



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART II

GENERAL PROVISIONS RELATING TO PUBLIC SERVICE VEHICLES

Modifications etc. (not altering text)

C1 Pt. II (ss. 6–29) amended by [Road Traffic Act 1988 \(c. 52, SIF 107:1\)](#), s. 187(3)

Fitness of public service vehicles

6 Certificate of initial fitness (or equivalent) required for use as public service vehicles.

(1) ^[F1]Subject to subsection (1ZA) below,] A public service vehicle adapted to carry more than eight passengers shall not be used on a road unless—

(a) ^[F2]an examiner appointed under section 66A of the Road Traffic Act 1988]^[F3] or an authorised inspector] has issued a certificate (in this Act referred to as a “certificate of initial fitness”) that the prescribed conditions as to fitness are fulfilled in respect of the vehicle; or

(b) a certificate under section 10 of this Act has been issued in respect of the vehicle; or

^[F4](d) one of the following certificates has effect with respect to the vehicle—

(i) an EC certificate of conformity;

(ii) a national small series certificate of conformity;

(iii) an individual approval certificate.]

^[F5](1ZA) In the case of a public service vehicle to which subsection (1ZB) below applies, subsection (1) above has effect as if paragraphs (a) and (b) of that subsection were omitted.

Status: Point in time view as at 08/06/2015.

Changes to legislation: Public Passenger Vehicles Act 1981, PART II is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (1ZB) This subsection applies to any public service vehicle which, by virtue of regulation 6 of the Approval Regulations, may not—
 - (a) be granted a first licence under section 21 of the Vehicle Excise and Registration Act 1994, or
 - (b) be registered before the issue of a first licence under that section,
 unless one of the certificates mentioned in paragraph (d) of subsection (1) above has effect with respect to the vehicle.]

[^{F6}(1A) Without prejudice to the powers of the Secretary of State under section 7 of this Act in relation to the exercise by certifying officers of their functions, regulations may make provision with respect to the examination of vehicles for the purposes of subsection (1) (a) above by or under the direction of authorised inspectors and the issue or refusal of certificates of initial fitness by such inspectors on any such examinations.]

(2) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [^{F7}level 4 on the standard scale].

[^{F8}(3) In this section—

“Approval Regulations” means the Road Vehicles (Approval) Regulations 2009;

“EC certificate of conformity”, “national small series certificate of conformity” and “individual approval certificate” have the meaning given by regulation 3(1) of the Approval Regulations.]

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|---|---|
| Textual Amendments | |
| F1 | Words in s. 6(1) inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818) , regs. 1, 2(2)(a) |
| F2 | Words in s. 6(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1) , s. 48, Sch. 4 para.14 ; S.I. 1992/1286 , art. 2 ,Sch. |
| F3 | Words inserted (<i>prosp.</i>) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126) , ss. 10(3)(d) , 76(2) |
| F4 | S. 6(1)(d) substituted for s. 6(1)(c) (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818) , regs. 1, 2(2)(b) |
| F5 | S. 6(1ZA)(1ZB) inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818) , regs. 1, 2(3) |
| F6 | S. 6(1A) inserted (<i>prosp.</i>) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126) , ss. 10(8) , 76(2) |
| F7 | Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1) , s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1) , s. 289G |
| F8 | S. 6(3) inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818) , regs. 1, 2(4) |
| Modifications etc. (not altering text) | |
| C2 | S. 6(1A) extended (<i>prosp.</i>) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126) , ss. 10(11)(b) , 76(2) |

^{F9}7

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Textual Amendments

F9 S. 7 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 9(1), 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

8 Powers of, and facilities for, inspection of public service vehicles.

—(1)

^{F10}

^{F10}(1A)

^{F10}(2)

(3) The Secretary of State may—

(a) provide and maintain stations where inspections of public service vehicles ^{F11} . . . may be carried out;

(b) designate premises as stations where such inspections may be carried out; and

(c) provide and maintain apparatus for the carrying out of such inspections;

and in this Act “official PSV testing station” means a station provided, or any premises for the time being designated, under this subsection.

Textual Amendments

F10 S. 8(1)-(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 170:1), ss. 11, 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

F11 Words in s. 8(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**,Appendix

^{F12}**9**

Textual Amendments

F12 S. 9 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 170:1), ss. 12, 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

[^{F13}9A Extension of sections 8 and 9 to certain passenger vehicles other than public service vehicles.

(1) Section 8 of this Act shall apply, ^{F14} . . . , to any motor vehicle (other than a tramcar) which is adapted to carry more than eight passengers but is not a public service vehicle as it applies to a public service vehicle.

^{F15}(2)

Textual Amendments

F13 S. 9A inserted by Transport Act 1985 (c. 67, SIF 126), s. 333

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- F14** Words in s. 9A(1) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, Sch., Appendix
- F15** S. 9A(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

10 Approval of type vehicle and effect thereof.

- (1) Where the Secretary of State is satisfied in respect of one vehicle of a particular type that the prescribed conditions as to fitness are fulfilled in respect of the vehicle he may, on payment of the prescribed fee, approve the vehicle as a type vehicle.
- (2) Where a type vehicle has been approved under this section and a declaration in the prescribed form has been made by a person authorised by the Secretary of State in that behalf that any other vehicle conforms in design, construction and equipment with the type vehicle, [^{F16}an examiner appointed under section 66A of the Road Traffic Act 1988] may, after examining if he thinks fit that other vehicle, issue a certificate in the prescribed form that the vehicle conforms to the type vehicle.
- (3) The Secretary of State may at any time withdraw his approval of a type vehicle and thereafter no certificate that any other vehicle conforms to the type vehicle shall be issued; but as regards any such certificate previously issued, the withdrawal of the approval shall not affect the operation of that certificate for the purposes of section 6 of this Act.

Textual Amendments

- F16** Words in s. 10(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.15**; S.I. 1992/1286, art. 2, Sch.

11 Modification of section 6 in relation to experimental vehicles.

- (1) Where it appears to the Secretary of State expedient to do so for the purpose of the making of tests or trials of a vehicle or its equipment, he may by order made in respect of that vehicle for the purposes of section 6 of this Act dispense with such of the prescribed conditions as to fitness referred to in subsection (1)(a) of that section as are specified in the order.
- (2) While such an order is in force in respect of a vehicle, section 6 of this Act shall have effect in relation to the vehicle as if the prescribed conditions as to fitness referred to in subsection (1)(a) of that section did not include such of those conditions as are dispensed with by the order.
- (3) An order under this section shall specify the period for which it is to continue in force, and may contain, or authorise the imposition of, requirements, restrictions or prohibitions relating to the construction, equipment or use of the vehicle to which the order relates.
- (4) Where an order under this section in respect of a vehicle is revoked or otherwise ceases to have effect, any certificate of initial fitness issued under section 6 of this Act in respect of the vehicle while the order was in force shall, for the purposes of that section as regards any use of the vehicle after the order has ceased to have effect, be deemed never to have been issued.

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Public service vehicle operators' licences

12 PSV operators' licences.

[^{F17}(1) A public service vehicle shall not be used on a road for carrying passengers for hire or reward except under a PSV operator's licence granted in accordance with the following provisions of this Part of this Act.]

[^{F18}(1A) Subsection (1) applies in spite of Article 1.4(b) and (c) of the 2009 Regulation (exemptions unless otherwise provided in national law for certain undertakings engaged in road passenger transport services and for slow vehicles), but is subject to section 46 of this Act and section 18 of the Transport Act 1985]

[^{F19}(2) The authority having power to grant a PSV operator's licence is a traffic commissioner.

(3) A person may hold two or more PSV operator's licences but shall not at the same time hold more than one such licence in relation to the same traffic area.

(3A) Subject to the provisions of this Part of this Act, a PSV operator's licence authorises the holder to use anywhere in Great Britain a vehicle which has as its operating centre an operating centre specified in the licence.]

(4) An application for a PSV operator's licence shall be made in such a form as [^{F20}a traffic commissioner] may require, and an applicant shall give [^{F20}the traffic commissioner dealing with the application such information as he or another traffic commissioner] may reasonably require for disposing of the application.

(5) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [^{F21}level 4 on the standard scale].

Textual Amendments

F17 S. 12(1) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 1 (3)**, Sch. 1 para. 4

F18 S. 12(1A) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 2(2)** (with Sch. 3 Pt. 1)

F19 S. 12(2)-(3A) substituted for s. 12(2)-(3) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

F20 Words in s. 12(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

F21 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

Modifications etc. (not altering text)

C3 S. 12 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 12(13)**

C4 S. 12(1) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 18**

C5 S. 12(3) excluded by [S.I. 1983/1714](#), **art. 17(1)** (which S.I. is revoked (1.6.1991) by [S.I. 1991/288](#), **art. 2**)

C6 S. 12(3) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**

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[^{F22}12A Detention of certain PSVs used without PSV operators' licences

Schedule 2A (which relates to the detention, removal and disposal of PSVs which are adapted to carry more than 8 passengers and in respect of which it appears that section 12(1) is contravened) shall have effect. .]

Textual Amendments

F22 S. 12A inserted (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. 47(1), 134(1)(c)**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

[^{F23}12B Power to stop

- (1) Subsection (2) applies if it appears to a stopping officer that a vehicle is being used in circumstances such that a PSV operator's licence could be required.
- (2) The officer may direct the driver to stop the vehicle for the purpose of enabling checks to be carried out to establish whether the use of the vehicle is in contravention of section 12(1) or 18(1).
- (3) In this section a "stopping officer" means an officer appointed under section 66B of the Road Traffic Act 1988.]

Textual Amendments

F23 S. 12B inserted (30.3.2011) by [The Road Vehicles \(Powers to Stop\) Regulations 2011 \(S.I. 2011/996\)](#), regs. 1, **5(2)**

13 Classification of licences.

- (1) A PSV operator's licence may be either a standard licence or a restricted licence.
- (2) A standard licence authorises the use of any description of public service vehicle and may authorise use either—
 - (a) on both national and international operations; or
 - (b) on national operations only.
- (3) A restricted licence authorises the use (whether on national or international operations) of—
 - (a) public service vehicles not adapted to carry more than eight passengers; and
 - (b) public service vehicles not adapted to carry more than sixteen passengers when used—
 - (i) otherwise than in the course of a business of carrying passengers; or
 - (ii) by a person whose main occupation is not the operation of public service vehicles adapted to carry more than eight passengers.
- (4) For the purposes of subsection (3)(b)(i) above, a vehicle used for carrying passengers by a local or public authority shall not be regarded as used in the course of a business of carrying passengers unless it is used by the public service vehicle undertaking of that authority.

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[F²⁴14 Grant of licences

- (1) On an application for a standard licence a traffic commissioner must consider whether the requirements of sections 14ZA and 14ZC are satisfied.
- (2) On an application for a restricted licence a traffic commissioner must consider whether the requirements of sections 14ZB and 14ZC are satisfied.
- (3) If on an application for a PSV operator's licence the traffic commissioner determines that the relevant requirements mentioned in subsection (1) or (2) are satisfied the commissioner must, subject to section 16 (conditions attached to licences), grant the licence in accordance with the application.

Textual Amendments

F24 Ss. 14-14ZC substituted for s. 14 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), [Sch. 1 para. 3](#) (with [Sch. 3 Pt. 1](#))

14ZA. Requirements for standard licences

- (1) The requirements of this section are set out in subsections (2) and (3).
- (2) The first requirement is that the traffic commissioner is satisfied that the applicant—
 - (a) has an effective and stable establishment in Great Britain (as determined in accordance with Article 5 of the 2009 Regulation),
 - (b) is of good repute (as determined in accordance with paragraph 1 of Schedule 3),
 - (c) has appropriate financial standing (as determined in accordance with Article 7 of the 2009 Regulation), and
 - (d) is professionally competent (as determined in accordance with paragraphs 3, 4 and 6 of Schedule 3).
- (3) The second requirement is that the traffic commissioner is satisfied that the applicant has designated a transport manager in accordance with Article 4 of the 2009 Regulation who—
 - (a) is of good repute (as determined in accordance with paragraph 1 of Schedule 3),
 - (b) is professionally competent (as determined in accordance with paragraph 6 of Schedule 3), and
 - (c) in the case of a transport manager designated under Article 4.2 of the 2009 Regulation—
 - (i) is not prohibited from being so designated by a traffic commissioner, and
 - (ii) is not designated to act as transport manager for a greater number of road transport operators or in respect of a greater number of vehicles than the traffic commissioner considers appropriate, having regard to the upper limits in Article 4.2(c) of the 2009 Regulation, or such smaller number as the commissioner considers appropriate (see Article 4.3 of the 2009 Regulation).

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Textual Amendments

F24 Ss. 14-14ZC substituted for s. 14 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 3** (with Sch. 3 Pt. 1)

14ZB. Requirements for restricted licences

The requirement of this section is that the traffic commissioner is satisfied that the applicant —

- (a) is of good repute (as determined in accordance with paragraph 1 of Schedule 3), and
- (b) has appropriate financial standing (as determined in accordance with paragraph 2 of Schedule 3).

Textual Amendments

F24 Ss. 14-14ZC substituted for s. 14 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 3** (with Sch. 3 Pt. 1)

14ZC. Requirements for standard and restricted licences

- (1) The requirement of this section is that the traffic commissioner is satisfied —
 - (a) that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition the vehicles proposed to be used under the licence; and
 - (b) that there will be adequate arrangements for securing compliance with the requirements of the law relating to the driving and operation of those vehicles.
- (2) In considering whether the requirement of this section is satisfied, the traffic commissioner may take into account any undertakings given by the applicant (or procured by the applicant to be given) for the purposes of the application and may assume those undertakings will be fulfilled.
- (3) Where the traffic commissioner grants an application for a PSV operator's licence, any undertakings taken into account by the commissioner under subsection (2) that the commissioner considers to be material to the granting of the application must be recorded in the licence issued to the applicant]

Textual Amendments

F24 Ss. 14-14ZC substituted for s. 14 (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 3** (with Sch. 3 Pt. 1)

[^{F25}14A Objections to application for PSV operator's licence.

- (1) Where an application is made for the grant of a PSV operator's licence under this Act, any chief officer of police or local authority may object to the grant of the licence on the ground that one or more of the requirements mentioned in [^{F26}sections 14ZA to 14ZC] of this Act are not satisfied in relation to the application.

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(2) An objection under this section shall be made within the prescribed time and in the prescribed manner and shall contain particulars of the ground on which it is made.

[Where ^{F28}a traffic commissioner] considers there to be exceptional circumstances that ^{F27}(2A) justify his doing so, he may direct that an objection be treated for the purposes of this Part of this Act as duly made under this section, notwithstanding that it was not made within the prescribed time or in the prescribed manner.]

^{F29}(3)

(4) In this section “local authority” means—

- (a) in England and Wales, the council of a county, district or London borough or the Common Council of the City of London or a Passenger Transport Executive; and
- (b) in Scotland, a ^{F30}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

(5) This section does not apply in relation to any application for a special licence (within the meaning of section 12 of the Transport Act 1985).]

Textual Amendments

- F25** S. 14A inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 25**
- F26** Words in s. 14A(1) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1)**, **Sch. 1 para. 4** (with **Sch. 3 Pt. 1**)
- F27** S. 14A(2A) inserted (1.4.1995) by [1994 c. 40, s. 60](#); [S.I. 1994/3188](#), **art. 4**
- F28** Words in s. 14A(2A) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), **art. 1(1)**, **Sch. 1** (with **arts. 1(3), 2, 7**)
- F29** S. 14A(3) repealed (3.1.1995) by [1994 c. 40 ss. 68, 81, Sch. 14 para. 3, Sch. 17](#); [S.I. 1994/3188](#), **art. 3**
- F30** Words in s. 14A(4)(b) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), **Sch. 13 para. 121(3)** (with **s. 128(8)**); [S.I. 1996/323](#), **art. 2**

Modifications etc. (not altering text)

- C7** S. 14A excluded by [S.I. 1986/1794](#), **art. 4**

15 Duration of licences.

(1) There shall be specified in every PSV operator’s licence the date on which the licence is to come into force .

[^{F31}(2) Subject to its revocation or other termination under any provision of this Act or another statutory provision, a PSV operator’s licence shall continue in force indefinitely.

(3) If the holder of a PSV operator’s licence [^{F32}requests a traffic commissioner to terminate it at any time, he or another traffic commissioner must,] subject to subsection (4) below, comply with the request.

(4) [^{F33}A traffic commissioner may refuse to comply with such a request if he or another traffic commissioner] is considering taking action in respect of the licence under section 17(1) or (2) of this Act.]

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Textual Amendments

- F31** S. 15(2)-(4) substituted (1.1.1996) for words from “and the date on which it is to expire” to the end by 1994 c. 40, s. 61, S.I. 1995/2835, art. 2
- F32** Words in s. 15(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 1](#) (with arts. 1(3), 2, 7)
- F33** Words in s. 15(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 1](#) (with arts. 1(3), 2, 7)

16 Conditions attached to licences.

- (1) ^{F34}Subject to subsection (1A) below and section 12(7) of the Transport Act 1985] ^{F35}A traffic commissioner] on granting a PSV operator’s licence shall attach to it one or more conditions specifying the maximum number of vehicles (being vehicles having their operating centre in the ^{F36}traffic area to which that licence relates]) which the holder of the licence may at any one time use under the licence.
- ^{F37}(1A) In the case of a restricted licence, the number specified as the maximum in any condition imposed under subsection (1) above shall not, except in any prescribed case or class of case, exceed two.]
- (2) Conditions attached under subsection (1) above to a PSV operator’s licence may specify different maximum numbers for different descriptions of vehicle.
- (3) ^{F38}A traffic commissioner may attach to a PSV operator’s licence (whether at the time when the licence is granted or at any later time)] such conditions or additional conditions as ^{F39}he thinks] fit for restricting or regulating the use of vehicles under the licence, being conditions of any prescribed description.
- (4) Without prejudice to the generality of the power to prescribe descriptions of conditions for the purposes of subsection (3) above, the descriptions which may be so prescribed include conditions for regulating the places at which vehicles being used under a PSV operator’s licence may stop to take up or set down passengers.
- (5) ^{F40}At any time while a PSV operator’s licence is in force, a traffic commissioner may] vary the licence by—
- altering in such manner as ^{F41}he thinks] fit any condition attached under subsection (3) above to the licence; or
 - removing any condition so attached to the licence.
- (6) On the application of the holder of a PSV operator’s licence, ^{F42}a traffic commissioner] may at any time while it is in force—
- vary the conditions attached under subsection (1) above to the licence; ^{F43} . . .
 - exercise ^{F44}his] powers (whether of alteration or removal) under subsection (5) above; ^{F45}or
 - vary or remove any undertaking recorded in the licence;]
- and a person making an application under this subsection shall give to ^{F42}the traffic commissioner dealing with the application such information as he or another traffic commissioner may reasonably require for the discharge of duties of a traffic commissioner] in relation to the application.
- ^{F46}(6A) In considering whether to grant an application under subsection (6) above, ^{F47}a traffic commissioner] may take into account any undertakings given by the applicant (or

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- procured by him to be given) for the purposes of the application, and may assume that those undertakings will be fulfilled.
- (6B) In any case where [^{F47}a traffic commissioner] grants an application under subsection (6) above, any undertakings taken into account by him under subsection (6A) above that he considers to be material to the granting of the application shall be recorded in the licence as varied.]
- (7) Subject to section 68(3) of this Act, if a condition attached to a PSV operator's licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding [^{F48}level 3 on the standard scale].
- (8) Compliance with any condition attached to a PSV operator's licence . . . ^{F49}[^{F50}(other than a condition so attached under subsection (1A) above)] may be temporarily dispensed with by [^{F51}a traffic commissioner] if [^{F52}he is] satisfied that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered.
- (9) It is hereby declared that the conditions attached under subsection (1) [^{F53}or (1A)] above to a PSV operator's licence granted [^{F54}in relation to a traffic area] do not affect the use by the holder of the licence of a vehicle—
- [^{F55}(a) under a PSV operator's licence granted to the holder of that licence in relation to any other traffic area;]
- (b) in circumstances such that another person falls to be treated as the operator of the vehicle (for example, by virtue of regulations under section 81(1)(a) of this Act).

Textual Amendments

- F34** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(4)**
- F35** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(7)(a)**
- F36** Words in s. 16(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F37** S. 16(1A) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 24(1)(a)
- F38** Words in s. 16(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F39** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(7)(b)**
- F40** Words in s. 16(5) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F41** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(7)(c)**
- F42** Words in s. 16(6) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F43** Word “or” in s. 16(6) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), **Sch. 14 para. 4, Sch. 17; S.I. 1995/2835, art. 2**
- F44** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(7)(d)**
- F45** S. 16(6)(c) and the word “or” immediately preceding it inserted (1.1.1996) by 1994 c. 40, s. 59(4); S.I. 1995/2835, **art. 2**
- F46** S. 16(6A)(6B) inserted (1.1.1996) by 1994 c. 40, s. 59(5); S.I. 1995/2835, **art. 2**
- F47** Words in s. 16(6A)(6B) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F48** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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- F49** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F50** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **24(1)(b)**
- F51** Words in s. 16(8) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F52** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(7)(e)**
- F53** Words inserted by [Transport Act 1985 \(c. 67, SIF 67\)](#), s. **24(1)(c)**
- F54** Words in s. 16(9) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F55** S. 16(9)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

Modifications etc. (not altering text)

- C8** S. 16 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **12(4)**
- C9** S. 16(1A) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **12(13)(a)**
- C10** S. 16(1A) excluded (1.1.1996) by [S.I. 1995/2908](#), **reg. 25**
- C11** S. 16(2) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **12(13)(a)**
- C12** S. 16(5) amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **27(4)**
- C13** S. 16(7) excluded (19.8.2013) by [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) Regulations 2013 \(S.I. 2013/1865\)](#), regs. 1(1), **12(1)(a)**

[^{F56}16A Conditions as to matters required to be notified.

- (1) On issuing a standard licence, a traffic commissioner shall attach to it the following conditions, namely—
 - (a) a condition requiring the licence-holder to inform [^{F57}a traffic commissioner] of any event which could affect the fulfilment by the licence-holder of any of the requirements of [^{F58}section 14ZA(2)] of this Act, and to do so within 28 days of the event; and
 - (b) a condition requiring the licence-holder to inform [^{F57}a traffic commissioner] of any event which could affect the fulfilment by a [^{F59}... transport manager] of the requirements mentioned in [^{F60}section 14ZA(3)(a) and (b)] of this Act, and to do so within 28 days of the event coming to the licence-holder’s knowledge.

^{F61}(2)

- (3) Any person who contravenes any condition attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

Textual Amendments

- F56** S. 16A and sidenote inserted (1.10.1999) by [S.I. 1999/2431](#), **reg. 5**
- F57** Words in s. 16A(1)(a)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F58** Words in s. 16A(1)(a) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1), Sch. 1 para. 5(2)** (with Sch. 3 Pt. 1)
- F59** Word in s. 16A(1)(b) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1), Sch. 1 para. 5(3)(a)** (with Sch. 3 Pt. 1)
- F60** Words in s. 16A(1)(b) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1), Sch. 1 para. 5(3)(b)** (with Sch. 3 Pt. 1)

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F61 S. 16A(2) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), [Sch. 1 para. 5\(4\)](#) (with Sch. 3 Pt. 1)

17 Revocation, suspension etc. of licences.

[^{F62}(1) [^{F63}A traffic commissioner must revoke a standard] licence if it appears to the commissioner at any time that—

- (a) the holder no longer satisfies the requirements of section 14ZA(2), or
- (b) the transport manager designated in accordance with Article 4 of the 2009 Regulation no longer satisfies the requirements of section 14ZA(3).

(1A) Before revoking a standard licence under subsection (1), the traffic commissioner may serve on the holder a notice setting a time limit, in accordance with Article 13.1 of the 2009 Regulation, for the holder to rectify the situation.

(1B) If the holder rectifies the situation within the time limit set under subsection (1A), the traffic commissioner must not revoke the licence]

(2) Without prejudice to subsection (1) above, [^{F64}a traffic commissioner] may, on any of the grounds specified in subsection (3) below, at any time—

- (a) revoke [^{F65}a PSV operator's licence];
- (b) suspend [^{F66}such a licence] for such period as [^{F67}he directs];
- ^{F68}(c)
- (d) vary any condition attached under subsection (1) of section 16 of this Act to [^{F69}such a licence], or attach to [^{F69}such a licence] (whether in addition to or in place of any existing condition so attached to it) any such condition as is mentioned in that subsection.

(3) The grounds for action under subsection (2) above are—

- (a) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for a variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of ^{F70}... expectation which has not been fulfilled;
- [^{F71}(aa) that any undertaking recorded in the licence has not been fulfilled;]
- (b) that there has been a contravention of any condition attached to the licence;
- (c) that a prohibition under ^{F72}[^{M1}section 69 of the Road Traffic Act 1988] has been imposed with respect to a vehicle owned or operated by the holder of the licence, or that the holder of the licence has been convicted of an offence under [section 71(1)(a) or (b) of that Act arising out of the contravention of such a prohibition];
- (d) in the case of a restricted licence, that the holder no longer satisfies [^{F73}the requirements of section 14ZB];
- (e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence.
- [^{F74}(f) the licence is one in relation to which a direction given by a traffic commissioner under section 28(4) of the Transport Act 1985 (power when disqualifying a former licence holder to direct that certain other PSV operators' licences should be liable to be revoked, suspended, etc.) has effect]

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- (4) [^{F75}A traffic commissioner] shall not take any action under subsection (1) or (2) above in respect of any licence without first holding [^{F76}an inquiry] if the holder of the licence requests [^{F77}that an inquiry be held].
- (5) Where [^{F78}a traffic commissioner decides] to revoke a licence under this section, [^{F79}he] may direct that the revocation shall not take effect for such period as appears to [^{F79}him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.
- [^{F80}(5A) Where a licence is suspended under this section, it remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.
- (5B) [^{F81}Where a licence is suspended under this section, a traffic commissioner] may at any time—
- (a) cancel the suspension; or
 - (b) with the consent of the holder of the licence, vary the period for which it is suspended.]
- ^{F82}(6)

Textual Amendments

- F62** S. 17(1)-(1B) substituted for s. 17(1) (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 6(2)** (with Sch. 3 Pt. 1)
- F63** Words in s. 17(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F64** Words in s. 17(2) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F65** Words in s. 17(2)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F66** Words in s. 17(2)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F67** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(b)**
- F68** S. 17(2)(c) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 5(2)(a), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F69** Words in s. 17(2)(d) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F70** Words in s. 17(3)(a) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 5(2)(a), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F71** S. 17(3)(aa) inserted (1.1.1996) by 1994 c. 40, s. 59(6); S.I. 1995/2835, **art. 2**
- F72** Words in s. 17(3)(c) substituted (3.1.1995) by 1994 c. 40, s. 68, **Sch. 14**, para. 5(2)(b); S.I. 1994/3188, **art. 3**
- F73** Words in s. 17(3)(d) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 6(3)** (with Sch. 3 Pt. 1)
- F74** S. 17(3)(f) added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(5)**
- F75** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
- F76** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(6)**
- F77** Words in s. 17(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F78** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**
- F79** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**
- F80** S. 17(5A)(5B) inserted (3.1.1995) by 1994 c. 40, s. 62(3); S.I. 1994/3188, **art. 3**

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F81 Words in s. 17(5B) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

F82 S. 17(6) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 6(4)** (with Sch. 3 Pt. 1)

Modifications etc. (not altering text)

C14 S. 17(1) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**

C15 S. 17(2) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **28(4)**

C16 S. 17(3)(d) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **12(13)(a)**

Marginal Citations

M1 [1988 c. 52](#).

[^{F83}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 [^{F84}or under the 2009 Regulation], 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.]

Textual Amendments

F83 S. 17A inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **5**

F84 Words in s. 17A(1) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 7** (with Sch. 3 Pt. 1)

18 Duty to exhibit operator's disc.

- (1) Where a vehicle is being used in circumstances such that a PSV operator's licence is required, there shall be fixed and exhibited on the vehicle in the prescribed manner an operator's disc issued under this section showing particulars of the operator of the vehicle and of the PSV operator's licence under which the vehicle is being used.
- [^{F85}(2) A traffic commissioner on granting a PSV operator's licence shall supply the person to whom the licence is granted—
 - (a) with a number of operators' discs equal to the maximum number of vehicles that he may use under the licence in accordance with the condition or conditions attached to the licence under section 16(1) of this Act; or
 - (b) with such lesser number of operators' discs as he may request.
- (2A) Where, in the case of any PSV operator's licence, the maximum number referred to in subsection (2)(a) above is increased on the variation of one or more of the conditions there referred to, the traffic commissioner on making the variation shall supply the holder of the licence—
 - (a) with such number of additional operators' discs as will bring the total number of operators' discs held by him in respect of the licence to that maximum number, or

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- (b) with such lesser number of additional operators' discs as he may request.
- (2B) Where the number of operators' discs currently held in respect of a PSV operator's licence is less than the maximum number referred to in subsection (2)(a) above, [^{F86}a traffic commissioner] shall on the application of the holder of the licence supply him with such number of additional operators' discs as is mentioned in subsection (2A) (a) or (b) above.
- (2C) Where, in accordance with regulations under subsection (3)(aa) below, all the operators' discs held in respect of a PSV operator's licence expire at the same time, [^{F86}a traffic commissioner] shall supply the holder of the licence with a number of new operators' discs equal to the number of discs that have expired.]
- (3) Regulations may make provision—
- (a) as to the form of operators' discs and the particulars to be shown on them;
- [^{F87}(aa) as to the expiry of operators' discs;]
- (b) with respect to the custody and production of operators' discs;
- (c) for the issue of new operators' discs in place of those lost, destroyed or defaced;
- (d) for the return of operators' discs [^{F88}on their expiry or otherwise ceasing to have effect,]on the revocation or [^{F89}on termination] of a PSV operator's licence or in the event of a variation of one or more conditions attached to a licence under section 16(1) of this Act having the effect of reducing the maximum number of vehicles which may be used under the licence.
- [^{F90}(e) for the voluntary return of operators' discs by the holder of a PSV operator's licence.]
- (4) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [^{F91}level 3 on the standard scale].

Textual Amendments

- F85** S. 18(2)(2A)(2B)(2C) substituted for s. 18(2) (1.1.1996) by 1994 c. 40, s. 63(2); S.I. 1995/2835, art. 2
- F86** Words in s. 18(2B)(2C) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), Sch. 1 (with arts. 1(3), 2, 7)
- F87** S. 18(3)(aa) inserted (1.1.1996) by 1994 c. 40, s. 63(3)(a); S.I. 1995/2835, art. 2
- F88** Words in s. 18(3)(d) inserted (1.1.1996) by 1994 c. 40, s. 68, Sch. 14 para. 6; S.I. 1995/2835, art. 2
- F89** Words in s. 18(3)(d) substituted (1.1.1996) by 1994 c. 40, s. 68, Sch. 14 para. 6; S.I. 1995/2835, art. 2
- F90** S. 18(3)(e) added (1.1.1996) by 1994 c. 40, s. 63(3)(b); S.I. 1995/2835, art. 2
- F91** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

- C17** S. 18 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C18** S. 18(1) amended by S.I. 1986/1628, reg. 5(1), Sch.

19 Duty to inform traffic commissioners of relevant convictions etc.

- (1) A person who has applied for a PSV operator's licence shall forthwith notify the traffic [^{F92}commissioner][^{F93}dealing with the application] if, in the interval between the

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making of the application and the date on which it is disposed of, a relevant conviction occurs of the applicant, or any employee or agent of his, or of any person proposed to be engaged as transport manager whose repute and competence are relied on in connection with the application.

(2) It shall be the duty of the holder of a PSV operator's licence to give notice in writing to [^{F94}a traffic commissioner] of—

- (a) any relevant conviction of the holder; and
- (b) any relevant conviction of any officer, employee or agent of the holder for an offence committed in the course of the holder's road passenger transport business,

and to do so within 28 days of the conviction in the case of a conviction of the holder or his transport manager and within 28 days of the conviction coming to the holder's knowledge in any other case.

[^{F95}(2A) For the purposes of subsections (1) and (2) above the issue to a person of a fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988 in respect of an offence prescribed for the purposes of this Act is to be treated as if it were a relevant conviction of him.]

(3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—

- (a) the bankruptcy or liquidation of the holder, or the sequestration of his estate [^{F96}or [^{F97}the entry into administration of] the holder] or the appointment of a receiver, manager or trustee of his road passenger transport business; or
- [^{F98}(aa) the making of a debt relief order in respect of the holder (under Part 7A of the Insolvency Act 1986); or]
- (b) any change in the identity of the transport manager of the holder's road passenger transport business,

to give notice in writing of that event to [^{F94}a traffic commissioner].

[^{F99}(4) On granting or varying a PSV operator's licence, or at any time after the grant or variation of such a licence, a traffic commissioner may require the holder of the licence to inform a traffic commissioner forthwith, or within a specified period, of any specified material change in any of the holder's circumstances which were relevant to the grant or variation of the licence.

(4A) In subsection (4) "specified" means specified by the traffic commissioner imposing the requirement to inform.]

(5) Subject to section 68(1) of this Act, a person who fails to comply with subsection (1), (2) or (3) above or with any requirement under subsection (4) above shall be liable on summary conviction to a fine not exceeding [^{F100}level 3 on the standard scale].

Textual Amendments

F92 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**

F93 Words in s. 19(1) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

F94 Words in s. 19(2)(3) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

F95 S. 19(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 7(2), 61(1)(10)** (with s. 61(3)); S.I. 2008/3164, art. 3(c)

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- F96** Words inserted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, Sch. 8 para. 34, **Sch. 9 para. 11(2)**
- F97** Words in s. 19(3)(a) substituted (15.9.2003) by [The Enterprise Act 2002 \(Insolvency\) Order 2003 \(S.I. 2003/2096\)](#), art. 1(1), **Sch. para. 4** (with art. 6)
- F98** S. 19(3)(aa) inserted (1.10.2012) by [The Tribunals, Courts and Enforcement Act 2007 \(Consequential Amendments\) Order 2012 \(S.I. 2012/2404\)](#), art. 1, **Sch. 2 para. 13(2)** (with art. 5)
- F99** S. 19(4)(4A) substituted for s. 19(4) (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F100** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

Modifications etc. (not altering text)

- C19** S. 19 excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 12(13)(a)
- C20** S. 19(1) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
- C21** S. 19(2) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
- C22** S. 19(3) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**

20 Duty to give traffic commissioners information about vehicles.

- (1) It shall be the duty of the holder of a PSV operator's licence, on the happening to any public service vehicle owned by him of any failure or damage of a nature calculated to affect the safety of occupants of the public service vehicle or of persons using the road, to report the matter as soon as is practicable ^{F101}to the ^{F102}Secretary of State^{F101} in accordance with regulations made by virtue of subsection (2A) below].
- (2) It shall be the duty of the holder of a PSV operator's licence, on any alteration otherwise than by replacement of parts being made in the structure or fixed equipment of any public service vehicle owned by him, to give notice of the alteration as soon as is practicable ^{F101}to the ^{F102}Secretary of State^{F101} in accordance with regulations made by virtue of subsection (2A) below].

^{F103}(2A) Regulations may make provision—

- (a) for any report or notice required under subsection (1) or (2) above to be made or given to the Secretary of State or to the prescribed testing authority;
- (b) for requiring a public service vehicle to be submitted for examination in the event of any such failure or damage as is mentioned in subsection (1) above or any such alteration as is mentioned in subsection (2) above; and
- (c) for the examinations to be carried out under the regulations and, in particular, for authorising any such examination to be carried out by or under the direction of a ^{F104}an examiner appointed under section 66A of the Road Traffic Act 1988] or an authorised inspector.]
- (3) ^{F105}A traffic commissioner] may—
- (a) require the holder of ^{F106}a PSV operator's licence to supply him or another traffic commissioner] forthwith or within a specified time with such information as ^{F107}he] may reasonably require about the public service vehicles owned by ^{F108}the holder] and normally kept at an operating centre within ^{F106}the traffic area to which the licence relates], and to keep up to date information supplied by ^{F108}the holder] under this paragraph; or
- (b) require the holder or former holder of ^{F106}a PSV operator's licence to supply him or another traffic commissioner] forthwith or within a specified time with such information as ^{F107}he] may reasonably require about the public service

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vehicles owned by [^{F108}the holder or former holder] at any material time specified by [^{F107}him] which were at that time normally kept at an operating centre within [^{F106}the traffic area to which the licence relates].

In this subsection “material time” means a time when the PSV operator’s licence in question was in force.

- (4) Subject to section 68(1) of this Act, a person who fails to comply with the provisions of subsection (1) or (2) above or with any requirement under subsection (3) above shall be liable on summary conviction to a fine not exceeding [^{F109}level 3 on the standard scale].
- (5) A person who in purporting to comply with any requirement under subsection (3) above supplies any information which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding [^{F110}level 4 on the standard scale].

^{F111}(6)

Textual Amendments

- F101** By Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(9)(a)**, 76(2) a (*prosp.*) substitution of the words “in accordance with regulations made by virtue of subsection (2A) below” is made in place of the original words “to the traffic commissioners who granted the licence”
- F102** Words substituted by Transport Act 1985 (c. 67, SIF 126), **s. 29**
- F103** S. 20(2A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(9)(b)**, 76(2)
- F104** Words in s. 20(2A) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 19(4)**; S.I. 1992/1286, art. 2, **Sch.**
- F105** Words in s. 20(3) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F106** Words in s. 20(3)(a)(b) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F107** Word substituted as provided by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F108** Words substituted as provided by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F109** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**
- F110** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**
- F111** S. 20(6) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 170:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

Modifications etc. (not altering text)

- C23** S. 20 excluded by Transport Act 1985 (c. 67, SIF 126), **s. 12(13)(a)**
- C24** S. 20(2A) extended (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(11)(b)**, 76(2)

21 Certificates of qualification.

- (1) A person who wishes to do either of the following things in another member State or in Northern Ireland, namely to carry on a road passenger transport business or to be the transport manager of such a business, [^{F112}may apply to a traffic commissioner

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for a certificate as to the applicant's repute] and professional competence and, where relevant, his financial standing.

- (2) A person applying for a certificate under subsection (1) above shall give to [^{F113}the traffic commissioner dealing with the application such information as he or another traffic commissioner may reasonably require for the discharge of duties of a traffic commissioner] in relation to the application.
- (3) [^{F114}The traffic commissioner dealing with an application under subsection (1) above shall certify] such matters relating to the applicant as—
 - (a) [^{F115}he is satisfied he] may properly certify, and
 - (b) appear to [^{F115}the commissioner] to be of assistance to the applicant in satisfying the requirements of the law of the other member State in which he wishes to carry on business or to work or, as the case may be, the requirements of the law of Northern Ireland.

Textual Amendments

- F112** Words in s. 21(1) substituted (3.7.2013) by *The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644)*, art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F113** Words in s. 21(2) substituted (3.7.2013) by *The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644)*, art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F114** Words in s. 21(3) substituted (3.7.2013) by *The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644)*, art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F115** Words substituted by *Transport Act 1985 (c. 67, SIF 126)*, s. 3(5), **Sch. 2 Pt. II para. 4(12)(c)**

Drivers' licences

[^{F116}22 Drivers' licences.

- (1) A person—
 - (a) shall not drive a public service vehicle on a road unless he is licensed for the purpose under this section; and
 - (b) shall not employ a person who is not so licensed for the purpose to drive a public service vehicle on a road.

Notwithstanding section 1(1) of this Act, in this section and in sections 23 to 26 of this Act "public service vehicle" shall be construed as meaning [^{F117}a public service vehicle being used on a road for carrying passengers for hire or reward.]

- (2) The authority having power to grant under this section a licence to a person to drive a public service vehicle shall be— [^{F118}the traffic commissioner for the traffic area in which that person resides at the time when he applies for a licence].
- (3) A person shall be disqualified for obtaining a licence to drive a public service vehicle unless he fulfils such conditions as may be prescribed.
- (4) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.
- (5) A licence to drive a public service vehicle may at any time be suspended or revoked by the authority by whom it was granted upon the ground that, by reason of his conduct

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- or physical disability, the holder is not a fit person to hold such a licence; and a licence suspended under this subsection shall during the time of suspension be of no effect.
- (6) A licence to drive a public service vehicle shall, unless previously revoked, continue in force for five years from the date on which it is expressed to take effect.
- (7) Without prejudice to section 23(3) of this Act if, on the date on which an application is made for a licence to drive a public service vehicle, the applicant is the holder of such a licence, the existing licence shall, notwithstanding anything in subsection (6) above, continue in force until the application is disposed of.
- (8) A licence granted under this section to a person resident in any traffic area shall be valid in every other traffic area.
- (9) Subject to section 68(1) and (3) of this Act, a person who contravenes subsection (1) (a) or (b) above shall be liable on summary conviction to a fine not exceeding [^{F119}level 4 on the standard scale].

Textual Amendments

- F116** S. 22 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 1(1)(2)(7), 16, **Sch. 6**
- F117** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 5**
- F118** Words substituted by virtue of Transport Act 1985 (c. 67, SIF 126), **Sch. 7 para. 21(7)**
- F119** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

Modifications etc. (not altering text)

- C25** S. 22 excluded (up to 1.4.1991: see S.I. 1990/2610, art. 2, **Sch.** para. (10)) by Transport Act 1985 (c. 67, SIF 126), **s. 12(13)(a)** as partly repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- C26** S. 22 excluded by Transport Act 1985 (c. 67, SIF 126), **s. 18**
- C27** S. 22(1) excluded by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(6), **Sch. 1 Pt. II para. 10(1)**

[^{F120}23 Appeals to courts of summary jurisdiction in connection with driver's licences.

- (1) A person who, being the holder of or an applicant for a licence to drive a public service vehicle, feels aggrieved by the refusal or failure of [^{F121}a traffic commissioner] . . . ^{F122} to grant, or by the suspension or revocation of, such a licence, or by any limitation imposed thereon, may by notice in writing to the [^{F123}commissioner] . . . ^{F122}, require [^{F123}him] . . . ^{F122} to reconsider the matter and shall on the reconsideration be entitled to be heard either personally or by his representative.
- (2) A person who is so aggrieved or who is dissatisfied with the decision of the [^{F124}commissioner] . . . ^{F125} on the reconsideration of the matter may appeal—
- (a) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,
- (b) if he resides in Scotland, to the sheriff within whose jurisdiction he resides, and on any such appeal the court or sheriff may make such order as it or he thinks fit and any order so made shall be binding on the [^{F124}commissioner] . . . ^{F125}.

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- (3) Where the applicant for a licence to drive a public service vehicle, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall, notwithstanding anything in section 22(6) of this Act, continue in force until the appeal has been disposed of.

Textual Amendments

- F120** S. 23 repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#) (c. 22, SIF 107:), s. 16, [Sch. 6](#)
- F121** Words substituted by [Transport Act 1985](#) (c. 67, SIF 126), s. 3(5), [Sch. 2 Pt. II para. 4\(13\)\(a\)](#)
- F122** Words repealed by [S.I. 1984/31](#), [art. 5\(c\)\(i\)](#)
- F123** Word substituted by [Transport Act 1985](#) (c. 67, SIF 126), s. 3(5), [Sch. 2 Pt. II para. 4\(13\)\(a\)](#)
- F124** Word substituted by [Transport Act 1985](#) (c. 67, SIF 126), s. 3(5), [Sch. 2 Pt. II para. 4\(13\)\(b\)](#)
- F125** Words repealed by [S.I. 1984/31](#), [art. 5\(c\)\(ii\)](#)

[^{F126}23A Northern Ireland drivers' licences.

- (1) A licensing authority may, notwithstanding any driving test condition imposed by regulations, grant a licence to an applicant to drive a public service vehicle of any type if the authority is satisfied that the applicant has, within the period of five years ending on the date of the coming into force of the licence, held a licence granted under the law of Northern Ireland to drive a public service vehicle of that type.
- (2) In this section—
- “driving test condition”, in relation to an applicant for a licence to drive a public service vehicle of any type, means a condition as to the provision of facilities for, or the passing of, a practical test of his ability to drive a public service vehicle of that type;
- “licencing authority” shall be construed in accordance with section 22(2) of this Act.]

Textual Amendments

- F126** [S. 23A](#) inserted by [Road Traffic \(Driving Licences\) Act 1983](#) (c. 43, SIF 107:1), [s. 3](#) and repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#) (c. 22, SIF 107:1), [s. 16](#), [Sch. 6](#)

Regulation of conduct etc. of drivers, inspectors, conductors and passengers

24 Regulation of conduct of drivers, inspectors and conductors.

- (1) Regulations may make provision for regulating the conduct, when acting as such, of—
- (a) [^{F127}persons licensed to act as] drivers of public service vehicles, and
 - (b) inspectors and conductors of such vehicles; [^{F128}and
 - (c) drivers, inspectors and conductors of tramcars.]
- (2) Subject to section 68(1) of this Act, if a person to whom regulations having effect by virtue of this section apply contravenes, or fails to comply with, any of the provisions

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of the regulations, he shall be liable on summary conviction to a fine not exceeding [F129level 2 on the standard scale] and, in the case of an offence by a person acting as driver [F130of a public service vehicle], the court by which he is convicted may, if it thinks fit, [F131send notice of the particulars of the conviction to the Secretary of State requiring the Secretary of State to endorse them on the person's driving record (within the meaning of section 97A of the Road Traffic Offenders Act 1988)].

F132(3)

(4) In this section and in section 25 of this Act “inspector”, in relation to a public service vehicle, means a person authorised to act as an inspector by the holder of the PSV operator’s licence under which the vehicle is being used.

[F133(5) Notwithstanding section 1(1) of this Act, in this section and in sections 25 and 26 of this Act “public service vehicle” shall be construed as meaning a public service vehicle being used on a road for carrying passengers for hire or reward.]

Textual Amendments

F127 Words repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#)

(c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 2(a), Sch. 6

F128 S. 24(1)(c) and word 'and' preceding it added (31.1.1993) by [Transport and Works Act 1992](#) (c. 42), s.

[61\(2\)\(a\)](#); S.I. 1992/3144, art. 3, Sch.

F129 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982](#) (c. 48, SIF 39:1), s. 46 and (S.)

[Criminal Procedure \(Scotland\) Act 1975](#) (c. 21, SIF 39:1), s. 289G

F130 Words in s. 24(2) inserted (31.1.1993) by [Transport and Works Act 1992](#) (c. 42), s. [61\(2\)\(b\)](#); S.I.

1992/3144, art. 3, Sch.

F131 Words in s. 24(2) substituted (8.6.2015) by [Road Safety Act 2006](#) (c. 49), s. 61(1)(10), Sch. 3 para.

[1\(2\)](#); S.I. 2015/560, art. 3(a) (with arts. 4-9)

F132 S. 24(3) repealed (8.6.2015) by [Road Safety Act 2006](#) (c. 49), s. 61(1)(10), Sch. 3 para. 1(3), Sch.

[7\(4\)](#); S.I. 2015/560, art. 3 (with arts. 4-9)

F133 S. 24(5) inserted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#)

(c. 22, SIF 107:1), s. 7, Sch. 3 para. 2(c)

Modifications etc. (not altering text)

C28 S. 24 applied (with modifications) (21.7.1994) by [1994 c. xv](#), s. [63\(1\)](#)

25 Regulation of conduct of passengers.

(1) Regulations may make provision generally as to the conduct of passengers on public service vehicles [F134or tramcars] and in particular (but without prejudice to the generality of the foregoing provision) for—

- (a) authorising the removal from a public service vehicle [F134or tramcar] of a person infringing the regulations by the driver, inspector or conductor of the vehicle or on the request of the driver, inspector or conductor by a police constable;
- (b) requiring a passenger in a public service vehicle [F134or tramcar] who is reasonably suspected by the driver, inspector or conductor thereof of contravening the regulations to give his name and address to the driver, inspector or conductor on demand;
- (c) requiring a passenger to declare, if so requested by the driver, inspector or conductor, the journey he intends to take or has taken in the vehicle, and to

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- pay the fare for the whole of that journey and to accept any ticket provided therefor;
- (d) requiring, on demand being made for the purpose by the driver, inspector or conductor, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;
 - (e) requiring a passenger, if so requested by the driver, inspector or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;
 - (f) requiring the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.
- (2) ^{F135}
- (3) Subject to section 68(1) of this Act, if a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding [^{F136}level 3 on the standard scale].
- (4) In the application of this section to Scotland, subsection (1)(b) shall have effect as if after the word “address” there were inserted the words “to a police constable or”

Textual Amendments

F134 Words in s. 25(1) inserted (31.1.1993) by Transport and Works Act 1992 (c. 42), s. 61(3); S.I. 1992/3144, art. 3, Sch.

F135 S. 25(2) repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, Sch. 7 Pt. I

F136 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

Modifications etc. (not altering text)

C29 S. 25 applied (with modifications) (21.7.1994) by 1994 c. xv, s. 63(1)

C30 S. 25 applied (with modifications) (1.7.1994) S.I. 1994/1761, art. 25(1)

C31 S. 25 applied (21.7.1994) by 1994 c. xi, s. 47(1)

C32 S. 25(3) restricted (21.7.1994) by 1994 c. xv, s. 55(1)(2)(b)
S. 25(3) restricted (3.7.2000) by 1999 c. 29, s. 245, Sch. 17, para. 8(1)(2)(3)(c)(4) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

26 Control of number of passengers.

- (1) Regulations may make provision with respect to public service vehicles for—
- (a) the determination by or under the regulations of the number of the seated passengers and standing passengers respectively for whom a vehicle is constructed or adapted and fit to carry;
 - (b) the determination by or under the regulations of the number of such passengers respectively who may be carried in a vehicle;
 - (c) the marks to be carried on a vehicle showing those numbers and the manner in which those marks are to be carried.
- (2) Subject to section 68(1) and (3) of this Act, if a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding [^{F137}level 2 on the standard scale].

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Textual Amendments

F137 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 39, 46, [Sch. 2](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

Modifications etc. (not altering text)

C33 [S. 26](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 12\(13\)\(a\)](#)

C34 [S. 25](#) applied (with modifications) (21.7.1994) by [1994 c. xv, s. 63\(1\)](#)

Supplementary provisions

^{F138}**27**

Textual Amendments

F138 [S. 27](#) repealed (3.1.1995) by [1994 c. 40](#) ss. 64, 81, Sch. 17; [S.I. 1994/3188](#), [art. 3](#)

28 ^{F139}

Textual Amendments

F139 [S. 28](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 32\(a\)](#), Sch. 8

29 **Avoidance of contracts so far as restrictive of liability in respect of death of or injury to passengers in public service vehicles.**

A contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of a person in respect of a claim which may be made against him in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

[^{F140}This section does not apply to anything that is governed by Article 6 of the 2011 Regulation.]

Textual Amendments

F140 Words in [s. 29](#) inserted (19.8.2013) by [The Rights of Passengers in Bus and Coach Transport \(Exemptions and Enforcement\) Regulations 2013 \(S.I. 2013/1865\)](#), regs. 1(1), [13\(1\)\(a\)](#)

Status:

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