



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

#### **[<sup>F1</sup>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 [<sup>F2</sup>113D(1) or] 114(3A) of the Transport Act 2000 are in force in the case of [<sup>F3</sup>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 <sup>F4</sup>... 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 [<sup>F5</sup>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.

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- (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 [F<sup>6</sup>113J(4) or (5) or] 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 [F<sup>7</sup>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.

F<sup>8</sup> ...

F<sup>9</sup>(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—
  - [F<sup>10</sup>“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;
  - [F<sup>11</sup>“registration criteria”—

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- (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 [<sup>F12</sup>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 [<sup>F13</sup>113J(4) or (5) or] 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.
- [<sup>F14</sup>“the traffic commissioner” means the traffic commissioner dealing with the application mentioned in subsection (1).]

[ The power to make regulations under subsection (11), so far as exercisable in relation <sup>F15</sup>(13) to Wales, is exercisable by the Welsh Ministers (and not by the Secretary of State).]

#### Textual Amendments

- F1** S. 6A inserted (E.W.) (26.11.2008 for specified purposes) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 48(3)**, [134\(1\)\(c\)\(4\)](#)
- F2** Words in s. 6A(1)(a) inserted (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. 1 para. 3(2)(a)**
- F3** Words in s. 6A(1)(a) inserted (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. 1 para. 3(2)(b)**
- F4** Words in s. 6A(1)(b) omitted (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F5** Words in s. 6A(1)(c) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F6** Words in s. 6A(8)(c) inserted (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. 1 para. 3(3)**
- F7** Words in s. 6A(9) substituted (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 6(a)(i)**
- F8** Words in s. 6A(9) omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 6(a)(ii)**
- F9** S. 6A(10) omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 6(b)**
- F10** Words in s. 6A(12) inserted (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. 1 para. 3(4)(a)**

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- F11** Words in s. 6A(12) substituted (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. 1 para. 3\(4\)\(b\)](#)
- F12** Words in s. 6A(12) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 3 \(with art. 7\)](#)
- F13** Words in s. 6A(12) inserted (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. 1 para. 3\(4\)\(c\)](#)
- F14** Words in s. 6A(12) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\), art. 1\(1\), Sch. 3 \(with art. 7\)](#)
- F15** S. 6A(13) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\), ss. 27\(3\), 71\(4\) \(with Sch. 7 paras. 1, 6, 9\); S.I. 2017/1179, reg. 3\(f\)](#)

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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 4, 26\(3\)](#)) (with transitional provisions (24.4.2018) in [S.I. 2018/406, regs. 1\(2\), 4-8 \(with reg. 1\(3\)\)](#))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2, s. 13B\(1\)\(a\)](#) (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\), ss. 38\(2\), 130\(2\)](#) (with s. 126); [S.S.I. 2023/250, sch.](#))

**[<sup>F16</sup>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—

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- (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.

[<sup>F17</sup>“the traffic commissioner” means the traffic commissioner dealing with the application.]

[ The power to make regulations under subsections (5) and (7), so far as exercisable <sup>F18</sup>(9) in relation to Wales, is exercisable by the Welsh Ministers (and not by the Secretary of State).]

#### Textual Amendments

- F16** S. 6B inserted (26.11.2008 for specified purposes, 11.1.2010 for E. in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 49(5)**, 134(1)(c)(4); S.I. 2009/3242, art. 2(2)
- F17** Words in s. 6B(8) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F18** S. 6B(9) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 27(4)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(f)

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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 4**, 26(3)) (with transitional provisions (24.4.2018) in S.I. 2018/406, regs. 1(2), **4-8** (with reg. 1(3)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2](#), **s. 13B(1)(a)** (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 38(2)**, 130(2) (with s. 126); S.S.I. 2023/250, **sch.**)
- C3** S. 6B(3)-(6) excluded (E.W.) (11.1.2010 for E.) by [The Public Service Vehicles \(Registration of Local Services\) \(Quality Contracts Schemes\) \(England and Wales\) Regulations 2009 \(S.I. 2009/3245\)](#), regs. 1(2), **11**

#### [<sup>F19</sup>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—

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- (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 or a body carrying out a traffic commissioner's functions in accordance with section 6G 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.
- (4) In this section “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000.]

#### Textual Amendments

**F19** S. 6C inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 19(1), 26(3)**

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

**C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 4, 26(3)**) (with transitional provisions (24.4.2018) in [S.I. 2018/406](#), **regs. 1(2), 4-8** (with [reg. 1\(3\)](#)))

**C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2](#), **s. 13B(1)(a)** (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 38(2), 130(2)** (with s. 126); [S.S.I. 2023/250](#), **sch.**)

### [<sup>F20</sup>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

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- (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—
- “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.]

#### Textual Amendments

**F20** S. 6D inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 11\(5\), 26\(3\)](#)

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

**C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 4, 26\(3\)](#)) (with transitional provisions (24.4.2018) in [S.I. 2018/406, regs. 1\(2\), 4-8](#) (with [reg. 1\(3\)](#)))

**C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2, s. 13B\(1\)\(a\)](#) (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\), ss. 38\(2\), 130\(2\)](#) (with s. 126); [S.S.I. 2023/250, sch.](#))

### [<sup>F21</sup>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—

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- (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.]

#### Textual Amendments

**F21** S. 6E inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 12(3), 26(3)**



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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), [ss. 4, 26\(3\)](#)) (with transitional provisions (24.4.2018) in [S.I. 2018/406](#), [regs. 1\(2\), 4-8](#) (with [reg. 1\(3\)](#)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2](#), [s. 13B\(1\)\(a\)](#) (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), [ss. 38\(2\), 130\(2\)](#) (with s. 126); [S.S.I. 2023/250](#), [sch.](#))

[<sup>F22</sup>6F **Enhanced partnership schemes: appeals**

- (1) A person may appeal to the Upper Tribunal against—
- 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,
  - a refusal under section 6D(2) or (3) of an application made by the person, or
  - 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—
- the appeal as regards that matter is to be made to a traffic commissioner, and
  - 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—
- uphold the decision,
  - quash the decision, or
  - substitute a decision for the decision made.
- (4) Regulations may make provision—
- as to the time within which, and the manner in which, appeals under subsection (2) may be made, and
  - 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—
- the person who appealed under subsection (2), or
  - 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 decision of a traffic commissioner to register a service that has a stopping place in the area to which the scheme relates, or
  - 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—

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- (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.]

#### Textual Amendments

**F22** S. 6F inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 13, 26\(3\)](#)

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

**C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 4, 26\(3\)](#)) (with transitional provisions (24.4.2018) in [S.I. 2018/406, regs. 1\(2\), 4-8](#) (with [reg. 1\(3\)](#)))

**C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2, s. 13B\(1\)\(a\)](#) (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\), ss. 38\(2\), 130\(2\)](#) (with s. 126); [S.S.I. 2023/250, sch.](#))

### [<sup>F23</sup>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 to—
    - (i) a particular service that only has stopping places in the area to which the scheme relates,
    - (ii) particular services at least one of which is such a service, or
    - (iii) a particular description of services which includes or is capable of including such a service.
- (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 to a particular service that only has stopping places in the area to which the scheme relates, particular services at least one of which is such a service or a particular description of services which includes or is capable of including such a service—
- (a) a traffic commissioner must delegate the relevant registration functions as regards services that only have stopping places in that area to the authority or the lead authority (as the case may be), and

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- (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 authority, or
  - (b) the lead authority (as the case may be);and the 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.
- (10) In this section—
  - “local transport authority” has the meaning given in section 108(4) of the Transport Act 2000;
  - “the relevant registration functions”, in relation to an enhanced partnership scheme, means the functions of a traffic commissioner under sections 6, 6D and 6E of this Act so far as relating to—
    - (a) in the case of functions relating to the variation of registration, services that would be relevant services if varied as proposed, or
    - (b) in the case of any other function, relevant services;
  - “relevant service”, in relation to an enhanced partnership scheme, means a local service that only has stopping places in the area to which the scheme relates;
  - “route requirement” has the same meaning as in section 6D.]

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#### Textual Amendments

- F23** S. 6G inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 14\(2\), 26\(3\)](#)
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#### Modifications etc. (not altering text)

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 4, 26\(3\)](#)) (with transitional provisions (24.4.2018) in [S.I. 2018/406, regs. 1\(2\), 4-8](#) (with reg. 1(3)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2, s. 13B\(1\)\(a\)](#) (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\), ss. 38\(2\), 130\(2\)](#) (with s. 126); [S.S.I. 2023/250, sch.](#))

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## [<sup>F24</sup>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” has the same meaning as in section 6G;

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

### Textual Amendments

**F24** S. 6H inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), [ss. 14\(3\)](#), 26(3)

### Modifications etc. (not altering text)

**C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), [ss. 4](#), 26(3)) (with transitional provisions (24.4.2018) in [S.I. 2018/406](#), [regs. 1\(2\)](#), [4-8](#) (with [reg. 1\(3\)](#)))

**C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2](#), [s. 13B\(1\)\(a\)](#) (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), [ss. 38\(2\)](#), 130(2) (with s. 126); [S.S.I. 2023/250](#), [sch.](#))

## [<sup>F25</sup>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.

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- (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.]

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#### Textual Amendments

**F25** S. 6I inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 14\(4\), 26\(3\)](#)

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

**C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\), ss. 4, 26\(3\)](#)) (with transitional provisions (24.4.2018) in [S.I. 2018/406, regs. 1\(2\), 4-8](#) (with reg. 1(3)))

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**C2** Ss. 6-9 excluded (S.) (4.12.2023) by 2001 asp 2, s. 13B(1)(a) (as substituted by Transport (Scotland) Act 2019 (asp 17), ss. 38(2), 130(2) (with s. 126); S.S.I. 2023/250, sch.)

**[<sup>F26</sup>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;

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

#### Textual Amendments

**F26** S. 6J inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 21, 26(3)**

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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), **ss. 4, 26(3)**) (with transitional provisions (24.4.2018) in [S.I. 2018/406](#), **regs. 1(2), 4-8** (with [reg. 1\(3\)](#)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2](#), **s. 13B(1)(a)** (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 38(2), 130(2)** (with s. 126); [S.S.I. 2023/250](#), **sch.**)

### [<sup>F27</sup>6K Application for registration where service standard has effect

- (1) This section applies where—
- a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation,
  - a service standard imposed under section 3B(3)(b) of that Act has effect,
  - 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 service standard would apply if the application were granted, and
  - the application is one which would, but for this section, fall to be accepted.
- (2) A traffic commissioner must refuse the application if—
- the service standard is an operational service standard, and
  - the traffic commissioner considers that the person who would be the operator of—
    - the service proposed to be provided, or
    - the service as proposed to be varied,is unlikely to be able to comply with the service standard as regards that service.
- (3) In this section, “operational service standard” is to be construed in accordance with section 3C(1)(b) of the Transport (Scotland) Act 2001.

#### Textual Amendments

**F27** Ss. 6K-6N inserted (S.) (4.12.2023 for specified purposes) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), **ss. 37(3), 130(2)** (with s. 126); [S.S.I. 2023/250](#), **sch.**

### 6L Cancellation of registration when operational service standards not met

- (1) This section applies where—
- a bus services improvement partnership scheme made under section 3B of the Transport (Scotland) Act 2001 is in operation, and
  - one or more service standards imposed under section 3B(3)(b) of that Act have effect.

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- (2) If a traffic commissioner considers that—
- (a) an operational service standard imposed by the scheme applies to a service registered under section 6, and
  - (b) the service is not being provided in accordance with that service standard,
- the traffic commissioner may cancel the registration of that service.
- (3) In this section, “operational service standard” is to be construed in accordance with section 3C(1)(b) of the Transport (Scotland) Act 2001.

#### Textual Amendments

**F27** Ss. 6K-6N inserted (S.) (4.12.2023 for specified purposes) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), ss. 37(3), 130(2) (with s. 126); S.S.I. 2023/250, sch.

### 6M Power to make regulations for appeals against service standards decisions

Regulations may make provision for or about appeals relating to any—

- (a) decision to record a service standard as a prescribed particular under section 6(2ZA),
- (b) refusal of an application by virtue of section 6K(2),
- (c) cancellation of the registration of a service by virtue of section 6L(2),
- (d) decision to register a service that has a stopping place in the area to which the scheme relates, or
- (e) decision not to record a service standard in relation to such a service under section 6(2ZA).

#### Textual Amendments

**F27** Ss. 6K-6N inserted (S.) (4.12.2023 for specified purposes) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), ss. 37(3), 130(2) (with s. 126); S.S.I. 2023/250, sch.

### 6N Scrutiny of operation of bus services improvement partnership

- (1) This section applies where—
- (a) a bus services improvement partnership scheme made under section 3B of the 2001 Act (“the scheme”) is in operation, and
  - (b) it appears to a traffic commissioner that the local transport authority (or authorities) who made the scheme may not be complying with their obligations under it including, in particular, any duty arising under section 3F(2) or (3) of the 2001 Act.
- (2) The traffic commissioner may—
- (a) investigate the actions of the local transport authority (or authorities) in relation to their compliance with their obligations under the scheme,
  - (b) require the authority (or authorities) to provide such information as the commissioner may specify for the purposes of the investigation.



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- (3) A local transport authority may be required to provide the information before the end of such period as may be specified by the traffic commissioner when imposing the requirement.
- (4) Following an investigation under subsection (2), the traffic commissioner must prepare and publish a report—
  - (a) setting out whether or not the commissioner is satisfied that the local transport authority (or authorities) are complying with their obligations under the scheme, and
  - (b) if the commissioner is not satisfied that the authority (or authorities) are complying with their obligations, making such recommendations as the commissioner considers appropriate, including, in particular, recommendations that the authority (or authorities) take such remedial action as may be specified in the report.
- (5) Before publishing a report prepared under subsection (4), the commissioner must provide a copy of it to—
  - (a) the local transport authority (or authorities) who made the scheme, and
  - (b) each operator providing a local service with a stopping place in the area of the scheme.
- (6) Where, under section 3E of the 2001 Act, the Scottish Ministers acted jointly with a local transport authority (or authorities) to make the scheme, this section applies to the Scottish Ministers as it applies to the authority (or authorities).
- (7) In this section—

“2001 Act” means the Transport (Scotland) Act 2001,  
“local transport authority” has the meaning given in section 82(1) of the 2001 Act.]

#### Textual Amendments

- F27** Ss. 6K-6N inserted (S.) (4.12.2023 for specified purposes) by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), ss. 37(3), 130(2) (with s. 126); S.S.I. 2023/250, sch.

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

- (1) If a traffic authority asks [<sup>F28</sup>him][<sup>F28</sup>a traffic commissioner] to exercise his powers under this section in relation to a particular traffic problem [<sup>F29</sup>which has arisen or which the authority reasonably foresees is likely to arise], [<sup>F28</sup>the traffic commissioner for any traffic area][<sup>F28</sup>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 [<sup>F30</sup>the traffic area of the traffic commissioner determining them][<sup>F30</sup>a traffic area].
- [<sup>F31</sup>(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.]

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- (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 <sup>F32</sup>are required] <sup>F32</sup>are, or are likely to be, required] in order to—
- (a) prevent danger to road users; <sup>F33</sup> . . .
  - (b) reduce severe traffic congestion <sup>F34</sup>; 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 <sup>F35</sup>the traffic commissioner for any traffic area] <sup>F35</sup>a traffic commissioner] is satisfied that traffic regulation conditions applying generally to a particular part of <sup>F35</sup>his traffic area] <sup>F35</sup>a traffic area] would be inappropriate as a 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 <sup>F36</sup>he has received (within the prescribed period) a request for an inquiry] <sup>F36</sup>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, <sup>F37</sup>he] <sup>F37</sup>he or another traffic commissioner] shall hold one as soon as is reasonably practicable <sup>F37</sup>if any person mentioned in subsection (9)(a) or (c) above or any other traffic authority affected by

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- the conditions has, before the end of the prescribed period, asked him to do so<sup>[F37]</sup> 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 <sup>[F38]</sup> 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 <sup>[F39]</sup> the traffic commissioner<sup>[F39]</sup> 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 <sup>[F40]</sup> determined by him<sup>[F40]</sup> (whether determined by him or another traffic commissioner)<sup>[F40]</sup> on being requested to do so<sup>[F40]</sup> 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.
- <sup>[F41]</sup>(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 <sup>[F42]</sup> local government] area.
- <sup>[F43]</sup>(16) The power to make regulations under subsections (6)(d), (9) and (11), so far as exercisable in relation to Wales, is exercisable by the Welsh Ministers (and not by the Secretary of State).]

#### Textual Amendments

- F28** Words in s. 7(1) substituted (E.W.) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F29** Words in s. 7(1) inserted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 50(2)**, 134(4); [S.I. 2009/107](#), art. 2(1), **Sch. 1 Pt. 1**
- F30** Words in s. 7(3) substituted (E.W.) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 3** (with art. 7)
- F31** S. 7(3A) inserted (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. 4 para. 2(2)**
- F32** Words in s. 7(4) substituted (E.W.) (9.2.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 50(3)**, 134(4); [S.I. 2009/107](#), art. 2(1), **Sch. 1 Pt. 1**

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- F33** Word in s. 7(4)(a) repealed (1.2.2001 for E. and 14.8.2002 for W.) by 2000 c. 38, s. 274, Sch. 31 Pt. II; S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to savings in Sch. 3 Pt. II (as amended by S.I. 2001/115, art. 3)); S.I. 2002/2024, art. 2  
 Word in s. 7(4)(a) repealed (S.) (1.4.2001) by asp 2, s. 42 (with s. 66): S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**
- F34** S. 7(4)(c) and the preceding word “or” inserted (E.W.) (1.2.2001 for E. and 1.8.2001 for W.) by 2000 c. 38, s. 142; S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to savings in Sch. 3 Pt. II (as amended by S.I. 2001/115, art. 3)); S.I. 2001/2788, art. 2, **Sch. 1 para. 2**  
 S. 7(4)(c) and the preceding word “or” inserted (S.) (1.4.2001) by asp 2, s. 42 (with s. 66); S.S.I. 2001/132, art. 2(2), **Sch. Pt. I**
- F35** Words in s. 7(8) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F36** Words in s. 7(9) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F37** Words in s. 7(11) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F38** Words in s. 7(12) substituted (S.) (1.11.1991) by New Roads and Street Works Act 1991 (c. 22, SIF 59, 108), s. 168(1), **Sch. 8 Pt. IV para. 117(2)**; S.I. 1991/2286, art. 2(2), **Sch. 2**  
 Words in s. 7(12) substituted (E.W.) (1.11.1991) by New Roads and Street works Act 1991 (c. 22, SIF 59, 108), s. 168(1)(2), Sch. 8 Pt. IV para. 117(2): S.I. 1991/2288, art. 3, **Sch.**
- F39** Words in s. 7(12) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F40** Words in s. 7(14) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F41** S. 7(14A)(14B) inserted (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. 4 para. 2(3)**
- F42** Words in s. 7(15)(b) substituted (S.) (1.4.1996) by S.I. 1996/974, art. 2(1), **Sch. 1 Pt. I para. 7(a)**
- F43** S. 7(16) inserted (1.4.2018) by Wales Act 2017 (c. 4), ss. 27(5), 71(4) (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(f)

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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (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), ss. 4, 26(3)) (with transitional provisions (24.4.2018) in S.I. 2018/406, regs. 1(2), 4-8 (with reg. 1(3)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by 2001 asp 2, s. 13B(1)(a) (as substituted by Transport (Scotland) Act 2019 (asp 17), ss. 38(2), 130(2) (with s. 126); S.S.I. 2023/250, sch.)
- C4** S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order  
 Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise *prosp.*) by 2000 c. 38, ss. 129(1)-(3), 275; S.I. 2001/3342, art. 2, **Sch.**  
 Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for W. and 26.10.2001 for E.) by 2000 c. 38, s. 134(2)(a); S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**
- C5** S. 7(6)(d): functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)
- C6** S. 7(9): functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)

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- C7** S. 7(11): functions transferred (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\)](#), art. 2, [Sch. 3](#). (with art. 4)

## 8 Enforcement of traffic regulation conditions, etc.

- (1) Where traffic regulation conditions have been determined under section 7 of this Act, it shall be the duty of [<sup>F44</sup>the traffic commissioner by whom any relevant licence or permit has been granted][<sup>F44</sup>a traffic commissioner] to attach the conditions to that licence or, as the case may be, to that permit.
- (2) In this section—  
“licence” means a PSV operator’s licence;  
“permit” means a permit under section 22 of this Act;  
and a licence or permit is relevant for the purposes of this section if a local service registered under section 6 of this Act by the holder of the licence or permit is affected by the conditions.
- (3) [<sup>F45</sup>Where the traffic commissioner who determined the traffic regulation conditions and the traffic commissioner who granted the relevant licence or permit are different, it shall be the duty of the commissioner determining the conditions to send to the other commissioner—  
(a) details of the conditions; and  
(b) the name of the person registering the particulars of the local service.]
- (4) If traffic regulation conditions which have been attached to a licence or permit under this section are subsequently varied or revoked, [<sup>F46</sup>it shall be the duty of the traffic commissioner or commissioners concerned to][<sup>F46</sup>a traffic commissioner must] secure that the conditions as so attached are correspondingly varied or (as the case may be) removed.
- (5) Traffic regulation conditions shall be of no effect to the extent to which they are incompatible with any provision made by or under any enactment prohibiting or restricting the use of any road by traffic.
- (6) Where the operator of a local service is unable both to operate the service in accordance with the particulars of the service registered under section 6 of this Act and to comply with—  
(a) traffic regulation conditions; or  
(b) any other provision of a kind mentioned in subsection (5) above;  
any failure to operate the service in accordance with those particulars which occurs at any time before the expiry of the prescribed period beginning with the coming into force of the conditions or provision shall be disregarded to the extent to which it is attributable to his having to comply with the conditions or provision.

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### Textual Amendments

- F44** Words in s. 8(1) substituted (E.W.) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 3](#) (with art. 7)
- F45** S. 8(3) omitted (E.W.) (3.7.2013) by virtue of [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 3](#) (with art. 7)

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**F46** Words in s. 8(4) substituted (E.W.) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 3](#) (with art. 7)

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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (E.W.) (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Bus Services Act 2017 \(c. 21\)](#), [ss. 4, 26\(3\)](#)) (with transitional provisions (24.4.2018) in [S.I. 2018/406](#), [regs. 1\(2\), 4-8](#) (with [reg. 1\(3\)](#)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by [2001 asp 2, s. 13B\(1\)\(a\)](#) (as substituted by [Transport \(Scotland\) Act 2019 \(asp 17\)](#), [ss. 38\(2\), 130\(2\)](#) (with s. 126); [S.S.I. 2023/250](#), [sch.](#))
- C8** S. 6-9 applied (28.7.1998) by [1998 c. iii, s. 1, Sch. s. 54](#) of Order  
 Ss. 6-9 restricted (E.W.) (26.10.2001 for E. and otherwise *prosp.*) by [2000 c. 38](#), [ss. 129\(1\)-\(3\), 275](#); [S.I. 2001/3342](#), [art. 2, Sch.](#)  
 Ss. 6-9: power to modify conferred (E.W.) (1.8.2001 for E. and 26.10.2001 for W.) by [2000 c. 38](#), [s. 134\(2\)\(a\)](#); [S.I. 2001/2788](#), [art. 2, Sch. 1 para. 2](#); [S.I. 2001/3342](#), [art. 2, Sch.](#)

**9 Appeals against traffic regulation conditions.**

- (1) Any person to whom subsection (2) below applies may appeal to <sup>F47</sup>the Secretary of State<sup>F48</sup> <sup>F47</sup>the Upper Tribunal<sup>F48</sup> against—
- (a) the determination, variation or revocation of any traffic regulation conditions under section 7 of this Act; or
  - (b) the refusal by a traffic commissioner to comply with a request duly made under that section to determine, vary or revoke any such conditions.
- (2) The persons to whom this subsection applies are—
- (a) in relation to any determination, variation or revocation of conditions—
    - (i) any person who has registered under section 6 of this Act a local service which is, or is likely to be, affected by them; and
    - (ii) any traffic authority aggrieved by the decision in question; and
  - (b) in relation to any refusal to comply with a request, the person making the request.
- (3) <sup>F49</sup>An appeal under this section must be made within the prescribed time and in the prescribed manner, and provision may be made by regulations as to the procedure to be followed in connection with such appeals.]
- (4) <sup>F49</sup>On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against and may give such directions as he thinks fit to the traffic commissioner for giving effect to his decision.]
- (5) <sup>F50</sup>An appeal lies at the instance of any of the persons mentioned in subsection (6) below on any point of law arising from a decision of the Secretary of State on an appeal under this section—
- (a) to the High Court, where the area of the traffic commissioner concerned is in England or Wales; and
  - (b) to the Court of Session, where it is in Scotland.]
- (6) <sup>F51</sup>The persons who may appeal against any such decision of <sup>F52</sup>the Secretary of State<sup>F51</sup> are<sup>F51</sup> 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]—

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- (a) the person who appealed to <sup>F53</sup>him<sup>F53</sup> the tribunal];
  - (b) any person who had a right to appeal to <sup>F53</sup>him<sup>F53</sup> the tribunal] against the relevant decision of the traffic commissioner but did not exercise that right;
  - (c) any traffic authority aggrieved by the decision; and
  - <sup>F54</sup>(d) a traffic commissioner.]
- (7) <sup>F55</sup>If on an appeal under subsection (5) above the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Secretary of State with the opinion of the court for rehearing and determination by him.]
- (8) <sup>F55</sup>No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.]
- (9) <sup>F55</sup>An appeal shall lie, with the leave of the Court of Session or the <sup>F56</sup>Supreme Court], from any decision of the Court of Session under this section; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the <sup>F56</sup>Supreme Court] determine.]
- (10) In this section “traffic authority” has the same meaning as in section 7 of this Act.

#### Textual Amendments

- F47** Words in s. 9(1) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(2), 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F48** Words in s. 9(1) substituted (E.W.) (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 7(a)**
- F49** S. 9(3)(4) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(3), 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F50** S. 9(5) omitted (E.W.) (1.9.2009) by virtue of The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 7(b)**
- F51** Words in s. 9(6) substituted (E.W.) (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 7(c)**
- F52** Words in s. 9(6) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(5)(a), 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F53** Words in s. 9(6) substituted (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(5)(b), 134(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F54** S. 9(6)(d) substituted (E.W.) (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 3** (with art. 7)
- F55** S. 9(7)-(9) repealed (E.W.) (9.2.2009) by Local Transport Act 2008 (c. 26), ss. 51(6), 134(4), **Sch. 7 Pt. 3**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1 (with Sch. 1 para. 1)
- F56** Words in s. 9(9) substituted (1.10.2009) by Constitutional Reform Act 2005 (c. 4), s. 148(1), **Sch. 9 para. 42(2)**; S.I. 2009/1604, art. 2(d)

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

- C1** Ss. 6-9 excluded by 2000 c. 38, s. 123J(2) (as inserted (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), ss. 4, 26(3)) (with transitional provisions (24.4.2018) in S.I. 2018/406, regs. 1(2), 4-8 (with reg. 1(3)))
- C2** Ss. 6-9 excluded (S.) (4.12.2023) by 2001 asp 2, s. 13B(1)(a) (as substituted by Transport (Scotland) Act 2019 (asp 17), ss. 38(2), 130(2) (with s. 126); S.S.I. 2023/250, sch.)
- C9** S. 6-9 applied (28.7.1998) by 1998 c. iii, s. 1, **Sch. s. 54** of Order Ss. 6-9 restricted (E.W.) (26.10.2001 for E.) by 2000 c. 38, ss. 129(1)-(3), 275; S.I. 2001/3342, art. 2, **Sch.**

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Ss. 6-9: power to modify conferred (E. W.) (1.8.2001 for E. and 26.10.2001 for W.) by 2000 c. 38, s. **134(2)(a)**; S.I. 2001/2788, art. 2, **Sch. 1 para. 2**; S.I. 2001/3342, art. 2, **Sch.**

S. 9: functions transferred (1.10.2007) by The Scotland Act 1998 (Cross-Border Public Authorities) (Traffic Commissioner for the Scottish Traffic Area) Order 2007 (S.I. 2007/2139), art. 2, **Sch.** (with art. 4)



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