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# Public Passenger Vehicles Act 1981

## 1981 CHAPTER 14

### PART IV

#### *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 . . . <sup>F1</sup> service;

and sections 6, 8, 9, [<sup>F2</sup>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.

- (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 <sup>M1</sup>Education Act 1944 for the purpose of facilitating the attendance of [<sup>F3</sup>persons] at a place of education;

..... <sup>F4</sup>  
“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—

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- (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**

- F1 Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 6\(a\)](#), Sch. 8
- F2 Words substituted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 7, [Sch. 3 para. 3](#)
- F3 Word in s. 46(3) substituted (1.4.1993) by [Further and Higher Education Act 1992 \(c. 13\)](#), s. 93(1), [Sch. 8 Pt. II para.90](#); S.I. 1992/831, art. 2, [Sch.3](#)
- F4 Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 6\(b\)](#), Sch. 8

**Marginal Citations**

- M1 1944 c. 31.

47, 48. .... F5

**Textual Amendments**

- F5 Ss. 47, 48 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 32(b), 139(3), Sch. 8

49 ..... F6

**Textual Amendments**

- F6 S. 49 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

VALID FROM 01/01/1996

**[<sup>F7</sup>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,

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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

F7 S. 49A inserted (1.1.1996) by 1994 c. 40, s. 65(1); S.I. 1995/2835, art. 2

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