



Transport Act 1985

1985 CHAPTER 67

PART I

GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

Registration of local services

6 Registration of local services. **E+W**

(1) In this section “service” means a local service which is neither a London local service [^{F1}nor a service which falls within subsection (1A) below] nor a service provided under an agreement [^{F2}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)].

[^{F3}(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 education authority by section 508B(1), section 508F(1), section 509(1) or (1A), 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 education authority under section 508C(1) of that Act; or
- (c) arrangements made by a local education authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes).
- [the obligation placed on a local authority by sections 3 or 4 of the Learner
- ^{F4}(d) 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

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- arrangements, as the case may be, mentioned in paragraph (a), (b) [^{F5}or (c)] [^{F5}, (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.]
- (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 the traffic commissioner for that area 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.
- [^{F6}(2A) Where—
- (a) any registration restrictions imposed under section 114(3A) of the Transport Act 2000 (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.]
- (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 farepaying 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.
- (8) Subject to regulations under this section, the variation or cancellation of a registration shall become effective—
- (a) on the expiry of the period beginning with the date on which the 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 by the operator as the effective date for the variation or (as the case may be) cancellation.

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- (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 the 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 he 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 the traffic commissioner to whom it is made unless the applicant gives to the commissioner such information as he may reasonably require in connection with the application;
 - (f) as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;
 - (g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations;
 - (h) as to the cancellation of registrations relating to discontinued services;
 - (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 the 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;
 - [^{F7}(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.
- [^{F8}(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.]

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Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

Textual Amendments

- F1** Words in s. 6(1) inserted (E.W.) (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 85, 188, {Sch. 10 para. 2(2)}; [S.I. 2007/1801](#), [art. 4\(1\)](#)
- F2** Words in s. 6(1) substituted (24.7.2005 for specified purposes and otherwise 16.10.2005) by [Railways Act 2005 \(c. 14\)](#), ss. 59, 60, [Sch. 12 para. 8](#); [S.I. 2005/1909](#), [art. 2](#); [S.I. 2005/2182](#), [art. 2](#), Sch. 1
- F3** S. 6(1A)-(1C) inserted (E.W.) (1.9.2007 for specified purposes and otherwise prosp.) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 85, 188, [Sch. 10 para. 2\(3\)](#); [S.I. 2007/1801](#), [art. 4\(1\)](#)
- F4** S. 6(1B)(d)(e) inserted (E.W.) (6.3.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), [Sch. 1 para. 2\(2\)\(c\)](#); [S.I. 2009/371](#), art. 2, Sch. Pts. 1, 2
- F5** Words in s. 6(1C)(a) substituted (E.W.) (6.3.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), [Sch. 1 para. 2\(3\)](#); [S.I. 2009/371](#), art. 2, Sch. Pts. 1, 2
- F6** S. 6(2A) inserted (E.W.) (26.11.2008 for specified purposes) by [Local Transport Act 2008 \(c. 26\)](#), ss. [48\(2\)](#), [134\(1\)\(c\)\(4\)](#)
- F7** S. 6(9)(ka) inserted (E.W.) (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), ss. [65\(3\)](#), [134\(1\)\(c\)\(4\)](#); [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1
- F8** S. 6(10) inserted (E.W.) (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), ss. [65\(4\)](#), [134\(1\)\(c\)\(4\)](#); [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1

Modifications etc. (not altering text)

- C4** S. 6 excluded by [S.I. 1986/1671](#), [reg. 10](#)
- C5** S. 6 excluded (21.7.1994) by [1994 c. xv](#), s. [73\(3\)](#)
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.](#)
S. 6 excluded (24.7.2001) by [S.I. 2001/3627](#), [art. 62\(3\)](#)
- C6** S. 6 excluded (11.2.2005) by [The Merseytram \(Liverpool City Centre to Kirkby\) Order 2005 \(S.I. 2005/120\)](#), [art. 55\(3\)](#) (with arts. 65, 66)
- C7** S. 6 excluded (11.1.2006) by [The Cambridgeshire Guided Busway Order 2005](#); [S.I. 2005/3523](#), [art. 37\(3\)](#) (with art. 52)
- C8** S. 6 excluded (13.12.2006) by [The Luton Dunstable Translink Order 2006 \(S.I. 2006/3118\)](#), [art. 38\(3\)](#)
- C9** S. 6(8) modified (E.W.) (6.4.2009) by [The Public Service Vehicles \(Registration Restrictions\) \(England and Wales\) Regulations 2009 \(S.I. 2009/443\)](#), regs. 1(1), [6\(5\)](#)
- C10** S. 6(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)

6 Registration of local services. S

- (1) In this section “service” means a local service which is neither a London local service nor a service provided under an agreement [^{F2} entered into, where a railway service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the

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National Assembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or discontinued railway services)].

- (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 the traffic commissioner for that area 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.
- (3) In [^{F9}this section] “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 farepaying 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.
- (8) Subject to regulations under this section, the variation or cancellation of a registration shall become effective—
 - (a) on the expiry of the period beginning with the date on which the 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 by the operator as the effective date for the variation or (as the case may be) cancellation.
- [^{F10}(8A) Where a service is registered under this section or, as the case may be, a registration is varied under this section, the operator of the service which has been registered, or in respect of which the registration has been varied, shall provide that service for a period of at least 90 days (or, as the case may be, such other period as the traffic commissioner may specify) beginning with the day on which the period of notice expires or, as the case may be, the variation becomes effective.]
- (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;

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- (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 the 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 he may determine;
- (d) as to the procedure for [^{F11}or in connection with] applying for registration or for the variation or cancellation of a registration;
- [^{F12}(da) subject to subsection (10) below, specifying dates as the only dates on which the operator of a local service in the area (or areas) of such local authority (or authorities) as may be specified in the regulations may vary a registration in so far as it relates to the scheduled times of the local service in respect of which the registration is made;]
- (e) for an application for registration or for the variation or cancellation of a registration not to be accepted by the traffic commissioner to whom it is made unless the applicant gives to the commissioner [^{F13}, in such form as he may require,] such information as he may reasonably require in connection with the application;
- (f) as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;
- (g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations;
- (h) as to the cancellation of registrations relating to discontinued services;
- (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 the 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;
- (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.

[^{F14}(10) Regulations making provision such as is mentioned in subsection (9)(da) above may not—

- (a) have effect for a period of more than three years;
- (b) specify more than four dates in a calendar year as dates on which a registration may be varied.]

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Textual Amendments

- F2** Words in s. 6(1) substituted (24.7.2005 for specified purposes and otherwise 16.10.2005) by [Railways Act 2005 \(c. 14\), ss. 59, 60, Sch. 12 para. 8](#); S.I. 2005/1909, [art. 2](#); S.I. 2005/2182, [art. 2](#), [Sch. 1](#)
- F9** Words in s. 6(3) substituted (S.) (1.7.2001) by [2001 asp 2, s. 45\(a\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. II](#)
- F10** S. 6(8A) inserted (S.) (1.7.2001) by [2001 asp 2, s. 45\(b\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(3\)](#), [Sch. 2 Pt. II](#)
- F11** Words in s. 6(9)(d) inserted (S.) (1.4.2001) by [2001 asp 2, s. 83, Sch. 2 para. 4\(2\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)
- F12** S. 6(9)(da) inserted (S.) (1.4.2001) by [2001 asp 2, s. 46\(a\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)
- F13** Words in s. 6(9)(e) inserted (S.) (1.4.2001) by [2001 asp 2, s. 83, Sch. 2 para. 4\(2\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)
- F14** S. 6(10) inserted (S.) (1.4.2001) by [2001 asp 2, s. 46\(b\)](#) (with s. 66); S.S.I. 2001/132, [art. 2\(2\)](#), [Sch. 2 Pt. I](#)

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S. 6-9 applied (28.7.1998) by [1998 c. iii, s. 1, Sch. s. 54](#) of Order
Ss. 6-9 restricted (S.) (1.7.2001) by [2001 asp 2, s. 22\(1\)\(a\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)
S. 6 extended (S.) (1.7.2001) by [2001 asp 2, s. 8\(5\)\(7\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)
S. 6 extended (S.) (1.7.2001) by [2001 asp 2, s. 22\(3\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)
S. 6 extended (S.) (1.7.2001) by [2001 asp 2, s. 32\(2\)](#) (with s. 66); S.S.I. 2001/132, [art. 2](#), [Sch. Pt. II](#)
S. 6 excluded (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 11](#)
S. 6 excluded (24.7.2001) by [S.I. 2001/3627, art. 62\(3\)](#)
- C13** S. 6(2) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 7\(1\)\(a\)](#)
- C14** S. 6(3) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 8\(1\)](#)
- C15** S. 6(8) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 7\(1\)\(b\)](#)
S. 6(8) modified (S.) (1.7.2001) by [S.S.I. 2001/219, reg. 8\(1\)](#)
- C16** S. 6(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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