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## Section 19 of the Transport Act 1985: advice note

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### Providing Services to Isolated Communities

1. Current advice in the guidance booklet 'Passenger Transport Provided by Voluntary Groups under the Section 19 or 22 Permit System' (PSV 385) is that section 19 services can only be used to provide transport to the people whom the organisation serves - i.e. they must come within the classes of passenger that are specified on the permit. For example, a vehicle operated by a Scout Group could only carry Scouts or persons associated with them (e.g. parents or helpers). The vehicle could not carry those who had no association with the Scouting activity (the general public).

2. However, DfT lawyers have advised that a section 19 service could serve, for example, the residents of a village or other isolated community (i.e. those in a defined geographical area) who did not have access to their own private transport - without violating the 'general public' provision at section 19(2)(b) of the 1985 Act. The fact that they must satisfy two restrictive conditions (being resident in a specific place or places and not having access to private transport) would exclude them from the definition of 'general public' as outlined above.

3. This would allow, for example, a local authority to fund a transport club for those in specified communities who, as a condition of membership, did not have access to private transport. It would of course be for the permit holding body to make adequate arrangements to ensure that the membership properly met the criteria - perhaps via a signed application. A person would meet the criteria, say, if he or she did not own a car or have frequent and convenient access to one. Someone who just happened not to have the use of a vehicle on a particular day would very likely not meet the criteria but some element of discretion would be permissible - in the event of an emergency, say.

4. Such a service would be possible using a Class B or E permit, as defined in Regulation 5 of the Minibus and Other Section 19 Permit Buses Regulations 1987 (SI 1987/1230). A copy can be found here: [www.legislation.hmso.gov.uk/si/si1987/Uksi\\_19871230\\_en\\_1.htm](http://www.legislation.hmso.gov.uk/si/si1987/Uksi_19871230_en_1.htm)

### Commercial Sponsorship

5. Also under section 19(2)(b) of the 1985 Act, a permit bus cannot be used 'with a view to profit nor incidentally to an activity which is itself carried on with a view to profit'. In 1994 we advised that a vehicle carrying commercial advertising would not meet the requirements of section 19(2)(b). However, sponsorship deals are common these days and lawyers have now clarified that it is the relationship between the permit bus operation and the sponsor that must be taken into account when deciding whether

the requirements of section 19(2)(b) are met.

6. The purpose of section 19 as a whole is to enable certain types of non-commercial service to be operated without the need for an operator's licence. Subsection (5) is inserted to prevent its circumvention by people in effect operating a service for their own in direct benefit. Thus, a section 19 service supported by, say, a supermarket, could not provide a service to the store because, to prevent the use of the bus would be incidental to a profit-seeking activity. However, other types of sponsorship unconnected with the operation of the vehicle may not violate section 19(2)(b). Examples would be a vehicle supplier or manufacturer donating vehicles in return for the operator carrying their sponsorship details on the vehicle, or a vehicle carrying general advertising (e.g. of commercial products) unconnected with its operation. In both cases, the operation of the permit vehicle is independent of the sponsors or advertisers, who only gain a fringe benefit from the display of their name or advertising message.

7. For further clarification, please note that the rules on section 22 permits contain no restrictions on the use of commercial sponsorship or advertising.

**Department for Transport**  
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