



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Traffic commissioners*

### 3 Traffic commissioners

- (1) There shall cease to be a body of traffic commissioners for each traffic area constituted for the purposes of the 1981 Act (and the appointment of any person who, immediately before the day on which this section comes into force, was a traffic commissioner or deputy to a traffic commissioner shall accordingly come to an end on that day).
- (2) For sections 4 and 5 of the 1981 Act (traffic commissioners) there shall be substituted the following sections—

#### **“4 Traffic commissioners.**

- (1) There shall be a commissioner for each traffic area constituted for the purposes of this Act.
- (2) The commissioner for each traffic area shall be appointed by the Secretary of State and shall be known as the traffic commissioner for the area.
- (3) The traffic commissioner for a traffic area shall be responsible for issuing licences under this Act and shall have such other functions as are given to him by, or in pursuance of, this Act or any other enactment.
- (4) Any person appointed to be the traffic commissioner for a traffic area shall—
  - (a) act under the general directions of the Secretary of State; and
  - (b) vacate his office on attaining the age of sixty-five, or on such later date before he attains the age of sixty-six as the Secretary of State

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may at any time direct, but otherwise hold office during Her Majesty's pleasure.

- (5) Where the Secretary of State proposes to appoint a person to be the traffic commissioner for a traffic area he shall, before making the appointment, require that person to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers or goods by road within Great Britain.
- (6) Schedule 2 to this Act shall have effect with respect to traffic commissioners.

### **5 Publication of information by traffic commissioners.**

- (1) Every traffic commissioner shall publish, in such form and at such times as may be prescribed, such information with respect to the exercise, or proposed exercise, of any of his functions under this Act or the Transport Act 1985 as may be prescribed.
- (2) Where the traffic commissioner for a traffic area publishes information under this section he shall—
- (a) send a copy of the publication—
    - (i) to every chief officer of police, Passenger Transport Executive and local authority whose area falls partly or wholly within that traffic area ; and
    - (ii) where that traffic area falls wholly or partly within London, to London Regional Transport; and
  - (b) make a copy of it available (by post if required and on payment of such fee as may be prescribed) to anyone who asks for one.
- (3) In this section " local authority " means—
- (a) in England and Wales, the council of any non-metropolitan county, any district or London borough or the Common Council of the City of London ; and
  - (b) in Scotland, any regional or islands council."
- (3) For Schedule 2 to the 1981 Act (traffic commissioners) there shall be substituted the Schedule set out in Part I of Schedule 2 to this Act.
- (4) For subsection (1) of section 59 of the 1968 Act (licensing authority for Part V of that Act) there shall be substituted—
- “(1) The traffic commissioner for any traffic area constituted for the purposes of the Public Passenger Vehicles Act 1981 shall exercise the functions conferred on him by this Part of this Act and is in this Part of this Act referred to as " the licensing authority.””
- (5) Part II of Schedule 2 to this Act shall have effect for the purpose of making further consequential amendments in other enactments.

### **4 Inquiries held by traffic commissioners**

For section 54 of the 1981 Act (procedure of traffic commissioners) there shall be substituted the following section—

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**“54 Inquiries held by traffic commissioners.**

- (1) A traffic commissioner may, at such places as appear to him to be convenient, hold such inquiries as he thinks fit in connection with the exercise of his functions.
- (2) Where, as respects the proposed exercise of his powers on any occasion, a traffic commissioner receives a request for an inquiry from two or more persons he may hold a single inquiry in response to those requests.
- (3) Subject to any provision made by regulations, any inquiry held under this section shall be public.
- (4) Where a traffic commissioner proposes to hold an inquiry for the purpose of considering any application or proposal, he shall publish notice of the inquiry in the prescribed manner.
- (5) Where a traffic commissioner holds an inquiry he may, in such circumstances as may be prescribed and subject to any provision made under subsection (6) below, make such order as he thinks fit as to the payment, by such party to the inquiry as he thinks fit, of costs incurred by him or by the Secretary of State in connection with the holding of the inquiry.
- (6) Regulations may make provision, in relation to orders under subsection (5) above, as to—
  - (a) the method of calculating the amount of any costs incurred as mentioned in that subsection ; and
  - (b) the maximum amount which may be ordered to be paid under such an order.
- (7) Any amount so ordered to be paid by any person may be recoverable from him—
  - (a) in England and Wales, as a debt due to the Crown; or
  - (b) in Scotland, by the Secretary of State.
- (8) Information with respect to any particular trade or business which is given at any such inquiry while admission to the inquiry is restricted in accordance with regulations shall not be disclosed, so long as that trade or business continues to be carried on, except—
  - (a) with the consent of the person for the time being carrying it on ;
  - (b) for the purpose of the discharge by any person of his functions under any enactment mentioned in subsection (9) below; or
  - (c) with a view to the institution of, or otherwise for the purposes of, any legal proceedings pursuant to or arising out of any such enactment (including proceedings before the Transport Tribunal);and any person who discloses any information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) The enactments referred to in subsection (8)(b) and (c) above are—
  - (a) sections 12 to 21 of this Act; and
  - (b) sections 24 to 28 of the Transport Act 1985.

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- (10) The Secretary of State may by order made by statutory instrument amend subsection (9) above by adding a reference to an enactment or by removing any such reference; and any statutory instrument made in exercise of the power conferred by this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

**5 Assistance for traffic commissioners in considering financial questions**

After section 17 of the 1981 Act, there shall be inserted the following section—

**“17A Assessors to assist traffic commissioners.**

- (1) In considering any financial question which appears to him to arise in relation to the exercise of his functions under section 14, 16 or 17 of this Act, a traffic commissioner may be assisted by an assessor drawn from a panel of persons appointed by the Secretary of State for the purposes of this section.
- (2) A traffic commissioner shall pay to any such assessor, in respect of his services, such remuneration as may be determined by the Secretary of State with the consent of the Treasury.”