section 138G(5) or 138M(6) of the Transport Act 2000 by a local transport authority or authorities.

(2) The authority or authorities must also notify the traffic commissioner—

- (a) whether or not the scheme, or the scheme as varied, specifies a route requirement, and
- (b) in relation to each route requirement specified, whether or not it relates only to services that only have stopping places in the area to which the scheme relates.

(3) In a case where the scheme, or the scheme as varied, relates to the whole or part of the combined area of two or more local transport authorities, the notification under subsection (2) must also state which of the authorities is the lead authority.

(4) If the scheme, or the scheme as varied, specifies a route requirement that relates only to services that only have stopping places in the area to which the scheme relates—

- (a) a traffic commissioner must delegate the relevant registration functions as regards such services to the authority or the lead authority (as the case may be), and
- (b) the authority or the lead authority (as the case may be) must carry them out.

(5) A delegation under subsection (4) has effect—

- (a) when the scheme comes into operation, or
- (b) when the variation of the scheme takes effect (as the case may be).

(6) If subsection (4) does not apply, the authority or the lead authority (as the case may be)—

- (a) may elect to carry out the relevant registration functions as regards services that only have stopping places in the area to which the scheme relates as from a particular time, and
- (b) if that election is made, must notify a traffic commissioner of that election and the time selected.

(7) If notification is given under subsection (6), a traffic commissioner must delegate the relevant registration functions to—

- (a) the relevant authority, or
 - (b) the lead relevant authority (as the case may be);
- and the relevant authority or the lead authority (as the case may be) must carry them out.

(8) A delegation under subsection (4) or (7) may come to end only when the scheme in question ceases to operate.

(9) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision as to the meaning of “the relevant registration functions” for the purposes of this section.

(10) In this section—

“local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;

“route requirement” has the same meaning as in section 6D.

6H Fees relating to relevant registration functions

(1) This section applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G.

(2) The local transport authority may charge fees under this section in respect of—

- (a) an application under section 6 of this Act for the registration of a relevant service,
- (b) an application under section 6 of this Act for the variation of the registration of a service that, as varied, would be or continue to be a relevant service, and
- (c) an application under section 6 of this Act for the cancellation of the registration of a relevant service.

(3) The fees—

- (a) are to be determined by or in accordance with regulations,
- (b) are to be payable by such persons and at such times as the regulations may provide, and
- (c) are to be payable in one sum or in instalments, as provided by the regulations.

(4) If a fee or instalment of a fee due under this section has not been paid, the local transport authority may decline to proceed with an application referred to in subsection (2) to which the fee or instalment relates until the fee or instalment is paid.

(5) Amounts received in respect of fees charged under this section are not payable to the traffic commissioner (and accordingly may be retained by a local transport authority).

(6) Where this section applies, fees may not be charged under section 52 of the 1981 Act (as applied by section 126 of this Act) in respect of an application referred to in subsection (2).

(7) In this section—

“local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;

“relevant service”, in relation to an enhanced partnership scheme under section 138A of the Transport Act 2000, means a local service that only has stopping places in the area to which the scheme relates;

“the relevant registration functions” has the same meaning as in section 6G.”

6I Records of registration etc

(1) This section applies where the relevant registration functions of a traffic commissioner are carried out by a local transport authority in accordance with section 6G.

(2) The local transport authority must keep a record of—

- (a) the local services that are registered and the registrations that are varied or cancelled by the authority under section 6;
- (b) the requirements imposed under section 138A(5)(b) of the Transport Act 2000 that are recorded by the authority as applying to services registered under section 6;
- (c) the local services that are cancelled by the authority under section 6E.

(3) The authority must allow the record to be inspected at all reasonable times by members of the public.

(4) The authority must supply to a traffic commissioner particulars of—

- (a) the local services that are registered and the registrations that are varied or cancelled by the authority under section 6;

- (b) the requirements imposed under section 138A(5)(b) of the Transport Act 2000 that are recorded by the authority as applying to services registered under section 6;
 - (c) the local services that are cancelled by the authority under section 6E.
- (5) A record kept under this section is admissible in evidence of the matters required under this section to be entered in that record.
- (6) A copy of an entry made in such a record in pursuance of this section purporting to be—
- (a) signed on behalf of the authority by which the record is kept, and
 - (b) certified as a true copy,
- is evidence of the matters stated in that entry without proof of the signature or authority of the person signing it.
- (7) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—
- (a) as to the form of records under this section and the particulars they must contain;
 - (b) as to the particulars to be supplied to a traffic commissioner under this section.
- (8) In this section—
- “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;
 - “the relevant registration functions” has the same meaning as in section 6G.”

6J Contracting out of registration functions: fees

- (1) Regulations may make provision about the charging of fees where an authorised person exercises a function of a traffic commissioner in relation to an application specified in subsection (2).
- (2) Those applications are—
- (a) an application under section 6 of this Act for the registration of a relevant service,
 - (b) an application under section 6 of this Act for the variation of the registration of a service that, as varied, would be or continue to be a relevant service, and
 - (c) an application under section 6 of this Act for the cancellation of the registration of a relevant service.
- (3) Regulations under this section may allow or require the authorised person to charge fees in respect of the application to which the function relates.
- (4) The regulations may—
- (a) specify the fees chargeable, or
 - (b) make provision about the setting of fees by the authorised person, including provision about determining the amounts of such fees.
- (5) The regulations may include provision about—
- (a) who must pay the fees and at what times, and
 - (b) whether the fees are payable in one sum or in instalments.
- (6) The regulations may provide that, if a fee or instalment of a fee due under the regulations has not been paid, the authorised person may decline to proceed with an application referred to in subsection (2) to which the fee or instalment relates until the fee or instalment is paid.
- (7) The regulations may make provision about how amounts received in respect of fees charged under the regulations are to be applied.
- (8) Provision made by virtue of subsection (7) may include—
- (a) provision for such amounts not to be payable to the traffic commissioner, and
 - (b) provision that such amounts are to be paid, or not to be paid, into the Consolidated Fund.
- (9) The regulations may provide that fees are not to be charged under section 52 of the 1981 Act (as applied by section 126 of this Act) in respect of the applications referred to in subsection (2).

(10) In this section—

“authorised person”, in relation to a function of a traffic commissioner, means a person authorised to exercise that function by virtue of an authorisation given in accordance with an order under section 69 of the Deregulation and Contracting Out Act 1994;

“relevant service” means a service which has stopping places only in England;

“service” has the meaning given in section 6(1).”

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

(1) If a traffic authority asks *him* [a traffic commissioner] to exercise his powers under this section in relation to a particular traffic problem [which has arisen or which the authority reasonably foresees is likely to arise], *the traffic commissioner for any traffic area* [he or any other traffic commissioner] 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* a traffic area.

(3A) Traffic regulation conditions may not be expressed to apply to an area to which an enhanced partnership scheme under section 138A of the Transport Act 2000 relates.

(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* [are, or are likely to be, required] in order to—

- (a) prevent danger to road users;
- (b) reduce severe traffic congestion; or
- (c) reduce or limit noise or air pollution.

(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* [a traffic commissioner] is satisfied that traffic regulation conditions applying generally to a particular part of *his traffic area* [a traffic area] would be inappropriate as 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.

(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* a request for an inquiry has been received by a traffic commissioner (within the prescribed period) 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* he or another traffic commissioner 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* if a request for a traffic commissioner to do so is made to a traffic commissioner, before the end of the prescribed period, by any person mentioned in subsection (9)(a) or (c) above or any other traffic authority affected by the conditions.

(12) Before asking a traffic commissioner to exercise his powers under this section in relation to a road for which the Secretary of State is the highway or roads authority, 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* a 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* (whether determined by him or another traffic commissioner) *on being requested to do so* [if a request for a traffic commissioner to do so is made to a traffic commissioner by—

- (a) any traffic authority; or
- (b) the operator of any service affected by the conditions.

(14A) Where an enhanced partnership scheme under section 138A of the Transport Act 2000 comes into operation as regards an area, any traffic regulation condition expressed to apply in an area that consists of or includes the area to which the scheme relates ceases at that time to apply in the area to which the scheme relates.

(14B) A traffic commissioner may accordingly vary or revoke a traffic regulation condition (without a request being made).

(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 local government area.

[Sections 8 to 25 unchanged]

26 Conditions attached to PSV operators' licence

(1) Subsection (1A) below applies in any case where it appears to a traffic commissioner, in relation to a person ("the operator") who has been granted or to whom it is proposed to grant a PSV operator's licence, that—

- (a) the operator has failed to operate a local service registered under section 6 of this Act; or
- (b) the operator has operated a local service in contravention of that section or section 113J(4) or (5), 118(4), 123J(6) or 129(1)(b) or 138J(9) of the Transport Act 2000 or section 8(4) or section 22(1)(b) of the Transport (Scotland) Act 2001; or

(bza) the operator has failed to comply with a requirement imposed by virtue of section 123X(7)(c) or 134B(7)(c) or 138S(7)(c) of the Transport Act 2000; or

(bzb) the operator has failed to take all reasonable steps to comply with section 143A of the Transport Act 2000; or

(ba) the operator has failed to comply with section 134F or 138 or 140(3) of the Transport Act 2000; or

(bb) the operator has failed to comply with section 32(1) or 34(3) of the Transport (Scotland) Act 2001;

(c) the arrangements for maintaining the vehicles used under the licence in a fit and serviceable condition are not adequate for the use of those vehicles in providing the local service or services in question; or

(d) the operator, or any employee or agent of his, has—

(i) intentionally interfered with the operation of a local service provided by another operator;

(ii) operated a local service in a manner dangerous to the public; or

(iii) been guilty of any other serious misconduct (whether or not constituting a criminal offence) in relation to the operation of a local service; or

(e) a condition attached under section 8 of this Act to the operator's licence has been contravened;

he may (on granting the licence or at any later time) attach to it either a condition prohibiting the operator from using vehicles under the licence to provide any local service of a description specified in the condition or one prohibiting him from so using vehicles to provide local services of any description.

(1A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, a condition falling within subsection (1B) below to any one or more of the following PSV operator's licences (wherever granted)—

(a) the licence mentioned in subsection (1) above;

(b) any other licence held by the operator;

(c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).

(1B) The conditions are—

(a) a condition prohibiting the holder of the licence from using vehicles under the licence to provide any local service of a description specified in the condition;

(b) a condition prohibiting the holder of the licence from so using vehicles to provide local services of any description.

(1C) A condition under subsection (1A) may be attached—

(a) indefinitely; or

(b) for a period of time specified by the traffic commissioner (which may commence immediately or on a date so specified).

(2) The commissioner may attach (or direct another commissioner to attach) a condition to a PSV operator's licence under subsection (1A) above, by reference to circumstances falling within paragraph (a) or (b) of subsection (1) above if, but only if, it appears to him that the operator did not have a reasonable excuse for his conduct or that it is appropriate to attach the condition in view of—

(a) the danger to the public involved in the operator's conduct; or

(b) the frequency of conduct of the kind in question on the part of the operator.

(2A) Where a direction is given under subsection (1A) above to a traffic commissioner for another area, that traffic commissioner must either—

(a) attach the condition to the licence; or

- (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.

(3) Where the effect of a condition attached to a PSV operator's licence under subsection (1A) above is that the operator of a local service registered under section 6 of this Act is prohibited from using vehicles under the licence to provide that service, a traffic commissioner may cancel the registration.

(4) . . .

(5) Subsection (5A) below applies in any case where it appears to a traffic commissioner that—

- (a) vehicles used under the licence (or under any PSV operator's licence previously held by the operator) have not been maintained in a fit and serviceable condition; or
- (b) the operator has been involved in arrangements with any other operator for the use of each other's vehicles with a view to hindering enforcement of any requirements of the law relating to the operation of those vehicles;

(5A) The traffic commissioner may (on granting the licence or at any other time) attach, or direct a traffic commissioner for another traffic area to attach, to any one or more of the licences mentioned in subsection (5B) below a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.

(5B) The licences are the following PSV operator's licences (wherever granted)—

- (a) the licence mentioned in subsection (5) above;
- (b) any other licence held by the operator;
- (c) where the operator is an undertaking, any licence held by a group undertaking in relation to that undertaking (see subsection (7) below).

(5C) Where a direction is given under subsection (5A) above to a traffic commissioner for another area, that traffic commissioner must either—

- (a) attach the condition to the licence; or
- (b) if he considers that there is a good reason not to attach the condition to the licence, inform the traffic commissioner who gave the direction of that fact and of the reason.

(6) A condition attached to a licence under subsection (5A) above shall—

- (a) apply only to vehicles which have their operating centre in the traffic area to which the licence relates; and
- (b) be in addition to (and not be taken as prejudicing in any way) any conditions attached to the licence under section 16 of the 1981 Act as to the maximum number of vehicles which the operator may at any one time use under the licence.

(7) In this section "undertaking" and "group undertaking" have the same meaning as in the Companies Acts (see section 1161 of the Companies Act 2006).

[Sections 27 to 65 unchanged]

66 Exclusion of powers of certain councils to run bus undertakings

(1) Subject to section 71 of this Act and subsection (2) below ~~and to section 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 [a county council or county borough council in Wales] or, in Scotland, a [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.

(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 provisions 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.

[Sections 67 to 81 unchanged]

82 Bus stations: restrictions on discriminatory practices, etc

(1) Neither a Passenger Transport Executive nor a local authority shall, in the exercise of any of their powers—

- (a) in relation to the provision or operation of bus stations or any associated facilities; or
- (b) (without prejudice to paragraph (a) above) in relation in particular to the charges to be made for the use of any accommodation at a bus station or of any associated facilities;

act in such a way as to discriminate (whether directly or indirectly) against any holder, or class of holder, of a PSV operator's licence.

(2) In relation to a local authority, the powers in question under subsection (1) above include in particular (without prejudice to the generality of that subsection) their powers under section 38 of the Road Traffic Regulation Act 1984 (appointment of parking places provided under section 32 of that Act as stations for public service vehicles and provision of accommodation in connection with places so appointed).

(3) Where under any agreement (other than an agency agreement) entered into by a Passenger Transport Executive under section 10(1)(xv) of the 1968 Act (contracting-out powers) a person is

operating a bus station or any associated facilities provided by that Executive or provided by that or any other person under any such agreement, that person shall not—

- (a) in relation to the operation of that bus station or (as the case may be) of those facilities; or
- (b) (without prejudice to paragraph (a) above) in relation in particular to the charges to be made for the use of any accommodation at that station or (as the case may be) for the use of those facilities;

act in such a way as to discriminate (whether directly or indirectly) against any holder, or class of holder, of a PSV operator's licence.

(4) The reservation of the whole or any part of the accommodation for public service vehicles at any bus station for such vehicles used in providing local services or (as the case may be) for such vehicles used in providing services other than local services shall not be taken to be discrimination prohibited by subsection (1) or (3) above.

(4A) Nothing done pursuant to **an advanced quality partnership scheme or** a quality partnership scheme under Part II of the Transport Act 2000 by—

- (a) a Passenger Transport Executive,
- (b) a local authority, or
- (c) a person to whom subsection (3) above applies,

shall be taken to be discrimination prohibited by subsection (1) or (3) above.

(5) Notwithstanding anything in section 8 of the Transport Act 1983 (obligation to accept tenders for carrying on activities of Executives in certain circumstances) a Passenger Transport Executive may not in exercise of their powers under section 10(1)(xv) of the 1968 Act enter into an agreement (other than an agency agreement) for—

- (a) the provision of any bus station or associated facilities the Executive have power under section 81 of this Act to provide; or
- (b) the operation of any bus station or associated facilities provided by the Executive under that section or under their former powers or provided by any other person under any agreement entered into by the Executive under section 10(1)(xv);

by a person who is the operator of any public passenger transport services or a person connected with any such operator.

(6) In this section "agency agreement" means, in relation to any agreement under section 10(1)(xv), an agreement with any person for the carrying on of activities by that person as agent for the Executive concerned.

(7) Any such agreement as is mentioned in subsection (5)(b) above entered into after this subsection comes into force shall include provision for ensuring that it will come to an end if the person who under the agreement is to operate the bus station or associated facilities to which it applies becomes the operator of any public passenger transport services or a person connected with any such operator.

(8) On and after the date on which this section comes into force, subsection (5) above shall apply in relation to any such agreement as is there mentioned entered into by the Passenger Transport Executive for any passenger transport area before that date as if this section had come into force on 11th July 1985.