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Public Passenger Vehicles Act 1981

1981 CHAPTER 14

An Act to consolidate certain enactments relating to public passenger vehicles. [15th April 1981]

Modifications etc. (not altering text)

- C1 Act modified in part by virtue of S.I. 1980/1460, **regs. 4–6** (as amended by S.I. 1981/462, **regs. 2–4**) and Interpretation Act 1978 (c. 30, SIF 115:1), **ss. 17(2)(a)**, 23(3)
- C2 Act modified by S.I. 1984/748, **regs. 4(2), 5(2), 6(2), 7(2), 9(2), 10(2), 11(2), 12(2)**, **Sch. 2**
- C3 Act excluded (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), **s. 44(1)**
- C4 Act excluded (E.W.) by Transport Act 1985 (c. 67, SIF 126), **s. 11(1)(a)**
- C5 Act amended by S.I. 1986/1628, **reg. 5(2)(3)**

Commencement Information

- I1 Act not in force at date of Royal Assent. See s. 89(2). Act wholly in force 30.10.1981

PART I

PRELIMINARY

Modifications etc. (not altering text)

- C6 Pt. I (ss. 1–5) amended by Road Traffic Act 1988 (c. 52, SIF 107:1), **s. 187(3)**

Definition and classification of public service vehicles

1 Definition of “public service vehicle”.

- (1) Subject to the provisions of this section, in this Act “public service vehicle” means a motor vehicle (other than a tramcar) which—
- (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or

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- (b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.
- (2) For the purposes of subsection (1) above a vehicle “is used” as mentioned in paragraph (a) or (b) of that subsection if it is being so used or if it has been used as mentioned in that paragraph and that use has not been permanently discontinued.
- (3) A vehicle carrying passengers at separate fares in the course of a business of carrying passengers, but doing so in circumstances in which the conditions set out in Part I, . . . ^{F1} or III of Schedule 1 to this Act are fulfilled, shall be treated as not being a public service vehicle unless it is adapted to carry more than eight passengers.
- (4) For the purposes of this section a journey made by a vehicle in the course of which one or more passengers are carried at separate fares shall not be treated as made in the course of a business of carrying passengers if—
- (a) the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey; and
 - (b) the arrangements for the payment of fares by the passenger or passengers so carried were made before the journey began;
- and for the purposes of paragraph (a) above the running costs of a vehicle for a journey shall be taken to include an appropriate amount in respect of depreciation and general wear.
- (5) For the purposes of this section, . . . ^{F2} and Schedule 1 to this Act—
- (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;
 - (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
 - (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person’s being given a right to be carried, whether for one or more journeys and whether or not the right is exercised.
- (6) Where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of subsection (5) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator’s control, part of that journey may be made by road.

Textual Amendments

F1 “II” repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

F2 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

Modifications etc. (not altering text)

C7 [S. 1](#) applied (4.1.1995) by [1980 c. 45, s. 69\(1\)](#) (as amended (4.1.1995) by [1994 c. 39, s. 180\(1\)](#)), [Sch. 13 para. 119\(36\)\(a\)](#); [S.I. 1994/2850, art. 3\(c\)](#))

C8 [S. 1](#) modified (14.3.2002) by [S.I. 2002/412, art. 2\(4\)](#) (with [art. 38](#))

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- C9** S. 1(2) excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(8)
- C10** S. 1(5) applied by Transport Act 1985 (c. 67, SIF 126), s. 137(3)
- C11** S. 1(5)(b)(c)(6) applied by Transport Act 1985 (c. 67, SIF 126), s. 2(5)

2 F3

Textual Amendments

- F3** S. 2 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

Traffic Areas and Traffic commissioners

3 Traffic areas.

- (1) For the purposes of this Act Great Britain shall be divided into the Metropolitan, Northern, Yorkshire, North-Western, West Midland, East Midland, Eastern, South Wales, Western, South-Eastern and Scottish Traffic Areas.
- (2) The Secretary of State may from time to time by order vary the provisions of this Act constituting traffic areas, either by altering the limits of an existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.
- (3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions—
 - (a) as to the effect of licences previously issued, and consents previously given, by the traffic [F4 commissioner] for any traffic area abolished or otherwise affected;
 - (b) as to the effect of applications for licences or consents previously made to any such traffic [F4 commissioner], as to the traffic [F4 commissioner] to whom applications relating to any such area may be made between the date of the order and the date as from which the abolition of, or other change in, the area is to have effect, and as to the traffic [F4 commissioner] by whom and the places at which any such application may be heard, either before or after the last mentioned date;
 - (c) as to the continuance of appeals pending against decisions of the traffic [F4 commissioner] for any traffic area abolished or otherwise affected; and
 - (d) as to the recovery of any sums due, at the date as from which a traffic area is abolished, to the traffic [F4 commissioner] for that area,
 as appear to the Secretary of State to be necessary or expedient in consequence of the variations of areas to be affected by the order.
- (4) The power to make orders conferred by this section shall be exercisable by statutory instrument which shall be laid before Parliament after being made, and an order under this section shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

Textual Amendments

- F4** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(2)

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[^{F5}4 **Traffic commissioners.**

- (1) There shall be a commissioner for each traffic area constituted for the purposes of this Act.
- (2) The commissioner for each traffic area shall be appointed by the Secretary of State and shall be known as the traffic commissioner for the area.
- (3) The traffic commissioner for a traffic area shall be responsible for issuing licences under this Act and shall have such other functions as are given to him by, or in pursuance of, this Act or any other enactment.
- (4) Any person appointed to be the traffic commissioner for a traffic area shall—
 - (a) act under the general directions of the Secretary of State; and
 - (b) vacate his office on attaining the age of sixty-five, or on such later date before he attains the age of sixty-six as the Secretary of State may at any time direct, but otherwise hold office during Her Majesty’s pleasure.
- (5) Where the Secretary of State proposes to appoint a person to be the traffic commissioner for a traffic area he shall, before making the appointment, require that person to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers or goods by road within Great Britain.
- (6) Schedule 2 to this Act shall have effect with respect to traffic commissioners.]

Textual Amendments

F5 Ss. 4, 5 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(2)

[^{F6}5 **Publication of information by traffic commissioners.**

- (1) Every traffic commissioner shall publish, in such form and at such times as may be prescribed, such information with respect to the exercise, or proposed exercise, of any of his functions under this Act or the Transport Act 1985 as may be prescribed.
- (2) Where the traffic commissioner for a traffic area publishes information under this section he shall—
 - (a) send a copy of the publication—
 - (i) to every chief officer of police, Passenger Transport Executive and local authority whose area falls partly or wholly within that traffic area; and
 - (ii) where that traffic area falls wholly or partly within London, to London Regional Transport; and
 - (b) make a copy of it available (by post if required and on payment of such fee as may be prescribed) to anyone who asks for one.
- (3) In this section “local authority” means—
 - (a) in England and Wales, the council of any non-metropolitan county, any district or London borough or the Common Council of the City of London; and
 - (b) in Scotland, any regional or islands council.]

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Textual Amendments

F6 Ss. 4, 5 substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(2)

PART II

GENERAL PROVISIONS RELATING TO PUBLIC SERVICE VEHICLES

Modifications etc. (not altering text)

C12 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) A public service vehicle adapted to carry more than eight passengers shall not be used on a road unless—
- a certifying officer [^{F7}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
 - a certificate under section 10 of this Act has been issued in respect of the vehicle; or
 - there has been issued in respect of the vehicle a certificate under section 47 of the ^{M1}Road Traffic Act 1972 [^{F8}or sections 55 to 58 of the Road Traffic Act 1988] (type approval) of a kind which by virtue of regulations is to be treated as the equivalent of a certificate of initial fitness.

[^{F9}(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 [^{F10}level 4 on the standard scale].

Textual Amendments

F7 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3)(d), 76(2)

F8 Words inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, Sch. 3 para. 22

F9 S. 6(1A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(8), 76(2)

F10 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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Modifications etc. (not altering text)

C13 S. 6(1A) extended (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(11)(b), 76(2)

Marginal Citations

M1 1972 c. 20.

7 Certifying officers and public service vehicle examiners.

- (1) For the purpose of the provisions of this Act with respect to the certification of fitness of vehicles, the Secretary of State may with the approval of the Minister for the Civil Service, appoint such officers (in this Act referred to as “certifying officers”) as he thinks fit, and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of initial fitness and otherwise, as the Minister may require.
- (2) The Secretary of State may, with the approval of the Minister for the Civil Service, appoint as public service vehicle examiners such persons as he considers necessary for the purpose of the inspection of public service vehicles within the several traffic areas and for the purpose of the discharge of such other duties as he considers can conveniently be discharged by persons acting as such examiners, and for that purpose may, with the concurrence of the Secretary of State concerned, make arrangements with any police authority for the appointment of members of their police force for this purpose.
- (3) A certifying officer or public service vehicle examiner shall, in exercising any of the functions of such an officer or examiner, act under the general directions of the Secretary of State.
- (4) There shall be paid to or in respect of certifying officers and public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Secretary of State may, with the consent of the Minister for the Civil Service, determine.

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

- (1) A certifying officer or public service vehicle examiner, on production if so required of his authority—
 - (a) may at any time inspect any public service vehicle, and for that purpose—
 - (i) may enter the vehicle; and
 - (ii) may detain the vehicle during such time as is required for the inspection;
 - (b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that there is a public service vehicle.

[^{F11}(1A) for the purposes of subsection (1)(b) above, a vehicle which is used to carry passengers for hire or reward only under a permit granted under section 19 or 22 of the Transport Act 1985 (permits relating to the use of vehicles by educational and other bodies or in providing community bus services) shall be treated as not being a public service vehicle.]

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- (2) A person who intentionally obstructs a certifying officer or public service vehicle examiner acting in the exercise of his powers under subsection (1) above shall be liable on summary conviction to a fine not exceeding [^{F12}level 3 on the standard scale].
- (3) The Secretary of State may—
 - (a) provide and maintain stations where inspections of public service vehicles for the purposes of this Act 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

F11 S. 8(1A) inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 21(2)

F12 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

9 Power to prohibit driving of unfit public service vehicles.

- (1) If on any inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner [^{F13}or an authorised inspector] that owing to any defects therein the vehicle is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road either—
 - (a) absolutely; or
 - (b) for one or more specified purposes; or
 - (c) except for one or more specified purposes.
- (2) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official PSV testing station.
- (3) Where a certifying officer or examiner [^{F14}or authorised inspector] prohibits the driving of a vehicle under subsection (1) above, he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—
 - (a) specifying the defects which occasioned the prohibition;
 - (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and
 - (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (4) If the person to whom written notice of a prohibition is given under subsection (3) above as being the person in charge of the vehicle at the time of the inspection is not—
 - (a) the operator of the vehicle; or
 - (b) if there is no operator at that time, the owner of the vehicle,the officer or examiner [^{F14}or authorised inspector] shall as soon as practicable take steps to bring the contents of the notice to the attention of the said operator or owner.

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- (5) If, in the opinion of the certifying officer or examiner ^[F15]or authorised inspector] concerned, the defects in the vehicle in question are such that driving it, or driving it for any purpose prohibited by the notice given to the person in charge of it, would involve danger to ^[F16]the driver or to passengers or other members of the public^[F16]any person], the prohibition under subsection (1) above with respect to the vehicle shall come into force as soon as that notice has been given.
- (6) In any other case a prohibition under subsection (1) above shall come into force at such time not later than ten days from the date of the inspection as seems appropriate to the certifying officer or examiner ^[F17]or authorised inspector] having regard to all the circumstances.
- (7) Where a notice has been given under subsection (3) above, any certifying officer or public service vehicle examiner ^[F18]or an authorised inspector] may—
- (a) grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose or purposes as may be specified in the exemption;
 - (b) by endorsement on the notice vary its terms and, in particular—
 - (i) alter the time at which the prohibition is to come into force, or suspend it if it has come into force; or
 - (ii) cancel a direction under subsection (2) above with which the prohibition was imposed.
- (8) Subject to any subsisting direction under subsection (2) above, a prohibition under subsection (1) above with respect to any vehicle may be removed by any certifying officer or public service vehicle examiner ^[F19]or an authorised inspector] if he is satisfied that the vehicle is fit for service; ^[F20]and a person aggrieved by the refusal of a public service vehicle examiner ^[F21]or certifying officer^[F19]or an authorised inspector] to remove a prohibition may make an application to the traffic ^[F22]commissioner] for any area to have the vehicle inspected
- ^[F23](a) in the case of a refusal by a public service vehicle examiner, by a certifying officer; and
 - (b) in the case of a refusal by a certifying officer, by another certifying officer;
- and] where such an application is made, the certifying officer to whom the matter is referred by the ^[F22]commissioner] shall, if he considers that the vehicle is fit for service, remove the prohibition.]
- (9) Except in such cases as may be prescribed, a person who—
- (a) knowingly drives a vehicle in contravention of a prohibition under subsection (1) above; or
 - (b) subject to section 68(3) of this Act, causes or permits a vehicle to be driven in contravention of such a prohibition,
- shall be liable on summary conviction to a fine not exceeding ^[F24]level 5 on the standard scale].
- ^[F25](10) Any removal of a prohibition under subsection (1) above shall be made by notice in writing.]

Textual Amendments

F13 Words inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(3)(e)**, 76(2)

F14 Words inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(3)**, 76(2)

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- F15** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(3)**, 76(2)
- F16** Words “any person” substituted (*prosp.*) for words beginning “the driver” by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), **Sch. 5 para. 21(a)**
- F17** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(3)**, 76(2)
- F18** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(3)(e)**, 76(2)
- F19** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(3)(e)**, 76(2)
- F20** Words repealed (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 21(3), 76(2), **Sch. 6**
- F21** Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 21(3)**
- F22** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(3)**
- F23** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 21(3)**
- F24** 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
- F25** S. 9(10) added (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), **Sch. 5 para. 21(b)**

[^{F26}**9A Extension of sections 8 and 9 to certain passenger vehicles other than public service vehicles.**

- (1) Section 8 of this Act shall apply, with the omission of subsection (1)(b), 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.
- (2) Section 9 of this Act shall apply to any such motor vehicle as it applies to a public service vehicle with the omission of subsection (4).]

Textual Amendments

- F26** S. 9A inserted by Transport Act 1985 (c. 67, SIF 126), s. 333

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, the certifying officer 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.

Subordinate Legislation Made

- P1** S. 60 (with ss.10(1) and 52(1)(a)) power exercised by S.I.1991/456

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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.

Public service vehicle operators' licences

12 PSV operators' licences.

- ^{F27}(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.]
- (2) The authority having power to grant a PSV operator's licence is the traffic ^{F28}[commissioner] for any traffic area in which, if the licence is granted, there will be one or more operating centres of vehicles used under the licence; and, subject to the provisions of this Part of this Act, a PSV operator's licence authorises the holder to use anywhere in Great Britain vehicles which have their operating centre in the area of the traffic ^{F28}[commissioner] by whom the licence was granted.
- (3) A person may hold two or more PSV operators' licences each granted by the traffic ^{F28}[commissioner] for ^{F29}[a different area], but shall not at the same time hold more than one such licence granted by the ^{F28}[commissioner] for the same area.
- (4) An application for a PSV operator's licence shall be made in such a form as the traffic ^{F30}[commissioner] may require, and an applicant shall give the ^{F30}[commissioner] such information as ^{F31}[he] 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 ^{F32}[level 4 on the standard scale].

Textual Amendments

F27 S. 12(1) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1 (3), Sch. 1 para. 4

F28 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(4\)\(a\)](#)

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- F29** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(4)(b)**
F30 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(4)(a)**
F31 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 para. 4(4)(c)**
F32 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)

- C14** S. 12 amended by Transport Act 1985 (c. 67, SIF 126), **s. 12(13)**
C15 S. 12(1) excluded by Transport Act 1985 (c. 67, SIF 126), **s. 18**
C16 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**)
C17 S. 12(3) amended by S.I. 1986/1628, **reg. 5(1), Sch.**

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.

14 Grant of licences.

- (1) An application for a standard licence shall not be granted unless the traffic [^{F33}commissioner][^{F34}is] satisfied that the applicant meets the following requirements, namely—
 - (a) the requirement to be of good repute;
 - (b) the requirement to be of appropriate financial standing; and
 - (c) the requirement as to professional competence;and an application for a restricted licence shall not be granted unless the traffic [^{F33}commissioner][^{F34}is] satisfied that the applicant meets the requirements to be of good repute and of appropriate financial standing.
- (2) The provisions of Schedule 3 to this Act shall have effect for supplementing the provisions of subsection (1) above, and for modifying the operation of that subsection in the case of persons engaged in road passenger transport before 1st January 1978.

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- (3) Notwithstanding that it appears to the traffic [^{F35}commissioner] on an application for a standard or restricted licence that the requirements mentioned in subsection (1) above are met, the application shall not be granted unless the [^{F35}commissioner][^{F36}is] further 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.
- (4) If on an application for a PSV operator’s licence the traffic [^{F37}commissioner][^{F38}determines] that the relevant requirements mentioned in subsection (1) above and the further requirements mentioned in subsection (3) above are satisfied [^{F38}he] shall, subject to the provisions of sections 15 and 16 of this Act, grant the licence in accordance with the application.

Textual Amendments

F33 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(a\)](#)

F34 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(b\)](#)

F35 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(a\)](#)

F36 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(b\)](#)

F37 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(a\)](#)

F38 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(c\)](#)

Modifications etc. (not altering text)

C18 [S. 14\(1\)](#) amended by [S.I. 1986/1628](#), reg. 5(1), [Sch.](#)

C19 [S. 14\(4\)](#) excluded (3.1.1995) by [1985 c. 67](#), [s. 28\(2\)](#) (as amended by [1994 c. 40](#), [s. 67\(2\)](#); [S.I. 1994/3188](#), [art. 3](#))

^{F39}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 section 14(1) and (3) of this Act are not satisfied in relation to the application.
- (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.
- (3) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.
- (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 regional or islands council.
- (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).]

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Textual Amendments

F39 S. 14A inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 25

Modifications etc. (not altering text)

C20 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 and the date on which it is to expire; and, subject to subsection (2) below, the last-mentioned date shall be such as will make the duration of the licence such period not exceeding five years as the traffic [^{F40}commissioner] on granting the licence [^{F40}considers] appropriate in the circumstances.
- (2) [^{F41}A traffic commissioner] on granting a PSV operator's licence may direct that the duration of the licence shall be such period not exceeding five years as is in the opinion of the [^{F41}commissioner] desirable in order to arrange a reasonably convenient programme of work for [^{F42}him].
- (3) If, immediately before a PSV operator's licence is due to expire, proceedings are pending before the traffic [^{F43}commissioner] on an application by the holder of that licence for the grant to him of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (4) Where an application is made to the traffic [^{F44}commissioner] by the holder of a PSV operator's licence for the grant to him of a new licence to take effect on the expiry of the existing licence and the traffic [^{F45}commissioner decides] not to grant the new licence, [^{F44}he] may direct that the existing licence continue in force for such period as appears to [^{F44}him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

Textual Amendments

F40 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(6\)\(a\)](#)

F41 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(6\)\(b\)](#)

F42 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(6\)\(b\)](#)

F43 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(6\)\(c\)](#)

F44 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(6\)\(d\)](#)

F45 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(6\)\(d\)](#)

Modifications etc. (not altering text)

C21 S. 15 modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 12(3)

16 Conditions attached to licences.

- (1) [^{F46}Subject to subsection (1A) below and section 12(7) of the Transport Act 1985][^{F47}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

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their operating centre in the area of [^{F47}that commissioner]) which the holder of the licence may at any one time use under the licence.

[^{F48}(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) [^{F49}A traffic commissioner] may (whether at the time when the licence is granted or at any time thereafter) attach to a PSV operator's licence granted by [^{F50}him] such conditions or additional conditions as [^{F49}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) The traffic [^{F51}commissioner] by whom a PSV operator's licence was granted may at any time while it is in force vary the licence by—

- (a) altering in such manner as [^{F52}he thinks] fit any condition attached under subsection (3) above to the licence; or
- (b) removing any condition so attached to the licence.

(6) On the application of the holder of a PSV operator's licence, the traffic [^{F53}commissioner] by whom the licence was granted may at any time while it is in force—

- (a) vary the conditions attached under subsection (1) above to the licence; or
- (b) exercise [^{F53}his] powers (whether of alteration or removal) under subsection (5) above;

and a person making an application under this subsection shall give to the traffic [^{F53}commissioner] such information as [^{F53}he] may reasonably require for the discharge of [^{F53}his] duties in relation to the application.

(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 [^{F54}level 3 on the standard scale].

(8) Compliance with any condition attached to a PSV operator's licence . . . [^{F55}]^{F56}(other than a condition so attached under subsection (1A) above)] may be temporarily dispensed with by the traffic [^{F57}commissioner] by whom the licence was granted if [^{F58}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) [^{F59}or (1A)] above to a PSV operator's licence granted by the traffic [^{F60}commissioner] for any area do not affect the use by the holder of the licence of a vehicle—

- (a) under a PSV operator's licence granted to him by the traffic [^{F60}commissioner] for another area; or
- (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).

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Textual Amendments

- F46 Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(2\)](#), [Sch. 7 para. 21\(4\)](#)
- F47 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(a\)](#)
- F48 [S. 16\(1A\)](#) inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(1\)\(a\)](#)
- F49 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(b\)](#)
- F50 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(b\)](#)
- F51 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(c\)](#)
- F52 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(c\)](#)
- F53 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(d\)](#)
- F54 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](#)
- F55 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\)](#), [Sch. 8](#)
- F56 Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(1\)\(b\)](#)
- F57 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(e\)](#)
- F58 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(e\)](#)
- F59 Words inserted by [Transport Act 1985 \(c. 67, SIF 67\), s. 24\(1\)\(c\)](#)
- F60 Word substituted by [Transport Act 1985 \(c. 67, SIF 67\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(f\)](#)

Modifications etc. (not altering text)

- C22 [S. 16](#) amended by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(4\)](#)
- C23 [S. 16\(1A\)](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(13\)\(a\)](#)
- C24 [S. 16\(2\)](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(13\)\(a\)](#)
- C25 [S. 16\(5\)](#) amended by [Transport Act 1985 \(c. 67, SIF 126\), s. 27\(4\)](#)

VALID FROM 10/01/1999

[^{F61}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 the commissioner of any event which could affect the fulfilment by the licence-holder of any of the requirements of section 14(1) of this Act, and to do so within 28 days of the event; and
 - (b) a condition requiring the licence-holder to inform the commissioner of any event which could affect the fulfilment by a relevant transport manager of the requirements mentioned in section 14(1)(a) or (c) of this Act, and to do so within 28 days of the event coming to the licence-holder's knowledge.
- (2) In subsection (1)(b) above the reference to a “relevant transport manager” is a reference to any transport manager employed by the licence-holder who is relied on by the licence-holder to fulfil the requirements of section 14(1)(c) of this Act.
- (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.]

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Textual Amendments

F61 S. 16A and sidenote inserted (1.10.1999) by S.I. 1999/2431, reg. 5

17 Revocation, suspension etc. of licences.

- (1) The traffic [^{F62}commissioner] by whom a standard licence was granted shall revoke the licence if it appears to [^{F62}him] at any time that the holder no longer satisfies the requirement to be of good repute, the requirement to be of appropriate financial standing or the requirement as to professional competence.
- (2) Without prejudice to subsection (1) above, the traffic [^{F63}commissioner] by whom a PSV operator's licence was granted may, on any of the grounds specified in subsection (3) below, at any time—
 - (a) revoke the licence;
 - (b) suspend the licence for such period as [^{F64}he directs] (during which time it shall be of no effect);
 - (c) curtail the period of validity of the licence;
 - (d) vary any condition attached under subsection (1) of section 16 of this Act to the licence, or attach to the 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 intention or expectation which has not been fulfilled;
 - (b) that there has been a contravention of any condition attached to the licence;
 - (c) that a prohibition under section 9 of this Act 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 subsection (9) of that section;
 - (d) in the case of a restricted licence, that the holder no longer satisfies the requirement to be of good repute or the requirement to be of appropriate financial standing;
 - (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.
 - [^{F65}(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]
- (4) [^{F66}A traffic commissioner] shall not take any action under subsection (1) or (2) above in respect of any licence without first holding [^{F67}an inquiry] if the holder of the licence requests [^{F68}him] to do so.
- (5) Where [^{F69}a traffic commissioner decides] to revoke a licence under this section, [^{F70}he] may direct that the revocation shall not take effect for such period as appears to

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[^{F70}him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

- (6) The provisions of Schedule 3 to this Act shall apply for the purposes of subsections (1) and (3)(d) above as they apply for the purposes of section 14(1) of this Act.

Textual Amendments

- F62** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(a)**
F63 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(b)**
F64 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(b)**
F65 [S. 17\(3\)\(f\)](#) added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(5)**
F66 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
F67 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(6)**
F68 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
F69 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**
F70 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**

Modifications etc. (not altering text)

- C26** [S. 17\(1\)](#) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
C27 [S. 17\(2\)](#) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 28(4)
C28 [S. 17\(3\)\(d\)](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 12(13)(a)

[^{F71}17A Assessors to assist traffic commissioners.

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

Textual Amendments

- F71** [S. 17A](#) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 5

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.
- (2) [^{F72}A traffic commissioner] on granting a PSV operator's licence shall supply the person to whom the licence is granted with a number of operators' discs equal to the maximum number of vehicles which he may use under the licence in accordance with the condition or conditions attached to the licence under section 16(1) [^{F73}or (1A)] of this Act; and if [^{F74}(in the case of any condition or conditions attached under section 16(1))] that maximum number is later increased on the variation of one or

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more of those conditions, the traffic [^{F75}commissioner] on making the variation shall supply him with further operators' discs accordingly.

- (3) Regulations may make provision—
- (a) as to the form of operators' discs and the particulars to be shown on them;
 - (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 on the revocation or expiration 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.
- (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 [^{F76}level 3 on the standard scale].

Textual Amendments

- F72** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(9\)](#)
- F73** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(2\)\(a\)](#)
- F74** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(2\)\(b\)](#)
- F75** Word substituted by [Transport Act 1985 \(c.67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(9\)](#)
- F76** 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. 18](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(13\)\(a\)](#)
- C30** [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 [^{F77}commissioner] to whom the application was made if, in the interval between the 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 the traffic [^{F78}commissioner] by whom the licence was granted 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.
- (3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—

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- (a) the bankruptcy or liquidation of the holder, or the sequestration of his estate [F79 or the making of an administration order under [F80] Part II of the Insolvency Act 1986] in relation to the holder] or the appointment of a receiver, manager or trustee of his road passenger transport business; 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 the traffic [F81] commissioner] by whom the licence was granted.
- (4) [F82] A traffic commissioner] on granting or varying a PSV operator's licence, or at any time thereafter, may require the holder of the licence to inform [F83] him] forthwith or within a time specified by [F83] him] of any material change specified by [F83] him] in any of [F82] the holder's] circumstances which were relevant to the grant or variation of the licence.
 - (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 [F84] level 3 on the standard scale].

Textual Amendments

- F77** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F78** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F79** Words inserted by Insolvency Act 1985 (c. 65, SIF 66), s. 235, Sch. 8 para. 34, **Sch. 9 para. 11(2)**
- F80** Words substituted by Insolvency Act 1986 (c. 45, SIF 66), s. 439(2), **Sch. 14**
- F81** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F82** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
- F83** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
- F84** 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)

- C31** S. 19 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C32** S. 19(1) amended by S.I. 1986/1628, reg. 5(1), **Sch.**
- C33** S. 19(2) amended by S.I. 1986/1628, reg. 5(1), **Sch.**
- C34** 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 [F85] to the [F86] Secretary of State]] [F85] 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 [F85] to the [F86] Secretary of State]] [F85] in accordance with regulations made by virtue of subsection (2A) below].

[F87] (2A) Regulations may make provision—

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- (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 public service vehicle examiner or an authorised inspector.]
- (3) The traffic [^{F88}commissioner] by whom a PSV operator’s licence was granted may—
- (a) require the holder of the licence to supply [^{F88}him] forthwith or within a specified time with such information as [^{F88}he] may reasonably require about the public service vehicles owned by [^{F89}the holder] and normally kept at an operating centre within the area of [^{F89}that commissioner], and to keep up to date information supplied by [^{F89}the holder] under this paragraph; or
 - (b) require the holder or former holder of the licence to supply [^{F88}him] forthwith or within a specified time with such information as [^{F88}he] may reasonably require about the public service vehicles owned by [^{F89}the holder or former holder] at any material time specified by [^{F88}him] which were at that time normally kept at an operating centre within the area of [^{F89}that commissioner].

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 [^{F90}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 [^{F91}level 4 on the standard scale].
- (6) Where a certifying officer or public service vehicle examiner [^{F92}or an authorised inspector] imposes or removes a prohibition on the driving of a public service vehicle, he shall forthwith give notice of that fact to the traffic [^{F93}commissioner] who granted the PSV operator’s licence under which the vehicle was last used before the prohibition was imposed.

Textual Amendments

- F85** 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”
- F86** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 29**
- F87** [S. 20\(2A\)](#) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(9)(b)**, 76(2)
- F88** Word substituted as provided by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F89** Words substituted as provided by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F90** 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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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

F92 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3)(g), 76(2)

F93 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(11)(b)

Modifications etc. (not altering text)

C35 S. 20 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)

C36 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, may apply—
 - (a) if he holds a standard licence, to the traffic [^{F94}commissioner] by whom that licence was granted or, if he holds more than one, by whom the last such licence was granted;
 - (b) in any other case, to the traffic [^{F94}commissioner] for any traffic area, for a certificate as to his repute and professional competence and, where relevant, his financial standing.
- (2) A person applying for a certificate under subsection (1) above shall give to the traffic [^{F94}commissioner] such information as [^{F94}he] may reasonably require for the discharge of [^{F94}his] duties in relation to the application.
- (3) The traffic [^{F94}commissioner] to whom an application under subsection (1) above is made shall certify such matters relating to the applicant as—
 - (a) [^{F95}he is satisfied he] may properly certify, and
 - (b) appear to [^{F95}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

F94 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(12)(a)

F95 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(12)(c)

Drivers' licences

[^{F96}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.

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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 [^{F97}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— [^{F98}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 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 [^{F99}level 4 on the standard scale].

Textual Amendments

- F96** 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**
- F97** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 5**
- F98** Words substituted by virtue of Transport Act 1985 (c. 67, SIF 126), **Sch. 7 para. 21(7)**
- F99** 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)

- C37** 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**
- C38** S. 22 excluded by Transport Act 1985 (c. 67, SIF 126), **s. 18**
- C39** 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)**

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[^{F100}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 [^{F101}a traffic commissioner]] . . . ^{F102} 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 [^{F103}commissioner] . . . ^{F102}, require [^{F103}him] . . . ^{F102} 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 [^{F104}commissioner] . . . ^{F105} 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 [^{F104}commissioner] . . . ^{F105}.
- (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

- F100** S. 23 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:), s. 16, **Sch. 6**
- F101** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(13)(a)**
- F102** Words repealed by S.I. 1984/31, **art. 5(c)(i)**
- F103** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(13)(a)**
- F104** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(13)(b)**
- F105** Words repealed by S.I. 1984/31, **art. 5(c)(ii)**

[^{F106}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.]

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Textual Amendments

- F106** 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) [^{F107}persons licensed to act as] drivers of public service vehicles, and
 - (b) inspectors and conductors of such vehicles.
- (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 of the regulations, he shall be liable on summary conviction to a fine not exceeding [^{F108}level 2 on the standard scale] and, in the case of an offence by a person acting as driver, the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon [^{F109}the counterpart of] the licence granted to that person under [^{F110}section 22 of this Act][^{F110}Part III of the Road Traffic Act 1988].
- (3) The person who has the custody of the licence [^{F111}and its counterpart] shall, if so required by the convicting court, produce [^{F112}the licence][^{F112}them] within a reasonable time for the purpose of endorsement, and, subject to section 68(1) of this Act, if he fails to do so, shall be liable on summary conviction to a fine not exceeding [^{F113}level 3 on the standard scale].
- (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.
- [^{F114}(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

- F107** 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
- F108** 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
- F109** Words 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(b)(i) (as substituted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 3(2)(a))
- F110** Words “Part III of the Road Traffic Act 1988” substituted (1.4.1991) for “section 22 of this Act” by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, Sch. 3 para. 2(b)(ii) (as substituted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 3(2)(a))
- F111** Words 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(bb)(i) (as inserted by S.I. 1990/144, regs. 2(3), 3, Sch. 3 para. 3(2)(b))

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- F112** Word “them” substituted (1.4.1991) for “the licence” by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 2(bb)(ii)** (as inserted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(2)(b)**)
- F113** 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
- F114** 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)**

25 Regulation of conduct of passengers.

- (1) Regulations may make provision generally as to the conduct of passengers on public service vehicles and in particular (but without prejudice to the generality of the foregoing provision) for—
 - (a) authorising the removal from a public service vehicle 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 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 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) ^{F115}
- (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 [^{F116}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

- F115** S. 25(2) repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, **Sch. 7 Pt. I**
- F116** 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

26 Control of number of passengers.

- (1) Regulations may make provision with respect to public service vehicles for—

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- (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 [^{F117}level 2 on the standard scale].

Textual Amendments

F117 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)

C40 [S. 26](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 12\(13\)\(a\)](#)

C41 [S. 25](#) applied (with modifications) (21.7.1994) by [1994 c. xv, s. 63\(1\)](#)

Supplementary provisions

27 Returns to be provided by persons operating public service vehicles.

- (1) It shall be the duty of a person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Secretary of State such financial and statistical returns, and in such manner and at such times, as the Secretary of State may from time to time require.
- (2) Subject to section 68(3) of this Act, if a person fails to comply with the requirements of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding [^{F118}level 3 on the standard scale].
- (3) This section shall not apply to the British Railways Board or [^{F119}the London Transport Executive][^{F119}London Regional Transport or to any subsidiary of London Regional Transport (within the meaning of the London Regional Transport Act 1984)].

Textual Amendments

F118 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](#)

F119 Words “London Regional Transport or to any subsidiary of London Regional Transport (within the meaning of the London Regional Transport Act 1984)” substituted (E.W.) for “the London Transport Executive” by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(a\)](#), Sch. 6 para. 22

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Textual Amendments

F120 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.

PART III

30–41 ^{F121}

Textual Amendments

F121 Pt. III (ss. 30–41) repealed and superseded by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1, 6–9, 34–46, 139(3), **Sch. 8**

PART IV

42–45 ^{F122}

Textual Amendments

F122 Ss. 42–45 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

Fare-paying passengers on school buses

46 Fare-paying passengers on school buses.

- (1) Subject to subsection (2) below, a local education authority may—
 - (a) use a school bus, when it is being used to provide free school transport, to carry as fare-paying passengers persons other than those for whom the free school transport is provided;
 - (b) use a school bus belonging to the authority, when it is not being used to provide free school transport, to provide a local . . . ^{F123} service;
 and sections 6, 8, 9, [^{F124}12(1) and 22][^{F124} and 12(1)] of this Act shall not apply to a school bus belonging to a local education authority in the course of its use by the authority in accordance with this subsection.

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(2) Subsection (1) above does not affect the duties of a local education authority in relation to the provision of free school transport or authorise a local education authority to make any charge for the carriage of a pupil on a journey which he is required to make in the course of his education at a school maintained by such an authority.

(3) In this section—

“free school transport” means transport provided by a local education authority in pursuance of arrangements under section 55(1) of the^{M2} Education Act 1944 for the purpose of facilitating the attendance of pupils at a place of education;

F125

“school bus”, in relation to a local education authority, means a motor vehicle which is used by that authority to provide free school transport.

(4) In the application of this section to Scotland—

- (a) for the references to a local education authority there shall be substituted references to an education authority;
- (b) in subsection (2) above for “maintained by” there shall be substituted “under the management of”; and
- (c) in subsection (3) above for the definition of “free school transport” there shall be substituted—

““free school transport” means transport between a pupil’s home and place of education provided in pursuance of arrangements under subsection (1)(a) of section 51 of the Education (Scotland) Act 1980 (pupils for whom such transport facilities are necessary) or in pursuance of subsection (2) of that section (other pupils allowed to use vacant seats free of charge)”.

Textual Amendments

F123 Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 6\(a\)](#), Sch. 8

F124 Words “and 12(1)” substituted (1.4.1991) for “12(1) and 22” by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 7, [Sch. 3 para. 3](#)

F125 Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 6\(b\)](#), Sch. 8

Marginal Citations

M2 [1944 c. 31](#).

47, 48. F126

Textual Amendments

F126 [Ss. 47, 48](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), [ss. 32\(b\)](#), 139(3), Sch. 8

49 F127

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Textual Amendments

F127 S. 49 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

VALID FROM 01/01/1996

[^{F128}49A Review of decisions.

- (1) Subject to subsection (2) below, a traffic commissioner may review and, if he thinks fit, vary or revoke any decision of his—
 - (a) to grant or refuse an application for a PSV operator’s licence; or
 - (b) to grant or refuse an application for the variation of a PSV operator’s licence, if he is satisfied that a procedural requirement imposed by or under this Act has not been complied with in relation to the decision.
- (2) A traffic commissioner may only review a decision under subsection (1) above—
 - (a) if, within such period after taking the decision as may be prescribed, he has given notice to the applicant or (as the case may be) the licence-holder that he intends to review the decision;
 - (b) if, within that period, a person who appears to him to have an interest in the decision has requested him to review it; or
 - (c) where neither paragraph (a) nor paragraph (b) above applies, if he considers there to be exceptional circumstances that justify the review.
- (3) Regulations may make provision as to the manner in which notices under subsection (2)(a) above are to be or may be served, including provision as to the circumstances in which and time at which any such notice is to be treated as having been duly served (whether or not it has in fact been served).
- (4) The variation or revocation of a decision under this section shall not make unlawful anything done in reliance on the decision before the variation or revocation takes effect.]

Textual Amendments

F128 S. 49A inserted (1.1.1996) by [1994 c. 40, s. 65\(1\)](#); [S.I. 1995/2835, art. 2](#)

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Appeals to the Secretary of State

[^{F129}50 Appeals to the Transport Tribunal.

- (1) An applicant for the grant of a PSV operator’s licence under this Act may appeal to the Transport Tribunal against any decision of the traffic commissioner—

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- (a) to refuse to grant the licence in accordance with the application; or
 - (b) to attach any condition to the licence otherwise than in accordance with the application.
- (2) Where a person who has applied for a new PSV operator's licence in substitution for a licence held by him and in force at the date of his application appeals to the Transport Tribunal under subsection (1) above, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (3) Where an application for a PSV operator's licence is granted under this Act and a person who duly made an objection to the grant under section 14A of this Act is aggrieved by the grant of the licence he may appeal to the Transport Tribunal.
- (4) The holder of a PSV operator's licence may appeal to the Transport Tribunal against any decision of the traffic commissioner—
- (a) to refuse his application for the variation or removal of any condition attached to the licence;
 - (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on his application; or
 - (c) to revoke or suspend the licence or to curtail its period of validity.
- (5) Where—
- (a) the holder of a PSV operator's licence in respect of which an order or direction has been made or given under section 28 of the Transport Act 1985 (power to disqualify PSV operators); or
 - (b) any person in respect of whom any such order or direction has been made or given;
- is aggrieved by the order or direction he may appeal to the Transport Tribunal.
- [A person aggrieved by the refusal of the prescribed testing authority to approve a
^{F130}(5A) vehicle as a type vehicle under section 10 of this Act or by the withdrawal by that authority under that section of such approval may appeal to the Secretary of State]]
- (6) The traffic commissioner—
- (a) making any such decision with respect to a licence as is mentioned in subsection (4)(b) or (c) above;
 - (b) making any such order or giving any such direction as is mentioned in subsection (5) above;
- may, if the holder of the licence or any such person as is mentioned in subsection (5) (b) above so requests, direct that his decision shall not have effect until the expiration of the period within which an appeal against it may be made to the Transport Tribunal and, if an appeal is made, until it is disposed of.
- [^{F131}(6A) A person aggrieved by the refusal of a certifying officer or public service vehicle examiner or by the refusal of an authorised inspector to remove a prohibition under section 9(1) of this Act may appeal to the Secretary of State.
- (6B) On any appeal under subsection (5A), (6) or (6A) above the Secretary of State shall cause an examination of the vehicle concerned to be made by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.]

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- (7) Where a traffic commissioner has given a direction under subsection (6) above he may withdraw it at any time.
- (8) If the traffic commissioner refuses to give a direction under subsection (6) above or withdraws such a direction, the person requesting it may apply for such a direction to the Transport Tribunal and the Transport Tribunal shall give their decision on the application within fourteen days.
- (9) This section does not apply in relation to conditions attached to a PSV operator's licence under section 8 of the Transport Act 1985 (enforcement of traffic regulation conditions).

Textual Amendments

F129 S. 50 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 31

F130 S. 50(5A) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), ss. 21(4)(a), 76(2)

F131 S. 50(6A)(6B) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), ss. 21(4)(b), 76(2)

Modifications etc. (not altering text)

C42 S. 50(5) amended by [S.I. 1983/1714](#), art. 10(4) (which S.I. is revoked (1.6.1991) by [S.I. 1991/288](#), art. 2)

[^{F132}51 Appeals to the Secretary of State.

- (1) A person applying for—
 - (a) a certificate of initial fitness under section 6 of this Act; or
 - (b) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;may appeal to the Secretary of State against the refusal of a certifying officer to issue such a certificate.
- (2) Where the refusal by a certifying officer or public service vehicle examiner to remove a prohibition under subsection (1) of section 9 of this Act (including a prohibition under that subsection as it applies by virtue of section 9A of this Act) has been referred to a certifying officer (“the referee”) under subsection (8) of that section by a traffic commissioner, any person aggrieved by the refusal of the referee to remove the prohibition may appeal to the Secretary of State.
- (3) An appeal under this section must be made within the prescribed time and in the prescribed manner; and provision may be made by regulations as to the procedure to be followed in connection with such appeals.
- (4) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against, and may give such directions as he thinks fit to the certifying officer for giving effect to his decision; and it shall be the duty of the certifying officer to comply with any such directions.]

Textual Amendments

F132 S. 51 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 31

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52 Fees for grant of licences etc.

- (1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged—
- (a) by the traffic [^{F133}commissioner] for each traffic area in respect of—
 - (i) applications for, and the grant of, PSV operators' licences . . . ^{F134};
 - (ii) applications for, and the issue of, certificates of initial fitness under section 6 of this Act;
 - (iii) the issue of operators' discs under section 18 of this Act;
 - (iv) applications for, and the issue of, certificates under section 21 of this Act as to repute, professional competence or financial standing; and
 - (v) applications for, and the issue of, documents required in relation to public service vehicles registered in Great Britain while making journeys to or from places outside Great Britain or in relation to public service vehicles registered outside Great Britain;
 - ^{F135}(b) by the traffic [^{F133}commissioner] for each traffic area . . . ^{F136} in respect of—
 - (i) applications for, and the issue of, licences to drive public service vehicles; and
 - (ii) the provision by the traffic [^{F133}commissioner] . . . ^{F136} of facilities for a person to undergo a test of his competence as a driver in connection with an application by him for a licence to drive a public service vehicle, being a test which he is by virtue of regulations required to undergo in that connection.]
- (2) [^{F137}A traffic commissioner] . . . ^{F138} may, if any fee or instalment of a fee due in respect thereof has not been paid, decline to proceed with—
- (a) any such application as is mentioned in subsection (1) above;
 - (b) the grant of any licence or the issue of any certificate, disc or other document referred to in that subsection; [^{F139}or]
 - ^{F140}(c) the provision of any such facilities as are mentioned in paragraph (b)(ii) of that subsection,]
- until the fee or instalment in question has been paid.
- (3) Any fees received by [^{F141}a traffic commissioner] by virtue of this section . . . ^{F142} shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (4) ^{F143}

Textual Amendments

- F133** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3, [Sch. 2 Pt. II para. 4\(14\)\(a\)](#)
- F134** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 7](#), [Sch. 8](#)
- F135** [S. 52\(1\)\(b\)](#) repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)
- F136** Words repealed by [S.I. 1984/31](#), [art. 5\(d\)\(i\)](#)
- F137** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3, [Sch. 2 Pt. II para. 4\(14\)\(b\)](#)
- F138** Words repealed by [S.I. 1984/31](#), [art. 5\(d\)\(ii\)](#)
- F139** Word repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)
- F140** [S. 52\(2\)\(c\)](#) repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)
- F141** Words substituted by virtue of [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3, [Sch. 2 Pt. II para. 4\(14\)\(c\)](#)

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F142 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\), Sch. 8](#)

F143 [S. 52\(4\)](#) repealed by [S.I. 1984/31, art. 5\(d\)\(iii\)](#)

Modifications etc. (not altering text)

C43 [S. 52\(1\)](#) extended by [Transport Act 1985 \(c. 67, SIF 126\), s. 126\(1\)](#)

C44 [S. 52\(2\)](#) extended (with modifications) by [Transport Act 1985 \(c. 67, SIF 126\), s. 126\(2\)](#)

53 Payment of expenses.

(1) There shall be paid in every year out of moneys provided by Parliament such sums as the Secretary of State may, with the consent of the Minister for the Civil Service, direct in respect of the salaries, remuneration, establishment charges, and other expenses of . . . ^{F144} traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Secretary of State for the purposes of Part I, [^{F145} or II] . . . ^{F146} of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.

(2) ^{F147}

Textual Amendments

F144 Word repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\), Sch. 8](#)

F145 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 1\(3\), Sch. 1 para. 8](#)

F146 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\), Sch. 8](#)

F147 [S. 53\(2\)](#) repealed by [S.I. 1984/31, art. 5\(c\)](#)

Provisions relating to traffic commissioners etc.

[^{F148}54 Inquiries held by traffic commissioners.

(1) A traffic commissioner may, at such places as appear to him to be convenient, hold such inquiries as he thinks fit in connection with the exercise of his functions.

(2) Where, as respects the proposed exercise of his powers on any occasion, a traffic commissioner receives a request for an inquiry from two or more persons he may hold a single inquiry in response to those requests.

(3) Subject to any provision made by regulations, any inquiry held under this section shall be public.

(4) Where a traffic commissioner proposes to hold an inquiry for the purpose of considering any application or proposal, he shall publish notice of the inquiry in the prescribed manner.

(5) Where a traffic commissioner holds an inquiry he may, in such circumstances as may be prescribed and subject to any provision made under subsection (6) below, make such order as he thinks fit as to the payment, by such party to the inquiry as he thinks fit, of costs incurred by him or by the Secretary of State in connection with the holding of the inquiry.

(6) Regulations may make provision, in relation to orders under subsection (5) above, as to—

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- (a) the method of calculating the amount of any costs incurred as mentioned in that subsection; and
 - (b) the maximum amount which may be ordered to be paid under such an order.
- (7) Any amount so ordered to be paid by any person may be recoverable from him—
- (a) in England and Wales, as a debt due to the Crown; or
 - (b) in Scotland, by the Secretary of State.
- (8) Information with respect to any particular trade or business which is given at any such inquiry while admission to the inquiry is restricted in accordance with regulations shall not be disclosed, so long as that trade or business continues to be carried on, except—
- (a) with the consent of the person for the time being carrying it on;
 - (b) for the purpose of the discharge by any person of his functions under any enactment mentioned in subsection (9) below; or
 - (c) with a view to the institution of, or otherwise for the purposes of, any legal proceedings pursuant to or arising out of any such enactment (including proceedings before the Transport Tribunal);
- and any person who discloses any information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) The enactments referred to in subsection (8)(b) and (c) above are—
- (a) sections 12 to 21 of this Act; and
 - (b) sections 24 to 28 of the Transport Act 1985.
- (10) The Secretary of State may by order made by statutory instrument amend subsection (9) above by adding a reference to an enactment or by removing any such reference; and any statutory instrument made in exercise of the power conferred by this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

Textual Amendments

F148 S. 54 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 4

Modifications etc. (not altering text)

C45 S. 54(8) disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\)](#), [Sch. 4 Pt. I para. 18](#)

55 Annual report of traffic commissioners and metropolitan police commissioner.

The traffic [^{F149}commissioner] for each traffic area shall make an annual report to the Secretary of State on [^{F149}his] proceedings containing particulars with respect to such matters as the Secretary of State may direct . . . ^{F150}.

Textual Amendments

F149 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(15\)](#)

F150 Words repealed by [S.I. 1984/31](#), [art. 5\(f\)](#)

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56 Records of licences.

- (1) The traffic [^{F151}commissioner] for each traffic area . . . ^{F152} shall keep a record in such form and containing such particulars as may be prescribed of all licences granted by . . . ^{F153} him under this Act [^{F154}and shall allow the record to be inspected at all reasonable times by members of the public].
- (2) ^{F155}
- (3) A record kept under this section shall be admissible in evidence of the matters required under this Act to be entered therein, and a copy of an entry made in such a record in pursuance of this section purporting to be signed by or on behalf of the authority by whom the record is kept and to be certified to be a true copy shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the same.

Textual Amendments

F151 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(16\)](#)

F152 Words repealed by [S.I. 1984/31, art. 5\(g\)\(i\)](#)

F153 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), ss. 3\(5\), 139\(3\), Sch. 2 Pt. II para. 4\(16\), Sch. 8](#)

F154 Words added by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(2\), Sch. 7 para. 21\(8\)](#)

F155 S. 56(2) repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\), Sch. 8](#)

Modifications etc. (not altering text)

C46 S. 56 extended by [Transport Act 1985 \(c. 67, SIF 126\), s. 126\(3\)](#)

VALID FROM 01/01/1996

^{F156}56A Correction of errors.

Where it appears to the traffic commissioner for a traffic area that a document purporting to record, or issued in consequence of, a decision taken in the exercise of his functions contains a clerical error, he may issue a corrected document or a notice in writing that the document is to have effect with such corrections as are stated in the notice.]

Textual Amendments

F156 S. 56A inserted (1.1.1996) by [1994 c. 40, s. 65\(3\); S.I. 1995/2835, art. 2](#)

Supplementary provisions as to licences etc.

57 Death, bankruptcy etc. of licence holder.

- (1) A PSV operator's licence . . . ^{F157} is not assignable or, subject to the following provisions of this section, transmissible on death or in any other way.
- (2) A PSV operator's licence . . . ^{F157} held by an individual terminates if he—

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- (a) dies, or
 - (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated, or
 - (c) becomes a patient within the meaning of [^{F158}Part VII of the Mental Health Act 1983], or, in Scotland, becomes incapable of managing his own affairs.
- (3) In relation to a PSV operator's licence . . . ^{F157} held by an individual or by a company, regulations may specify other events relating to the licence-holder on the occurrence of which the licence is to terminate.
- (4) The traffic [^{F159}commissioner] by whom a PSV operator's licence . . . ^{F157} was granted may—
- (a) direct that the termination of the licence by subsection (2) above, or under subsection (3) above, be deferred for a period not exceeding twelve months or, if it appears to the [^{F159}commissioner] that there are special circumstances, eighteen months, and
 - (b) authorise the business of the licence-holder to be carried on under the licence by some other person during the period of deferment, subject to such conditions as the [^{F159}commissioner] may impose.

Textual Amendments

F157 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 9](#), [Sch. 8](#)

F158 Words substituted by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), s. 148, [Sch. 4 para. 56](#)

F159 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(17\)](#)

Modifications etc. (not altering text)

C47 S. 57 extended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 44(2)

S. 57 applied (3.7.2000) by [1999 c. 29, s. 194\(1\)\(2\)\(a\)](#), (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

C48 S. 57(2) amended by [S.I. 1986/1628](#), reg. 5(1), [Sch.](#)

58 Partnerships and related matters.

- (1) Provision may be made by regulations for modifying the provisions of this Act, and any other statutory provisions relating to public service vehicles, in their application to the operation of vehicles and the provision of services by persons in partnership.
- (2) A PSV operator's licence . . . ^{F160} shall not be granted to an unincorporated body as such or to more than one person jointly except in cases permitted by regulations under this section.

Textual Amendments

F160 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 9](#), [Sch. 8](#)

Modifications etc. (not altering text)

C49 S. 58(1) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 132

C50 S. 58(2) extended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 44(2)

S. 58(2) applied (3.7.2000) by [1999 c. 29, s. 194\(1\)\(2\)\(b\)](#), (with [Sch. 12 para. 9\(1\)](#)); [S.I. 2000/801](#), art. 2(2)(c), [Sch. Pt. 3](#)

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Regulations

59 Power to make regulations as to procedure on applications for licences.

Subject to the provisions of this Act, provision may be made by regulations as to the procedure on—

- (a) applications for the grant of PSV operator’s licences, . . . ^{F161}[^{F162}or licences to drive public service vehicles],
- (b) applications or proposals for the variation of conditions attached to PSV operators’ licences . . . ^{F163},
- (c) the determination of questions in connection with the grant, suspension and revocation of such licences as are mentioned in paragraph (a) and in connection with any such variation as is mentioned in paragraph (b), and
- (d) the surrender of licences,

and those regulations may make provision as to the particulars to be furnished and the persons to whom notices are to be given, the manner in which notices are to be published or served, and the manner in which objections or other representations with respect to the determination of such questions as are mentioned in paragraph (c) may be made.

Textual Amendments

F161 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 10\(a\)](#), Sch. 8

F162 Words repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)

F163 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 10\(b\)](#), Sch. 8

Modifications etc. (not altering text)

C51 S. 59 extended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 44\(2\)](#)

60 General power to make regulations for purposes of Act.

(1) The Secretary of State may make regulations . . . ^{F164} for the purpose of carrying this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

- (a) the forms to be used for the purpose of this Act;
- (b) applications for and issue of licences and of certificates of initial fitness;
- (c) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;
- (d) ^{F165}
- (e) the fees to be payable under this Act and the persons liable to pay the same;
- (f) the documents, plates and marks to be carried by [^{F166} and the information to be displayed in or on] public service vehicles and the manner in which they are to be carried [^{F167} or it is to be displayed];
- (g) the badges to be worn by drivers of public service vehicles;
- (h) the custody, production and cancellation on revocation or expiration of licences and certificates of initial fitness, and the return to [^{F168} traffic commissioners] . . . ^{F169}, of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;

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- (j) the carriage of luggage and goods on public service vehicles;
- (k) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges made in respect thereof;
- (l) the equipment to be carried by public service vehicles;
- (m) for providing that this Act or, any provision thereof, shall have effect in relation to—
 - (i) public service vehicles registered in Great Britain, while making journeys to or from destinations outside Great Britain; and
 - (ii) public service vehicles registered outside Great Britain,
 with such additions, omissions, alterations or other modifications (whether conditional or not) as may be prescribed;

F170

[^{F171}(1A) Regulations made under any provision of this Act may make different provision for different cases to which the regulations apply, and may in particular—

- (a) make different provision as respects different areas; and
- (b) make different provision as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.]

(2) In this Act “prescribed” means prescribed by regulations and “regulations” means regulations made [^{F172}by the Secretary of State].

(3) F173

Textual Amendments

F164 Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 134(2)(a), 139(3), Sch. 8

F165 S. 60(1)(d) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

F166 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 21(9)

F167 Words added by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 21(9)

F168 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(18)

F169 Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

F170 Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 134(2)(a), 139(3), Sch. 8

F171 S. 60(1A) inserted by Transport Act 1985 (c. 67, SIF 126), s. 134(2)(b)

F172 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 134(2)(c)

F173 S. 60(3) repealed by Transport Act 1985 (c. 67, SIF 126), ss. 134(2)(d), 139(3), Sch. 8

Modifications etc. (not altering text)

C52 S. 60 amended by Transport Act 1985 (c. 67, SIF 126), s. 134(1)

C53 S. 60 extended by Transport Act 1985 (c. 67, SIF 126), s. 134(3)

61 Exercise of regulation making powers and parliamentary control thereof.

- (1) Any power conferred by this Act upon the Secretary of State to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (2) Before making any regulations under ^{F174} this Act the Secretary of State shall consult with such representative organisations as he thinks fit.

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Textual Amendments

F174 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 135(1), 139(3), [Sch. 8](#)

Modifications etc. (not altering text)

C54 S. 61 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 135(1)

Provisions relating to Metropolitan Traffic Area

62 **F175**

Textual Amendments

F175 S. 62 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

63 **F176**

Textual Amendments

F176 S. 63 repealed by [S.I. 1984/31](#), [art. 5\(h\)](#)

64 Exclusion of certain enactments as respects Metropolitan Traffic Area.

(1) As respects the Metropolitan Traffic Area, the ^{M3}Metropolitan Public Carriage Act 1869 and the ^{M4}London Cab and Stage Carriage Act 1907 shall not apply to a public service vehicle or to the driver or conductor thereof.

(2) As respects the Metropolitan Traffic Area, no local authority shall exercise under the ^{M5}Town Police Clauses Act 1847 any powers with respect to public service vehicles or the licensing thereof or of their drivers or conductors.

Marginal Citations

M3 1869 c. 115.

M4 1907 c. 55.

M5 1847 c. 89.

Provisions relating to offences and legal proceedings

65 Forgery and misuse of documents etc.

(1) This section applies to the following documents and other things, namely—

(a) a licence under Part II . . . ^{F177} of this Act;

(b) a certificate of initial fitness under section 6 of this Act;

[^{F178}(bb) a notice removing a prohibition under section 9 of this Act;]

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- (c) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;
 - (d) an operator's disc under section 18 of this Act;
 - (e) a certificate under section 21 of this Act as to the repute, financial standing or professional competence of any person;
 - (f) a document evidencing the appointment of a person as a certifying officer or public service vehicle examiner.
- (2) A person who, with intent to deceive—
- (a) forges or alters, or uses or lends to, or allows to be used by, any other person, a document or other thing to which this section applies, or
 - (b) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive,
- shall be liable—
- (i) on conviction on indictment, to imprisonment for a term not exceeding two years;
 - (ii) on summary conviction, to a fine not exceeding the statutory maximum.
- (3) In the application of this section to England and Wales—
- [^{F179}“forges” means makes a false document or other thing in order that it may be used as genuine.]
- “statutory maximum” means the prescribed sum within the meaning of section 28 of the ^{M6}Criminal Law Act 1977 (at the passing of this Act £1,000).
- (4) In the application of this section to Scotland—
- “statutory maximum” means the prescribed sum within the meaning of section 289B of the ^{M7}Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000).

Textual Amendments

F177 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\)](#), [Sch. 8](#)

F178 [S. 65\(1\)\(bb\)](#) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), [ss. 23\(4\)](#), [76\(2\)](#)

F179 Definition substituted by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), [s. 12](#)

Modifications etc. (not altering text)

C55 [S. 65](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 127\(1\)](#)

C56 [S. 65\(1\)\(a\)](#) extended by [S.I. 1984/748](#), [reg. 21](#)

Marginal Citations

M6 [1977 c. 45](#).

M7 [1975 c. 21](#).

66 False statements to obtain licence etc.

A person who knowingly makes a false statement for the purpose of—

- (a) obtaining the grant of a licence under Part II . . . ^{F180} of this Act to himself or any other person, obtaining the variation of any such licence, preventing the grant or variation of any such licence or procuring the imposition of a condition or limitation in relation to any such licence;

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- (b) obtaining the issue of a certificate of initial fitness under section 6 of this Act;
 - (c) obtaining the issue of a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;
 - (d) obtaining the issue of an operator's disc under section 18 of this Act; or
 - (e) obtaining the issue of a certificate under section 21 of this Act as to the repute, financial standing or professional competence of any person;
- shall be liable on summary conviction to a fine not exceeding [^{F181}level 4 on the standard scale].

Textual Amendments

F180 Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

F181 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)

C57 S. 66 extended by Transport Act 1985 (c. 67, SIF 126), s. 127(2)

C58 S. 66(a) extended by S.I. 1984/748, **reg. 21**

[^{F182}66A Issue of false documents.

- (1) If a person issues
 - (a) a certificate of initial fitness under section 6 of this Act; or
 - (b) a notice removing a prohibition under section 9(1) of this Act;which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding [^{F183}level 4 on the standard scale]].
- (2) If a constable, a certifying officer, a public service vehicle examiner or an authorised inspector has reasonable cause to believe that a document produced to him or carried on a vehicle by its driver is a document in relation to which an offence has been committed under this section, he may seize the document.
- (3) The power to seize a document under subsection (2) above includes power to detach a document carried on a vehicle from the vehicle.

Textual Amendments

F182 S. 66A inserted (prosp.) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 24(4), 76(2)**

F183 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

67 Penalty for breach of regulations.

Subject to section 68(1) of this Act, if a person acts in contravention of, or fails to comply with, any regulations made by the Secretary of State under this Act (. . . ^{F184}) and contravention thereof, or failure to comply therewith, is not made an offence under any other provision of this Act, he shall for each offence be liable on summary conviction to a fine not exceeding [^{F185}level 2 on the standard scale].

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Textual Amendments

F184 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

F185 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)

C59 [S. 67](#) amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 127\(3\)](#)

68 Defences available to persons charged with certain offences.

- (1) It shall be a defence for a person charged with an offence under any of the provisions of this Act mentioned in subsection (2) below to prove that there was a reasonable excuse for the act or omission in respect of which he is charged.
- (2) The provisions referred to in subsection (1) above are—
 - (a) sections 19(5), 20(4), 24(2) and (3), 25(3), 26(2), . . . ^{F186}, 67 and 70(3);
[^{F187}and]
 - [^{F188}(b) so much of section 22(9) as relates to contravention of section 22(1)(a).]
- (3) It shall be a defence for a person charged with an offence under any of the provisions of this Act mentioned in subsection (4) below to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of any offence under that provision.
- (4) The provisions referred to in subsection (3) above are—
 - (a) sections 6(2), 9(9)(b), 12(5), 16(7), 18(4), 26(2), [^{F189}and 27(2)]; [^{F190}and]
 - [^{F191}(b) so much of section 22(9) as relates to contravention of section 22(1)(b).]

Textual Amendments

F186 “33(7), 40(6)” repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

F187 Word repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)

F188 [S. 68\(2\)\(b\)](#) repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)

F189 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 11](#)

F190 Word repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)

F191 [S. 68\(4\)\(b\)](#) repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)

Modifications etc. (not altering text)

C60 [S. 68\(3\)](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 127\(4\)](#)

69 Restriction on institution in England and Wales of proceedings under Part II or III.

- (1) Subject to the provisions of this section proceedings for an offence under Part II . . . ^{F192} of this Act shall not, in England or Wales, be instituted except by or on behalf of

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the Director of Public Prosecutions or by a person authorised in that behalf by [^{F193}a traffic commissioner], a chief officer of police, or the council of a county or district.

- (2) Subsection (1) above shall not apply to proceedings for the breach of regulations having effect by virtue of section 25 or 26 of this Act.
- (3) Subsection (1) above shall not prevent the institution by or on behalf of the Secretary of State of proceedings for an offence under section 27 of this Act.

Textual Amendments

F192 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

F193 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(19)**

Modifications etc. (not altering text)

C61 [S. 69](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

70 Duty to give information as to identity of driver in certain cases.

- (1) Where the driver of a vehicle is alleged to be guilty of an offence under Part II . . . ^{F194} of this Act—
 - (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police, and
 - (b) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.
- (2) A person who fails to comply with the requirement of paragraph (a) of subsection (1) above shall, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence ascertain who the driver of the vehicle was, be liable on summary conviction to a fine not exceeding [^{F195}level 3 on the standard scale].
- (3) Subject to section 68(1) of this Act, a person who fails to comply with the requirement of paragraph (b) of subsection (1) above shall be liable on summary conviction to a fine not exceeding [^{F195}level 3 on the standard scale].

Textual Amendments

F194 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

F195 Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

Modifications etc. (not altering text)

C62 [S. 70](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

71 Evidence by certificate.

- (1) In any proceedings in England or Wales for an offence under Part II . . . ^{F196} of this Act a certificate in the prescribed form, purporting to be signed by a constable and certifying that the person specified in the certificate stated to the constable—

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- (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion; or
 - (b) that a particular motor vehicle on a particular occasion was used by or belonged to a firm in which that person also stated that he was at the time of the statement a partner; or
 - (c) that a particular motor vehicle on a particular occasion was used by or belonged to a company of which that person also stated that he was at the time of the statement a director, officer or employee,
- shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used or to whom it belonged, as the case may be, on that occasion.
- (2) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence—
- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or
 - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.
- (4) In this section “prescribed” means prescribed by rules made by the Secretary of State by statutory instrument.

Textual Amendments

F196 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C63 [S. 71](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

72 Proof in summary proceedings of identity of driver of vehicle.

Where on a summary trial in England or Wales of an information for an offence under Part II . . . ^{F197} of this Act—

- (a) it is proved to the satisfaction of the court, on oath or in a manner prescribed by rules made under section 15 of the Justices of the ^{M8}Peace Act 1949, that a requirement under subsection (1) of section 70 of this Act to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

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Textual Amendments

F197 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

Modifications etc. (not altering text)

C64 [S. 72](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

Marginal Citations

M8 [1949 c. 101](#).

73 Time within which summary proceedings for certain offences may be commenced.

Summary proceedings for an offence under section 65 or 66 of this Act may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

For the purposes of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

74 Offences by companies.

- (1) Where an offence under Part II . . . ^{F198} of this Act committed by a company is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the company, or any person who was purporting to act in any such capacity, he, as well as the company, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a company are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the company.

Textual Amendments

F198 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

Modifications etc. (not altering text)

C65 [S. 74](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

75 Destination of fines.

There shall be paid into the Consolidated Fund all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act or the regulations thereunder, except offences under section 26(2).

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Modifications etc. (not altering text)

C66 S. 75 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(7)

Inquiries

76 General power to hold inquiries.

Without prejudice to any other provision of this Act, the Secretary of State may hold inquiries for the purposes of this Act . . . ^{F199}

Textual Amendments

F199 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C67 S. 76 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 128

77 General provisions as to inquiries.

- (1) Where under any of the provisions of this Act an inquiry is held by the Secretary of State—
- (a) notice of the inquiry may be given and published in accordance with such general or special directions as the Secretary of State may give;
 - (b) the Secretary of State and, if authorised by him, the person appointed to hold the inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law;
 - (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths;
 - (d) the Secretary of State may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred, and any amount so certified and directed by the Secretary of State to be paid by any person shall be recoverable from that person, and shall be so recoverable, in England or Wales, either as a debt to the Crown or by the Secretary of State summarily as a civil debt, and in Scotland by the Secretary of State.
- (2) If a person fails without reasonable excuse to comply with any of the provisions of an order under paragraph (b) of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding [^{F200}level 3 on the standard scale].

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Textual Amendments

F200 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)

C68 S. 77 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 128](#)

Supplementary provisions

78 Power of Minister to modify or revoke restrictions in local Acts.

Where the running of public service vehicles is restricted or prohibited by any provision contained in—

- (a) a local Act (including an Act confirming a provisional order) passed before the commencement of subsection (2) of section 43 of the ^{M9}Transport Act 1980; or
- (b) an instrument made before the commencement of that subsection under any such local Act,

the Secretary of State may, on the application of any person affected by the restriction or prohibition, by order made by statutory instrument modify or revoke the restriction or prohibition.

Marginal Citations

M9 [1980 c. 34.](#)

79 Vehicles excluded from regulation as private hire vehicles.

At any time when a vehicle would apart from section 1(3) [^{F201}or (4)] of this Act be a public service vehicle, it shall continue to be treated as such for the purposes only of provisions contained in a local Act, in [^{F202}sections 10 to 23 of the Civic Government (Scotland) Act 1982] or in Part II of the ^{M10}Local Government (Miscellaneous Provisions) Act 1976, which regulate the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and exclude public service vehicles from the scope of that regulation.

Textual Amendments

F201 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 139\(2\)](#), [Sch. 7 para. 21\(10\)](#)

F202 Words substituted by Civic Government (Scotland) Act 1982 (c. 45 SIF 81:2), [s. 137\(3\)](#), [Sch. 3 para. 5](#)

Marginal Citations

M10 [1976 c. 57.](#)

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VALID FROM 01/07/2001

[^{F203}79A Small PSVs subject to regulation as private hire vehicles.

- (1) If a small bus is being provided for hire with the services of a driver for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of—
 - (a) Part II of the ^{M11}Local Government (Miscellaneous Provisions) Act 1976, or
 - (b) any local Act applying in any area in England and Wales which regulates the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and excludes public service vehicles from the scope of that regulation.
- (2) If a small bus is being made available with a driver to the public for hire for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of the ^{M12}Private Hire Vehicles (London) Act 1998.
- (3) But subsection (1) or (2) does not apply where the vehicle is being so provided or made available in the course of a business of carrying passengers by motor vehicles all but a small part of which involves the operation of large buses.
- (4) In this section—

“small bus” means a public service vehicle within paragraph (b) of subsection (1) of section 1 of this Act; and

“large buses” means public service vehicles within paragraph (a) of that subsection.

Textual Amendments

F203 S. 79A inserted (E.W.) (1.7.2001) by 2000 c. 38, s. 265(2); S.I. 2001/1498, art. 3

Marginal Citations

M11 1976 c. 57.

M12 1998 c. 34.

80 Construction of references to traffic areas.]

- (1) References in this Act to a traffic area constituted for the purposes thereof by a particular designation are references to the area described by that designation [^{F204}in article 4 of, and Schedule 1 to, the Traffic Areas (Reorganisation) Order 1990].
- (2) Subsection (1) above has effect subject to the powers of the Secretary of State under section 3 of this Act to vary the provisions of this Act constituting traffic areas; . . . ^{F205}
- (3) ^{F206}

Textual Amendments

F203 S. 79A inserted (E.W.) (1.7.2001) by 2000 c. 38, s. 265(2); S.I. 2001/1498, art. 3

F204 Words in s. 80(1) substituted (1.6.1991) by S.I. 1991/288, arts. 5(1), 6(1), 9(1)

Status: Point in time view as at 01/06/1991. This version of this Act contains provisions that are not valid for this point in time.

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- F205** Words repealed by [S.I. 1983/1714, art. 5\(1\)\(b\)](#)
- F206** S. 80(3)(4) repealed by [S.I. 1983/1714, art. 5\(1\)\(c\)](#)

Modifications etc. (not altering text)

- C69** S. 80 applied by [Transport Act 1985 \(c. 67, SIF 126\), s. 137\(1\)](#)

81 Interpretation of references to the operator of a vehicle or service.

(1) For the purposes of this Act—

- (a) regulations may make provision as to the person who is to be regarded as the operator of a vehicle which is made available by one holder of a PSV operator’s licence to another under a hiring arrangement; and
- (b) where regulations under paragraph (a) above do not apply, the operator of a vehicle is—
 - (i) the driver, if he owns the vehicle; and
 - (ii) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work).

(2) **F207**

Textual Amendments

- F207** S. 81(2) repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 1\(3\), Sch. 1 para. 12, Sch. 8](#)

82 General interpretation provisions.

(1) In this Act, unless the context otherwise requires—

“certificate of initial fitness” has the meaning given by section 6.

“certifying officer” means an officer appointed under section 7(1);

..... **F208**

“company” means a body corporate;

..... **F209**

“contravention”, in relation to any condition or provision includes a failure to comply with the condition or provision, and “contravene” shall be construed accordingly;

“director”, in relation to a company, includes any person who occupies the position of a director, by whatever name called;

“driver”, where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and “drive” shall be construed accordingly;

..... **F209**

..... **F209**

“fares” include sums payable in respect of a contract ticket or a season ticket;

“international operation” means a passenger transport operation starting or terminating in the United Kingdom and involving an international journey by the vehicle concerned, whether or not any driver leaves or enters the United Kingdom with that vehicle;

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“local authority” means—

(a) in relation to England and Wales, any local authority within the meaning of the ^{M13}Local Government Act 1972;

(b) in relation to Scotland, a regional, islands or district council;

[^{F210}“local service” has the same meaning as in the Transport Act 1985;]

“magistrates’ court” and “petty sessions area” have the same meanings as in the ^{M14}Magistrates’ Courts Act 1980;

“modification” includes addition, omission and alteration, and related expressions shall be construed accordingly;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“national operation” means a passenger transport operation wholly within the United Kingdom;

“official PSV testing station” has the meaning given by section 8(3);

“operating centre”, in relation to a vehicle, means the base or centre at which the vehicle is normally kept;

“operator” has the meaning given by section 81;

“owner”, in relation to a vehicle which is the subject of an agreement for hire, hire-purchase, conditional sale or loan, means the person in possession of the vehicle under that agreement, and references to owning a vehicle shall be construed accordingly;

“prescribed” has the meaning given by section 60(2);

[^{F211}“prescribed testing authority” means such person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act as may be prescribed

“PSV operator’s licence” means a PSV operator’s licence granted under the provisions of Part II of this Act;

“public service vehicle” has the meaning given by section 1;

“relevant conviction” means a conviction (other than a spent conviction) of any offence prescribed for the purposes of this Act, or an offence under the law of Northern Ireland, or of a country or territory outside the United Kingdom, corresponding to an offence so prescribed;

“restricted licence” means such a PSV operator’s licence as is mentioned in section 13(3);

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes [^{F212}except that in Scotland it has the same meaning as in the Roads (Scotland) Act 1984];

..... ^{F213}

..... ^{F214}

“standard licence” means a PSV operator’s licence which is not a restricted licence;

“statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the ^{M15}Interpretation Act 1978;

[^{F215}“traffic commissioner” means the person appointed to be the commissioner for a traffic area constituted for the purposes of this Act;

“tramcar” includes any carriage used on any road by virtue of an order made under the ^{M16}Light Railways Act 1896;

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“transport manager”, in relation to a business, means an individual who, either alone or jointly with one or more other persons, has continuous and effective responsibility for the management of the road passenger transport operations of the business;

F216

[^{F217}(1A) References in any provision of this Act to an authorised inspector are references to an authorised inspector under section 8 of the Transport Act 1982 and, where the function to which that provision relates is one of those specified in section 9 of that Act (testing and surveillance functions), are limited to an authorised inspector authorised under section 8 to exercise that function.]

- (2) Any reference in this Act to a Community instrument or to a particular provision of such an instrument—
- (a) is a reference to that instrument or provision as amended from time to time, and
 - (b) if that instrument or provision is replaced, with or without modification, shall be construed as a reference to the instrument or provision replacing it.

Textual Amendments

- F208** Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F209** Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F210** Definition inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), **Sch. 1 para. 13**
- F211** Definition inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), s. 76(2), **Sch. 5 para. 23(a)**
- F212** Words added (S.) by [Roads \(Scotland\) Act 1984 \(c. 54, SIF 108\)](#), s. 128(1), **Sch. 9 para. 83**
- F213** Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F214** Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F215** Definition inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(20)**
- F216** Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F217** [S. 82\(1A\)](#) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), s. 76(2), **Sch. 5 para. 23(b)**

Marginal Citations

- M13** 1972 c. 70.
- M14** 1980 c. 43.
- M15** 1978 c. 30.
- M16** 1896 c. 48.

83 Construction of references in other Acts etc. to public service vehicles, licensing authorities etc.

- (1) A provision of an Act other than this Act or of an instrument having effect under an enactment not repealed by this Act which (however expressed) defines “public service vehicle”, . . . ^{F218} by reference to the ^{M17}Road Traffic Act 1930 or the ^{M18}Road Traffic Act 1960 shall have effect as if it provided that that expression should be construed in like manner as if it were contained in this Act.

- (2) ^{F219}

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Textual Amendments

F218 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 14\(a\)](#), Sch. 8

F219 S. 83(2) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 14\(b\)](#), Sch. 8

Marginal Citations

M17 1930 c. 43.

M18 1960 c. 16.

84 Protection of public interests.

- (1) It is hereby declared that nothing in this Act is to be treated as conferring on the holder of a licence granted thereunder any right to the continuance of any benefits arising from, or from a licence granted under, this Act, or from any conditions attached to any such licence.
- (2) In the event of an undertaking by which a service of public service vehicles is provided being purchased compulsorily by a local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

Modifications etc. (not altering text)

C70 S. 84 amended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 44\(3\)](#)

C71 S. 84 amended (3.7.2000) by [1999 c. 29, s. 194\(3\)](#), (with Sch. 12 para. 9(1)); [S.I. 2000/801, art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

85 Saving for law of nuisance.

Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or in Scotland a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

Modifications etc. (not altering text)

C72 S. 85 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 128](#)

86 Saving for sections 16 and 17 of the Interpretation Act 1978.

The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 16 or 17 of the ^{M19}Interpretation Act 1978 (which relate to the effect of repeals).

Marginal Citations

M19 1978 c. 30.

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87 Power of Secretary of State to repeal section 10 of this Act.

The Secretary of State may by order made by statutory instrument repeal section 10 of this Act from such day as may be specified in the order, and any such order may include provision, to take effect on that day, for the repeal of sections 6(1)(b), [^{F220}51(1)(b)], 65(1)(c) and 66(c) of this Act.

Textual Amendments

F220 “51(1)(b)” substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 21\(11\)](#)

Modifications etc. (not altering text)

C73 S. 87 extended (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), s. 76(2), [Sch. 5 para. 24](#)

88 Transitional provisions, consequential amendments and repeals.

- (1) This Act shall have effect subject to the transitional provisions set out in Schedule 6 to this Act.
- ^{X1}(2) The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.
- ^{X1}(3) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Editorial Information

X1 The text of s. 88(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

89 Short title, commencement and extent.

- (1) This Act may be cited as the Public Passenger Vehicles Act 1981.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) Section 25(2) of this Act does not extend to Scotland.
- (4) This Act does not extend to Northern Ireland.

Subordinate Legislation Made

P2 Power of appointment conferred by s. 89(2) fully exercised: 30.10.1981 appointed by [S.I. 1981/1387](#)

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SCHEDULES

SCHEDULE 1

Sections 1 and 2.

PUBLIC SERVICE VEHICLES: CONDITIONS AFFECTING STATUS OR CLASSIFICATION

PART I

SHARING OF TAXIS AND HIRE-CARS

- 1 The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by any person who has made the vehicle available under any arrangement, or by any person who receives any remuneration in respect of the arrangements for the journey.

- 2
 - (1) The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares, except where the local authorities concerned have approved the arrangements under which the journey is made as designed to meet the social and welfare needs of one or more communities, and their approvals remain in force.

 - (2) In relation to a journey the local authorities concerned for the purposes of this paragraph are those in whose area any part of the journey is to be made; and in this sub-paragraph “local authority” means—
 - (a) in relation to England and Wales, [^{F221}the council of a county, metropolitan district or London borough and the Common Council of the City of London];
 - (b) in relation to Scotland, a regional or islands council.

Textual Amendments
F221 Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 3\(7\)](#)

3 **F222**

Textual Amendments
F222 [Sch. 1 para. 3](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

PART II

4 **F223**

Status: Point in time view as at 01/06/1991. This version of this Act contains provisions that are not valid for this point in time.

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Textual Amendments

F223 Sch. 1 para. 4 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(2)(3), Sch. 7 para. 21(12), Sch. 8

PART III

ALTERNATIVE CONDITIONS AFFECTING STATUS OR CLASSIFICATION

- 5 Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—
- (a) the holder of the PSV operator's licence under which the vehicle is to be used, if such a licence is in force.
 - (b) the driver or the owner of the vehicle or any person who has made the vehicle available under any arrangement, if no such licence is in force,
- and otherwise than by any person who receives any remuneration in respect of the arrangements.
- 6 The journey must be made without previous advertisement to the public of the arrangements therefor.
- 7 All passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.
- 8 No differentiation of fares for the journey on the basis of distance or of time must be made.

PART IV

SUPPLEMENTARY

- 9 For the purposes of paragraphs 2 and 6 above no account shall be taken of any such advertisement as follows, that is to say—
- (a) a notice displayed or announcement made—
 - (i) at or in any place of worship for the information of persons attending that place of worship;
 - (ii) at or in any place of work for the information of persons who work there; or
 - (iii) by any club or other voluntary association at or in any premises occupied or used by the club or association;
 - (b) a notice contained in any periodical published for the information of, and circulating wholly or mainly among—
 - (i) persons who attend or might reasonably be expected to attend a particular place of worship or a place of worship in a particular place; or
 - (ii) persons who work at a particular place of work or at any of two or more particular places of work; or
 - (iii) the members of a club or other voluntary association.

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[^{F224}SCHEDULE 2

TRAFFIC COMMISSIONERS

Textual Amendments

F224 Sch. 2 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(3), [Sch. 2 Pt. I](#)

Terms of service of traffic commissioners

- 1 The Secretary of State may remove a traffic commissioner from his office for inability or misbehaviour.
- 2 If a traffic commissioner acquires a financial interest in a transport undertaking which carries passengers or goods by road within Great Britain he shall, within four weeks after so doing, give notice of that acquisition in writing to the Secretary of State specifying the interest so acquired and the Secretary of State, after taking the matter into consideration, may if he thinks fit declare that the traffic commissioner has vacated his office.

Appointment and terms of office of deputies to traffic commissioners

- 3 In the case of illness, incapacity or absence of a traffic commissioner, the Secretary of State may appoint some other person to act as his deputy.
- 4 If the Secretary of State considers that the duties to be performed by a traffic commissioner, or any deputy appointed under paragraph 3 above to the traffic commissioner, cannot conveniently or efficiently be performed by one person, the Secretary of State may appoint one or more persons to act as deputy to the traffic commissioner.
- 5 A person appointed under paragraph 4 above shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Secretary of State may determine, and shall act for the traffic commissioner whose deputy he is in such matters as the traffic commissioner, or any deputy appointed by reason of the traffic commissioner's illness, incapacity or absence, may from time to time direct or as the Secretary of State may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the traffic commissioner.
- 6 (1) Where the office of traffic commissioner for any traffic area becomes vacant the Secretary of State may, pending the appointment of a new traffic commissioner for that area under section 4 of this Act, appoint a person (whether or not over the age of sixty-five) under this paragraph to act as traffic commissioner for that area for a limited period.
 - (2) Any person appointed under sub-paragraph (1) above shall—
 - (a) hold office for such period as the Secretary of State specifies when making the appointment; and
 - (b) during that period be treated for all purposes (except those of paragraph 9 below) as the traffic commissioner for the traffic area in question.

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Staff of traffic commissioners

- 7 Subject to the approval of the Treasury, the Secretary of State may appoint such persons to act as officers and servants of a traffic commissioner as he considers appropriate.

Remuneration and pensions

- 8 There shall be paid to a traffic commissioner and deputy traffic commissioner, and to the persons acting as officers or servants of a traffic commissioner, such remuneration and allowances as may be determined by the Secretary of State with the consent of the Treasury.
- 9 The principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act ^{M20}1972) which is for the time being in force shall apply to persons holding the office of traffic commissioner for each of the traffic areas.]

Marginal Citations

M20 1972 c.11 (101A)

SCHEDULE 3

Section 14(2) and 17(6).

SUPPLEMENTARY PROVISION AS TO QUALIFICATIONS FOR PSV OPERATOR'S LICENCE

Good repute

- 1 (1) In determining whether an individual is of good repute, [^{F225}a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of his and of his employees and agents; and
 - (b) such other information as the [^{F226}commissioner] may have as to his previous conduct, in whatever capacity, in relation to the operation of vehicles of any description in the course of a business.
- (2) In determining whether a company is of good repute, [^{F225}a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of the company and its officers, employees and agents; and
 - (b) such other information as the [^{F226}commissioner] may have as to previous conduct of—
 - (i) the company's officers, employees and agents in relation to the operation of vehicles of any description in the course of any business carried on by the company; and
 - (ii) each of the company's directors, in whatever capacity, in relation to the operation of vehicles of any description in the course of any other business.

[^{F227}(3) A traffic commissioner shall determine that an individual is not of good repute if he—

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- (a) has been convicted of serious offences; or
 - (b) has been repeatedly convicted of road transport offences.
- (4) For the purposes of sub-paragraph (3)(a) above a serious offence is—
- (a) an offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard scale or a community service order for more than sixty hours was imposed; and
 - (b) any corresponding offence under the law of a country or territory outside the United Kingdom for which a corresponding punishment was imposed.
- (5) For the purposes of sub-paragraph (3)(b) above a road transport offence is—
- (a) an offence under the law in force in any part of the United Kingdom relating to road transport, including in particular drivers’ hours and rest periods, the weights and dimensions of commercial vehicles and road and vehicle safety; and
 - (b) any corresponding offence under the law of a country or territory outside the United Kingdom.
- (6) In sub-paragraph (4)(a) above “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental health and “a community service order” means an order under section 14 of the Powers of Criminal Courts Act ^{M21}1973 or the Community Service by Offenders (Scotland) Act ^{M22}1978.
- (7) In sub-paragraphs (4)(a) and (5)(a) above references to an offence under the law in force in any part of the United Kingdom include a reference to a civil offence (wherever committed) within the meaning of the Army Act ^{M23}1955, the Air Force Act ^{M24}1955 or the Naval Discipline Act ^{M25}1957.
- (8) For the purposes of sub-paragraph (3) above spent convictions shall be disregarded; and a traffic commissioner may also disregard an offence if such time as he considers appropriate has elapsed since the date of the conviction.
- (9) Sub-paragraph (3) above is without prejudice to the power of a traffic commissioner to determine that an individual is not of good repute for reasons other than convictions of the kind there mentioned.
- (10) In this paragraph references to an individual include references to a transport manager as well as to an individual who is an applicant for, or the holder, of, a PSV operator’s licence.]

Textual Amendments

F225 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 21\(a\)](#)

F226 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 21\(a\)](#)

F227 [Sch. 3 para 1\(3\)–\(10\)](#) inserted by [S.I. 1990/1851](#), reg. 2(1)(2), [Sch. para. 1](#)

Modifications etc. (not altering text)

C74 [Sch. 3 para. 1](#) amended by [S.I. 1986/1628](#), reg. 5(1), [Sch.](#)

Marginal Citations

M21 [1973 c.62\(39:1\)](#).

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M22 1978 c.49(39:1).

M23 1955 c.18(7:1).

M24 1955 c.19(7:1).

M25 1957 c.53(7:1).

Appropriate financial standing

- 2 [F228(1) Being of appropriate financial standing in relation to an application for, or holder of, a PSV operator's licence consists in having available sufficient financial resources to ensure the establishment and proper administration of the business carried on, or proposed to be carried on, under the licence.
- (2) An applicant for, or the holder of, such a licence authorising the use of vehicles for international operations shall not be considered to be of appropriate financial standing unless he has available capital and reserves of an amount equal to at least—
- (a) 3,000 European Currency Units multiplied by the number of vehicles which are to be or are used under the licence; or
 - (b) 150 European Currency Units multiplied by the number of passenger seats in that number of vehicles,
- whichever is the less.]

Textual Amendments

F228 By S.I. 1990/1851, reg. 2, Sch. para. 2 it is provided (subject to a saving in reg. 2(2) and with application as mentioned in reg. 2(3)) that the existing provisions of para. 2 shall become sub-para. (1) of that para. and that there shall be inserted para 2(2)

Professional competence

- 3 References in Part II of this Act to professional competence are to the professional competence of an individual; and a company satisfies the requirement as to professional competence if, and so long as, [F229]it has a transport manager or transport managers of its road transport business who, or each of whom, is of good repute and professionally competent].

Textual Amendments

F229 Words substituted by S.I. 1990/1851, reg. 2(1)(2), Sch. para. 3

Modifications etc. (not altering text)

C75 Sch. 3 para 3 amended by S.I. 1986/1628, reg. 5(1), Sch.

- 4 Where an individual is not himself professionally competent, the requirement as to professional competence shall be regarded as satisfied in relation to him if, and so long as, he has a transport manager of his road passenger transport business who is of good repute and professionally competent.

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- 5 ^{F230}(1) Where the holder of a PSV operator’s licence ^{F231}relies on a single transport manager] to satisfy the requirement as to professional competence and that manager—
- (a) dies or ceases by reason of physical disability or mental disorder to be capable of discharging his duties as transport manager;
 - (b) ceases to work for the business; or
 - (c) ceases to be of good repute,
- the holder shall nevertheless not be treated as failing to satisfy that requirement until the expiry of such period as in the opinion of the relevant traffic ^{F232}commissioner] is reasonably required for the appointment of a new transport manager.
- ^{F233}(2) Where the holder of a PSV operator’s licence is a company with two or more transport managers and any of them ceases to be of good repute the company shall nevertheless not be treated as failing to satisfy the requirement as to professional competence until the expiry of such period as in the opinion of the relevant traffic commissioner is reasonably required for his removal or the appointment of a transport manager in his place.]

Textual Amendments

F230 Sub-para. renumbered by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 5**

F231 Words substituted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 4**

F232 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 21(b)**

F233 Sub-para. (2) inserted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 5**

Modifications etc. (not altering text)

C76 Sch. 3 para 5 amended by S.I. 1986/1628, reg. 5(1), **Sch.**

- 6 Subject to paragraph 10 below, an individual shall be regarded as professionally competent for the purposes of Part II of this Act if, and only if,—
- (a) ^{F234}he has demonstrated possession of the requisite skills by passing a written examination, which may take the form of a multiple-choice examination, organised by an approved body and he is the holder of a certificate to that effect issued by that approved body]; or
 - (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this paragraph by the Secretary of State.

Textual Amendments

F234 Words substituted by S.I. 1990/2641, reg. 2(1), **Sch. para. 1**

- 7 In paragraph 6 above “approved body” means—
- (a) a body approved by the Secretary of State for the purposes of that paragraph; or

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- (b) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the ^{M26}Transport Act (Northern Ireland) 1967; or
- (c) a body or authority designated by another member State for the purposes of Article 2(4) of Council Directive (EEC) 74/562 of 12th November 1974 on admission to the occupation of road passenger transport operator in national and international transport operations [^{F235}as amended by Council Directive (EEC) No. 89/438 of 21st June 1989];

and “the requisite skills” means skills in the subjects listed in Part A of the Annex to [^{F236}the first of those Directives as amended by the second] and, in the case of a licence to cover international operations, also skills in the subjects listed in Part of that Annex.

Textual Amendments

F235 Words added by S.I. 1990/2641, reg. 2(1), Sch. para. 2

F236 Words substituted by S.I. 1990/2641, reg. 2(1), Sch. para. 3

Marginal Citations

M26 1967 c. 37 (N.I.).

Persons engaged in road passenger transport before 1st January 1978

- 8 (1) Paragraphs 9 and 10 below apply only to persons applying for, and to holders of, standard licences.
- (2) For the purposes of those paragraphs, an individual or company was authorised to engage in the occupation of road passenger transport operator at any time if, and only if, at that time—
- (a) he was the holder, or one of the joint holders, of a public service vehicle licence under section 127 of the ^{M27}Road Traffic Act 1960, or the corresponding provision of the law of Northern Ireland, relating to a vehicle adapted to carry more than eight passengers; or
 - (b) he was by virtue of a permit under Regulation 20 of the ^{M28}Public Service Vehicles (Licences and Certificates) Regulations 1952, or the corresponding provision of the law of Northern Ireland, deemed to be the holder or one of the joint holders of such a licence; or
 - (c) he was so authorised under the law of another member State; or
 - (d) he was the transport manager of a person within paragraph (a), (b) or (c).

Modifications etc. (not altering text)

C77 Sch. 3 para. 8 amended by S.I. 1986/1628, reg. 5(1), Sch.

Marginal Citations

M27 1960 c. 16.

M28 S.I. 1952/900.

- 9 (1) An individual or company authorised to engage in the occupation of road passenger transport operator at any time before 1st January 1978 shall be deemed until the

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contrary is proved to satisfy the requirements to be of good repute and appropriate financial standing and, if so authorised before 1st January 1975, also to satisfy the requirement as to professional competence.

- (2) An applicant for a standard licence, or for the variation of such a licence, shall not be obliged to furnish to the traffic [^{F237}commissioner] in support of his application information relating to a requirement which is deemed to be satisfied by virtue of sub-paragraph (1) above unless it appears to the [^{F237}commissioner] that there are grounds for thinking that the requirement is not in fact satisfied.

Textual Amendments

F237 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 21\(a\)](#)

- 10 For the purpose of Part II of this Act, an individual shall be regarded as professionally competent if he was authorised to engage in the occupation of road passenger transport operator before 1st January 1978 and was so authorised—
- (a) for a period of, or for periods amounting in the aggregate to, two years during the period 1st January 1975 to 31st December 1979; or
 - (b) at any time in the period 1st January 1970 to 31st December 1974.

SCHEDULES 4, 5

. . . ^{F238}

Textual Amendments

F238 [Schs. 4, 5](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

SCHEDULE 6

Section 88.

TRANSITIONAL PROVISIONS AND SAVINGS

Periods of time

- 1 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

Saving for transitional provisions and savings in orders under section 70(5) and (6) of Transport Act 1980

- 2 Where any provision of the ^{M29}Transport Act 1980 which is repealed by this Act was brought into force by an order which contains transitional provisions and savings in connection with that provision, an order under section 89(2) of this Act may contain

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corresponding provisions and savings in connection with any provision of this Act corresponding to the repealed provision.

Marginal Citations

M29 1980 c. 34.

Certificates of initial fitness

- 3 A certificate of fitness issued in respect of a vehicle under section 129 of the ^{M30}Road Traffic Act 1960 which was in force immediately before the date on which section 17 of the Transport Act 1980 came into force and had effect on and after that date as if it were a certificate of initial fitness shall, notwithstanding the repeal by this Act of subsection (2) of the said section 17, continue to have effect as if it were a certificate of initial fitness issued in respect of the vehicle on that date.

Marginal Citations

M30 1960 c. 16.

- 4 For the purposes of subsection (1) of section 6 of this Act, the requirement of paragraph (b) of that subsection shall be treated as complied with if a certificate under section 130 of the Road Traffic Act 1960 was in force in respect of the vehicle concerned immediately before section 17 of the Transport Act 1980 came into force or has since that date been issued in respect of the vehicle.

^{X2}SCHEDULE 7

Section 88.

CONSEQUENTIAL AMENDMENTS

Editorial Information

X2 The text of Schedules 7, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Local Government (Miscellaneous Provisions) Act 1953 (c. 26)

- 1 In section 4(4) of the Local Government (Miscellaneous Provisions) Act 1953 in the definition of “public service vehicle” for the words from “Part I” to “section 2(1)” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 if in section 1(1) ”.

Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (c. 50)

- 2 In section 7(1) of the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 in the definition of “public service vehicle” for the words from

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“Part I” to “section 2(1)” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 if in section 1(1) ”.

Finance Act 1965 (c. 25)

[^{F239}3 In section 92 of the Finance Act 1965, in the definition of “operator” in subsection (8), for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.]

Textual Amendments

F239 Sch. 7 para. 3 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3), **Sch. 7**

4–8 ^{F240}

Textual Amendments

F240 Sch. 7 paras. 4–8 repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 14**

Transport Act 1968 (c. 73)

9 In section 59(1) of the Transport Act 1968 for the words “Part III of the Act of 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.

10 In section 159(1) of that Act—

- (a) in the definition of “bus service” for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ” and for the words “section 3(3)(a) of the Transport Act 1980” there shall be substituted the words “ section 2(3)(a) of the Public Passenger Vehicles Act 1981 ”; and
- (b) in the definition of “express carriage” and “stage carriage” and in the definition of “public service vehicle” for the words “Act of 1960” there shall be substituted the words “ Public Passenger Vehicles Act 1981 ”.

Transport (London) Act 1969 (c. 35)

[^{F241}11 In section 23 of the Transport (London) Act 1969—

- (a) in subsection (2) for the words “Part III of the Act of 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981. ”;
- (b) in subsection (7) in the definition of “road service licence” for the words “Act of 1960” there shall be substituted the words “ Public Passenger Vehicles Act 1981 ” and for the definition of “service of express carriages” there shall be substituted—

““service express carriages” means an express carriage service within the meaning of the Public Passenger Vehicles Act 1981 or a stage carriage service within the meaning of that Act as to which the condition in section 2(3)(a) of that Act (long journeys only) is satisfied.”]

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Textual Amendments

F241 Sch. 7 para. 11 repealed (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3), Sch. 7

12–15 **F242**

Textual Amendments

F242 Sch. 7 paras. 12–15 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, Sch. 4 paras. 1–3

Road Traffic (Foreign Vehicles) Act 1972 (c. 27)

16 In section 4(2)(b) of the Road Traffic (Foreign Vehicles) Act 1972 for the words from “section 19(1)” to “section 160(1)(k) of that Act” there shall be substituted the words “ section 12(1) of the Public Passenger Vehicles Act 1981 as modified by regulations for the time being in force under section 60(1)(m) of that Act ”.

17 In section 7(1) of that Act—
(a) in the definition of “examiner” for the words from “examiner appointed” to “of that Act” there shall be substituted the words “ a certifying officer appointed under section 7(1) or an examiner appointed under section 7(2) of the Public Passenger Vehicles Act 1981 ”;
(b) in the definition of “public service vehicle” for the words “Part III of the Road Traffic Act 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.

18 In Schedule 1 to that Act for the words “Section 16(1) of the Transport Act 1980” there shall be substituted the words “ Section 8(1) of the Public Passenger Vehicles Act 1981 ”.

Local Government (Miscellaneous Provisions) Act 1976 (c. 57)

19 In section 63(3)(b) of the Local Government (Miscellaneous Provisions) Act 1976 for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.

20 In section 80(1) of that Act, in the definition of “public service vehicle”, for the words “Part III of the Road Traffic Act 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.

Energy Act 1976 (c. 76)

21 In paragraph 1 of Schedule 1 to the Energy Act 1976—
(a) in sub-paragraph (1)(c) for the words “Part I of the Transport Act 1980” there shall be substituted the words “ Part II or III of the Public Passenger Vehicles Act 1981 ”;
(b) in sub-paragraph (1)(d) for the words “section 14” there shall be substituted the words “ section 40 ”; and

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(c) in sub-paragraph (2) for the words “section 160 of the Road Traffic Act 1960” there shall be substituted the words “ section 60 of the Public Passenger Vehicles Act 1981 ”.

22 In paragraph 2 of Schedule 1 to that Act for the words “section 144 of the Road Traffic Act 1960” there shall be substituted the words “ section 22 of the Public Passenger Vehicles Act 1981 ”.

Transport Act 1978 (c. 55)

23 In section 1(2)(a) of the Transport Act 1978 for the words “the Minibus Act 1977” there shall be substituted the words “ section 42 of the Public Passenger Vehicles Act 1981 ”.

24 F243

Textual Amendments

F243 Sch. 7 para. 24 repealed by Transport Act 1981 (c. 56, SIF 107:1), Sch. 12 Pt. III

^{x3}SCHEDULE 8

Section 88.

REPEALS

Editorial Information

X3 The text of Schedules 7, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Modifications etc. (not altering text)

C78 Sch. 8 amended by Transport Act 1981 (c. 56, SIF 107:1), s. 39(b)

Chapter	Short title	Extent of repeal
1960 c. 16.	The Road Traffic Act 1960.	Part III. In section 232(1), paragraph (a). Section 239. In section 247(2) the words “except offences under section 148(2)”. Section 252. In section 257(1) the words from “and the expressions” to the end of the subsection. Section 260.

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		In section 263, in subsection (1) the word “III” and subsection (2).
		In section 265, subsection (1) and in subsection (2) the words from the beginning to “Part III of this Act and”.
1960 c. 63.	The Road Traffic and Roads Improvement Act 1960.	Section 24. The Schedule.
1962 c. 46.	The Transport Act 1962.	In Schedule 2, in Part I the entry relating to section 157 of the Road Traffic Act 1960.
1962 c. 59.	The Road Traffic Act 1962.	In Schedule 4, the amendment of section 130 of the Road Traffic Act 1960.
1968 c. 73.	The Transport Act 1968.	In section 35, subsection (3). In section 130(6), paragraph (c). ... F244
		In Schedule 10, in Part I the entry relating to section 123 of the Road Traffic Act 1960 and in Part II the entry relating to section 123 of the Road Traffic Act 1960.
1969 c. 35.	The Transport (London) Act 1969.	In section 24, subsections (1) to (4).
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, the amendment of section 126 of the Road Traffic Act 1960.
1974 c. 50.	The Road Traffic Act 1974.	In section 10(7) the words “the amendments of Part III of the 1960 Act specified in Schedule 2 to this Act.” In section 21(1) paragraph (a) and the words “Part I or” and “as the case may require”. In Schedule 2, paragraph 2. In Schedule 5, Part I. In Schedule 6, paragraph 2.

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1975 c. 53.	The Public Service Vehicles (Arrest of Offenders) Act 1975.	<p>In section 1 the words from “regulations having effect” to “public service vehicles) or of”.</p> <p>Section 2(2).</p>
1977 c. 21.	The Passenger Vehicles (Experimental Areas) Act 1977.	The whole Act.
1977 c. 25.	The Minibus Act 1977.	The whole Act.
1978 c. 55.	The Transport Act 1978.	<p>Sections 5 and 7.</p> <p>In section 24(2), the definition of “the 1960 Act”.</p> <p>In Schedule 2, paragraph 5.</p>
1980 c. 34.	The Transport Act 1980.	<p>Sections 1 to 31.</p> <p>In section 32, subsections (1) to (4).</p> <p>Section 33.</p> <p>Section 36.</p> <p>In section 37, subsection (1)</p> <p>Sections 38 to 41.</p> <p>In section 42—</p> <p>(a) in subsection (2), paragraph (a) and subparagraphs (i), (ii) and (iv) of paragraph (b); and</p> <p>(b) subsections (3) and (4).</p> <p>In section 43, subsection (2).</p> <p>Section 44.</p> <p>Schedules 1 to 3.</p> <p>In Schedule 4, the entries relating to sections 144, 146, 147 and 157 of the Road Traffic Act 1960.</p> <p>In Schedule 5, Part I and in Part II the paragraphs amending the Transport (London) Act 1969, the Road Traffic Act 1974, the Passenger Vehicles (Experimental Areas) Act 1977, the Minibus Act 1977 and the Transport Act 1978.</p>

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Textual Amendments

F244 Words repealed by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), s. 40, **Sch. 12 Pt. III**

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