



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART I

PRELIMINARY

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.

- [^{F1}(2A) The power to make an order under subsection (2) above includes power to make—
- (a) such incidental, consequential, supplemental or transitional provision, and
 - (b) such savings,
- as the Secretary of State may consider necessary or expedient for the purpose of, or in consequence of, or for giving full effect to, any order under that subsection for varying the number or limits of traffic areas in England and Wales.
- (2B) The power conferred by subsection (2A) above includes power to amend or modify any provision of this Act or any other enactment (whenever passed or made) for the purpose of making any such provision or savings.
- (2C) The powers conferred by subsections (2A) and (2B) above are without prejudice to what may be done under subsection (3) below.]
- (3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions—

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- (a) as to the effect of licences previously issued, and consents previously given, by the traffic [^{F2}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 [^{F2}commissioner], as to the traffic [^{F2}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 [^{F2}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 [^{F2}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 [^{F2}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

- F1** S. 3(2A)-(2C) inserted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 1**, 134(1)(c)(4); S.I. 2009/107, **art. 2(1)**, **Sch. 1 Pt. 1**
- F2** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 3(5)**, **Sch. 2 Pt. II para. 4(2)**

[^{F3}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 [^{F4}the general directions of, and shall have regard to any guidance given by, the senior traffic commissioner]; 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.]

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Textual Amendments

- F3** Ss. 4, 5 substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(2\)](#)
- F4** Words in s. 4(4)(a) substituted (4.3.2009) by [Local Transport Act 2008 \(c. 26\), ss. 3\(2\)\(a\), 134\(4\); S.I. 2009/107, art. 3, Sch. 3](#)

[^{F5}4A Appointment of senior traffic commissioner

- (1) One of the traffic commissioners shall be appointed by the Secretary of State to be the senior traffic commissioner.
- (2) The senior traffic commissioner shall have such functions as may be conferred or imposed by or under any of the following enactments—
 - (a) section 4B below (deployment of traffic commissioners),
 - (b) section 4C below (guidance and general directions),or any other provision of this Act or any other enactment.
- (3) The senior traffic commissioner—
 - (a) shall hold office for such period as the Secretary of State specifies when making the appointment; but
 - (b) ceases to hold that office on ceasing to hold office as a traffic commissioner.
- (4) A traffic commissioner who has been the senior traffic commissioner is eligible for re-appointment as the senior traffic commissioner.
- (5) In the case of illness, incapacity or absence of the senior traffic commissioner, the Secretary of State may appoint another traffic commissioner to act as deputy for the senior traffic commissioner.
- (6) Where the office of senior traffic commissioner becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as senior traffic commissioner pending the appointment of a new senior traffic commissioner.
- (7) Any person appointed under subsection (6) 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 as the senior traffic commissioner.

Textual Amendments

- F5** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\), ss. 3\(1\), 134\(4\); S.I. 2009/107, art. 3, Sch. 3; S.I. 2013/685, art. 3\(1\)\(2\)\(b\)](#)

4B Power of senior traffic commissioner to deploy other commissioners

- (1) In this section—
 - (a) subsections (2) to (4) confer powers on the senior traffic commissioner in relation to traffic commissioners and deputy traffic commissioners for England and Wales; and

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- (b) subsections (5) to (7) confer powers on the senior traffic commissioner in relation to the Scottish traffic commissioner and any deputy traffic commissioners for the Scottish traffic area.
- (2) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of the functions of traffic commissioner for England and Wales as the senior traffic commissioner may determine—
- (a) in relation to such matters relating to England and Wales, or
 - (b) as respects Scotland, in relation to such reserved matters,
- as the senior traffic commissioner may determine.
- (3) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of those functions as the senior traffic commissioner may determine at such places—
- (a) in England and Wales, or
 - (b) in the case of functions which relate to reserved matters and are exercisable in relation to Scotland, in Scotland,
- as the senior traffic commissioner may determine.
- (4) Subsections (2) and (3) above also apply in relation to a deputy traffic commissioner for England and Wales as they apply in relation to a traffic commissioner for England and Wales, construing the references to functions accordingly.
- (5) The senior traffic commissioner may require the Scottish traffic commissioner to carry out as respects England and Wales such of the functions exercisable by the Scottish traffic commissioner in relation to reserved matters by virtue of section 4(3B)(b) of this Act as the senior traffic commissioner may determine.
- (6) The senior traffic commissioner may require the Scottish traffic commissioner to carry out such of those functions as the senior traffic commissioner may determine at such places in England and Wales as the senior traffic commissioner may determine.
- (7) Subsections (5) and (6) above also apply in relation to a deputy traffic commissioner for the Scottish Traffic Area as they apply in relation to the Scottish traffic commissioner, construing the references to functions accordingly.
- (8) In this section—
- “deputy traffic commissioner for the Scottish Traffic Area” means any person appointed under paragraph 3 or 4 of Schedule 2 to this Act to act as deputy in the case of the Scottish traffic commissioner;
- “reserved matters” means reserved matters within the meaning of the Scotland Act 1998.

Textual Amendments

- F5** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 3\(1\)](#), 134(4); [S.I. 2009/107](#), [art. 3](#), [Sch. 3](#); [S.I. 2013/685](#), [art. 3\(1\)\(2\)\(b\)](#)

4C Power of senior traffic commissioner to give guidance and directions

- (1) The senior traffic commissioner may give to the traffic commissioners—

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- (a) guidance, or
- (b) general directions,

as to the exercise of their functions under any enactment.

This subsection is subject, in relation to Scotland, to subsection (5) below.

- (2) The guidance that may be given under subsection (1)(a) above includes guidance as to—
 - (a) the meaning and operation of any enactment or instrument relevant to the functions of traffic commissioners;
 - (b) the circumstances in which, and the manner in which, a traffic commissioner should exercise any power to impose any sanction or penalty;
 - (c) matters which a traffic commissioner should or should not take into account when exercising any particular function.
- (3) The directions that may be given under subsection (1)(b) above include directions as to—
 - (a) the circumstances in which, and the manner in which, officers or servants of a traffic commissioner may exercise any function for or on behalf of the traffic commissioner, and any conditions which such officers or servants must meet before they may do so;
 - (b) the information which a traffic commissioner must ask to be supplied in connection with the exercise of any particular function, and the steps which must be taken to verify the accuracy of any information so supplied;
 - (c) the procedure to be adopted in conducting inquiries under section 54 of this Act, section 35 of the Goods Vehicles (Licensing of Operators) Act 1995 or any other enactment;
 - (d) the manner in which a traffic commissioner must or may publish his decisions;
 - (e) circumstances in which a traffic commissioner must consult some, or all, of the other traffic commissioners before exercising any particular function.
- (4) The senior traffic commissioner must consult each of the following persons before giving any guidance or directions under subsection (1) above—
 - (a) the Secretary of State;
 - (b) the Scottish Ministers, if the senior traffic commissioner considers it appropriate;
 - (c) the Welsh Ministers, if the senior traffic commissioner considers it appropriate;
 - (d) such of the other traffic commissioners as the senior traffic commissioner considers appropriate;
 - (e) such organisations representative of the interests of local government, of London government, of Integrated Transport Authorities and of Passenger Transport Executives as the senior traffic commissioner considers appropriate;
 - (f) such organisations representative of the interests of users of public passenger transport services as the senior traffic commissioner considers appropriate;
 - (g) such organisations representative of passenger transport operators, and of road haulage operators, as the senior traffic commissioner considers appropriate;and such other persons as the senior traffic commissioner considers appropriate.

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- (5) The only guidance or directions under this section which the senior traffic commissioner may give to the Scottish traffic commissioner are guidance or directions as to the exercise of functions that relate to reserved matters within the meaning of the Scotland Act 1998.

Textual Amendments

- F5** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(1), 134(4)**; [S.I. 2009/107](#), [art. 3](#), **Sch. 3**; [S.I. 2013/685](#), **art. 3(1)(2)(b)**

4D Guidance to senior traffic commissioner by Secretary of State

- (1) The Secretary of State may give the senior traffic commissioner guidance as to the exercise of any of the senior traffic commissioner's functions.
- (2) The senior traffic commissioner must have regard to any guidance given under subsection (1) above.]

Textual Amendments

- F5** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(1), 134(4)**; [S.I. 2009/107](#), [art. 3](#), **Sch. 3**; [S.I. 2013/685](#), **art. 3(1)(2)(b)**

[^{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 [^{F7}Transport for London]; 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 [^{F8}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.]]

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Textual Amendments

- F6** Ss. 4, 5 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 3(2)**
- F7** Words in s. 5(2)(a)(ii) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), **Sch. 1 para. 8**
- F8** Words in s. 5(3)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 121(2)** (with s. 128(8)); S.I. 1996/323, **art. 4**

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