

Status: Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.

Changes to legislation: Public Passenger Vehicles Act 1981, Cross Heading: Definition and classification of public service vehicles is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART I

PRELIMINARY

Definition and classification of public service vehicles

VALID FROM 01/03/1991

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
 - (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

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(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)

C1 [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\(c\)](#))

C2 [S. 1](#) modified (14.3.2002) by [S.I. 2002/412, art. 2\(4\)](#) (with art. 38)

C3 [S. 1\(2\)](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. [12\(8\)](#)

C4 [S. 1\(5\)](#) applied by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. [137\(3\)](#)

C5 [S. 1\(5\)\(b\)\(c\)\(6\)](#) applied by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. [2\(5\)](#)

Textual Amendments

F3 [S. 2](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

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