



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Appeals to the Secretary of State

[^{F1}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—
 - (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.

^{F2}(2)

- (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; [^{F3}or any undertaking recorded in it]
 - (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 ^{F4}. . .

[^{F5}(4A) A person who—

- (a) within the prescribed period has made an application for a review under section 49A of this Act; and
- (b) has been certified by the traffic commissioner as a person such as is mentioned in subsection (2)(b) of that section,

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may appeal to the Transport Tribunal against the refusal of the application.]

(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.

[^{F6}(5A) A person aggrieved by the refusal of the prescribed testing authority to approve a 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.

[^{F7}(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.]

(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

- F1** S. 50 substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 31](#)
- F2** S. 50(2) omitted (1.1.1996) by virtue of [1994 c. 40, ss. 68, 81\(1\), Sch. 14 para. 7\(1\), Sch. 17; S.I. 1995/2835, art. 2](#)
- F3** Words in s. 50(4)(a) added (1.1.1996) by [1994 c. 40, s. 68, Sch. 14 para. 7\(2\)\(a\); S.I. 1995/2835, art. 2](#)
- F4** Words in s. 50(4)(c) omitted (1.1.1996) by virtue of [1994 c. 40, ss. 68, 81\(1\), Sch. 14 para. 7\(2\)\(b\), Sch. 17; S.I. 1995/2835, art. 2](#)

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- F5** s. 50(4A) inserted (1.1.1996) by 1994 c. 40, s. 65(2); S.I. 1995/2835, art. 2
- F6** S. 50(5A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 21(4)(a), 76(2)
- F7** 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)

- C1** 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)

[^{F8}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 [^{F9}an examiner]] to issue such a certificate.

^{F10}(2)

- (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 [^{F11}the examiner] for giving effect to his decision; and it shall be the duty of [^{F11}the examiner] to comply with any such directions.

Textual Amendments

- F8** S. 51 substituted by Transport Act 1985 (c. 67, SIF 126), s. 31
- F9** Words in s. 51(1) substituted (1.7.1992) by virtue of Road Traffic Act 1991 (c. 40, SIF 170:1), s. 48, Sch. 4 para. 16(2); S.I. 1992/1286, art. 2, Sch.
- F10** S. 51(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 170:1), s. 83, Sch.8; S.I. 1992/1286, art. 2, Sch., Appendix
- F11** Words in s. 51(4) substituted (1.7.1992) by virtue of Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 16(3); S.I. 1992/1286, art. 2, Sch.

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 [^{F12}commissioner] for each traffic area in respect of—
 - (i) applications for, and the grant of, PSV operators' licences . . . ^{F13};
 - [^{F14}(ia) applications under section 16(6) of this Act and the grant of such applications;
 - (ib) the continuation in force of PSV operators' licences;]
 - [^{F15}(ii) applications for certificates of initial fitness under section 6 of this Act which are required by regulations to be made to the commissioners and the issue of certificates on such applications;]

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- (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;
- [^{F16}(b) by the traffic [^{F12}commissioner] for each traffic area . . . ^{F17}in respect of—
- (i) applications for, and the issue of, licences to drive public service vehicles; and
 - (ii) the provision by the traffic [^{F12}commissioner] . . . ^{F17}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) [^{F18}A traffic commissioner] . . . ^{F19} 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;
 - [^{F20}(b) the grant of any PSV operator's licence or of any application under section 16(6) of this Act;
 - (bb) the issue of any certificate, disc or other document referred to in subsection (1) above; or]
 - [^{F21}(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.
- [^{F22}(2A) If, in the case of any application for a PSV operator's licence, any fee or instalment of a fee in respect of the application, the grant of the licence or the issue of operators' discs under section 18(2) of this Act is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time;
 - (b) any decision made on the application ceases to have effect at that time; and
 - (c) any licence granted in pursuance of such a decision terminates at that time.
- (2B) If, in the case of any application under section 16(6) of this Act, any fee or instalment of a fee in respect of the application, the grant of the application or the issue of operators' discs under section 18(2A) of this Act is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time;
 - (b) any decision made on the application, and any variation effected in pursuance of such a decision, ceases to have effect at that time.
- (2C) If, in the case of any PSV operator's licence, any fee or instalment of a fee in respect of—
- (a) the continuation in force of the licence; or
 - (b) the issue of operators' discs under section 18(2C) of this Act,
- is not duly paid by the prescribed time, the licence terminates at that time.
- (2D) If any fee or instalment of a fee in respect of any operators' discs that have been issued under section 18 of this Act is not duly paid by the prescribed time, the discs cease to have effect at that time.

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- (2E) The traffic commissioner by whom a PSV operator’s licence was granted may, if he considers there to be exceptional circumstances that justify his doing so in any case where subsection (2A), (2B), (2C) or (2D) above has applied, direct that as from the time mentioned in that subsection its effect in that case be disregarded.
- (2F) Where the traffic commissioner has given a direction under subsection (2E) above in respect of a PSV operator’s licence in a case where subsection (2A) or (2C) above has applied, it shall not for the purposes of section 20(1) or (2) of this Act be regarded as having been practicable for the licence-holder to—
- (a) report any matter to the Secretary of State; or
 - (b) give him notice of any alteration,
- during the period beginning with the time mentioned in subsection (2A) or (2C) and ending when the direction came into force.]
- (3) Any fees received by [^{F23}a traffic commissioner] by virtue of this section . . . ^{F24} shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (4) ^{F25}

Textual Amendments

- F12** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3, **Sch. 2 Pt. II para. 4(14)(a)**
- F13** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 7](#), **Sch. 8**
- F14** S. 52(1)(a)(ia)(ib) inserted (1.1.1996) by 1994 c. 40, **s. 66(2)**; S.I. 1995/2835, **art. 2**
- F15** S. 52(1)(a)(ii) substituted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), s. 74(1), **Sch. 5 para. 22**
- F16** 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**
- F17** Words repealed by S.I. 1984/31, **art. 5(d)(i)**
- F18** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3, **Sch. 2 Pt. II para. 4(14)(b)**
- F19** Words repealed by S.I. 1984/31, **art. 5(d)(ii)**
- F20** S. 52(2)(b)(bb) substituted for s. 52(2)(b) (1.1.1996) by 1994 c. 40, **s. 66(3)**; S.I. 1995/2835, **art. 2**
- F21** 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**
- F22** S. 52(2A)-(2F) inserted (1.1.1996) by 1994 c. 40, **s. 66(4)**; S.I. 1995/2835, **art. 2**
- F23** Words substituted by virtue of [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3, **Sch. 2 Pt. II para. 4(14)(c)**
- F24** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F25** S. 52(4) repealed by S.I. 1984/31, **art. 5(d)(iii)**

Modifications etc. (not altering text)

- C2** S. 52(1) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 126(1)**
- C3** 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 . . . ^{F26} traffic commissioners, ^{F27} . . . , and any other officer or servant appointed by the Secretary of State for the purposes of Part I, [^{F28}or II] . . . ^{F29} of this Act, including

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any expenses incurred in connection with the employment of police officers as ^{F27} . . .
vehicle examiners.

(2) ^{F30}

Textual Amendments

- F26** Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)
- F27** Words in s. 53(1) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40 SIF 107:1\)](#), s. 83, [Sch. 8](#); [S.I. 1992/1286](#), art. 2, [Sch.](#), Appendix
- F28** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 8](#)
- F29** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)
- F30** [S. 53\(2\)](#) repealed by [S.I. 1984/31](#), [art. 5\(c\)](#)

Provisions relating to traffic commissioners etc.

[^{F31}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—
 - (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;

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- (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

F31 S. 54 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 4

Modifications etc. (not altering text)

C4 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 [^{F32}commissioner] for each traffic area shall make an annual report to the Secretary of State on [^{F32}his] proceedings containing particulars with respect to such matters as the Secretary of State may direct . . . ^{F33}.

Textual Amendments

F32 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(15\)](#)

F33 Words repealed by [S.I. 1984/31](#), [art. 5\(f\)](#)

56 Records of licences.

- (1) The traffic [^{F34}commissioner] for each traffic area . . . ^{F35} shall keep a record in such form and containing such particulars as may be prescribed of all licences granted by . . . ^{F36} him under this Act [^{F37}and shall allow the record to be inspected at all reasonable times by members of the public].
- (2) ^{F38}
- (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

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matters stated in that entry without proof of the signature or authority of the person signing the same.

Textual Amendments

- F34** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(16\)](#)
- F35** Words repealed by [S.I. 1984/31](#), [art. 5\(g\)\(i\)](#)
- F36** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 3(5), 139(3), [Sch. 2 Pt. II para. 4\(16\)](#), [Sch. 8](#)
- F37** Words added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 21\(8\)](#)
- F38** S. 56(2) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

Modifications etc. (not altering text)

- C5** S. 56 extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 126\(3\)](#)

[^{F39}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

- F39** 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 . . . ^{F40} 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 . . . ^{F40} held by an individual terminates if he—
 - (a) dies, or
 - (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated, or
 - (c) becomes a patient within the meaning of [^{F41}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 . . . ^{F40} 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 [^{F42}commissioner] by whom a PSV operator's licence . . . ^{F40} 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 [^{F42}commissioner] that there are special circumstances, eighteen months, and

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- (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 [^{F42}commissioner] may impose.

Textual Amendments

- F40** Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 9, Sch. 8
F41 Words substituted by Mental Health Act 1983 (c. 20, SIF 85), s. 148, Sch. 4 para. 56
F42 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)

- C6** 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
C7 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 . . . ^{F43} 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

- F43** 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)

- C8** S. 58(1) extended by Transport Act 1985 (c. 67, SIF 126), s. 132
C9 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

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, . . . ^{F44}[^{F45}or licences to drive public service vehicles],
- (b) applications or proposals for the variation of conditions attached to PSV operators' licences . . . ^{F46},
- (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,

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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

F44 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 10\(a\)](#), Sch. 8

F45 Words repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)

F46 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)

C10 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 . . . ^{F47} 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) ^{F48}
 - ^{F49}(e) the fees to be payable under this Act, the persons liable to pay them, and the repayment (or partial repayment), in prescribed circumstances, of fees paid under this Act;]
 - (f) the documents, plates and marks to be carried by [^{F50}, and the information to be displayed in or on] public service vehicles and the manner in which they are to be carried [^{F51}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 [^{F52}traffic commissioners] . . . ^{F53}, of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;
 - (j) the carriage of luggage and goods on public service vehicles^{F54}[or tramcars];
 - (k) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle^{F55}[or tramcar]] 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;

Status: Point in time view as at 28/01/2000. This version of this part contains provisions that are not valid for this point in time.

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F56

[^{F57}(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.]

[^{F58}(1B) Regulations made under any provision of this Act and applying to tramcars may amend or exclude any provision of an Act or instrument of local application whose subject-matter is the same as that of the regulations.]

(2) In this Act “prescribed” means prescribed by regulations and “regulations” means regulations made [^{F59}by the Secretary of State].

(3) F60

Textual Amendments

- F47** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 134(2)(a)**, 139(3), Sch. 8
- F48** S. 60(1)(d) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F49** S. 60(1)(e) substituted (1.1.1996) by 1994 c. 40, **s. 66(5)**; S.I. 1995/2835, **art. 2**
- F50** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(9)**
- F51** Words added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(9)**
- F52** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(18)**
- F53** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F54** Words in s. 60(1)(j) added (31.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), **s. 61(5)(a)**; S.I. 1992/3144, **art. 3, Sch.**
- F55** Words in s. 60(1)(k) inserted (31.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), **s. 61(5)(b)**; S.I. 1992/3144, **art. 3, Sch.**
- F56** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 134(2)(a)**, 139(3), Sch. 8
- F57** S. 60(1A) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(2)(b)**
- F58** S. 60(1B) inserted (31.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), **s. 61(6)**; S.I. 1992/3144, **art. 3, Sch.**
- F59** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(2)(c)**
- F60** 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)

- C11** S. 60 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(1)**
- C12** S. 60 extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(3)**
- C13** S. 60(1)(j) applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 63(1)**
- C14** S. 60(1)(k) applied (with modifications) (1.7.1994) by S.I. 1994/1761, **art. 25(1)**
- C15** S. 60(1)(k) applied (21.7.1994) by 1994 c. xi, **s. 47(1)**
- C16** S. 60(1)(k) applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 63(1)**

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.

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(2) Before making any regulations under . . . ^{F61} this Act the Secretary of State shall consult with such representative organisations as he thinks fit.

Textual Amendments
F61 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 135(1), 139(3), **Sch. 8**

Modifications etc. (not altering text)
C17 S. 61 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **135(1)**

Provisions relating to Metropolitan Traffic Area

62 ^{F62}

Textual Amendments
F62 S. 62 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

63 ^{F63}

Textual Amendments
F63 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 ^{M1}Metropolitan Public Carriage Act 1869 and the ^{M2}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 ^{M3}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
M1 1869 c. 115.
M2 1907 c. 55.
M3 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—

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- (a) a licence under Part II . . . ^{F64} of this Act;
 - [^{F65}(ea) a control document issued under Article 6 of Council Regulation (EC) No. 12/98 of 11 December 1997;]
 - (b) a certificate of initial fitness under section 6 of this Act;
 - [^{F66}(bb) a notice removing a prohibition under section 9 of this Act;]
 - (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;
 - ^{F67}(f)
- (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—
- [^{F68}“forges” means makes a false document or other thing in order that it may be used as genuine.]
 - ^{F69}
- ^{F70}(4)

Textual Amendments

- F64** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)
- F65** S. 65(1)(ea) inserted (28.1.2000) by [S.I. 1999/3413](#), [reg. 10\(3\)](#)
- F66** S. 65(1)(bb) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), [ss. 23\(4\)](#), [76\(2\)](#)
- F67** S. 65(1)(f) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); [S.I. 1992/1286](#), [art. 2\(2\)](#), [Sch.](#), Appendix
- F68** Definition substituted by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), [s. 12](#)
- F69** Definition of 'statutory maximum' in s. 65(3) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group 2
- F70** S. 65(4) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), [Sch. 1 Pt. XIV](#) Group 2

Modifications etc. (not altering text)

- C18** S. 65 extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 127\(1\)](#)
- C19** S. 65(1)(a) extended by [S.I. 1984/748](#), [reg. 21](#)

66 False statements to obtain licence etc.

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

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- (a) obtaining the grant of a licence under Part II . . . ^{F71} 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;
 - (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; ^{F72} . . .
- [^{F73}or;
- (f) obtaining the issue of a control document under article 6 of Council Regulation (EC) No. 12/98 of 11 December 1997;]
 - (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 [^{F74}level 4 on the standard scale].

Textual Amendments

- F71** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\), Sch. 8](#)
- F72** Word in s. 66(d) omitted (28.1.2000) by virtue of [S.I. 1999/3413, reg. 10\(3\)](#)
- F73** S. 65(f) and the word “or” preceding it inserted (28.1.2000) by [S.I. 1999/3413, reg. 10\(4\)](#)
- F74** 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)

- C20** S. 66 extended by [Transport Act 1985 \(c. 67, SIF 126\), s. 127\(2\)](#)
- C21** S. 66(a) extended by [S.I. 1984/748, reg. 21](#)

PROSPECTIVE

[^{F75}66A Issue of false documents.

- (1) If a person issues
 - (a) a certificate of initial fitness under section 6 of this Act; [^{F76}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 [^{F77}level 4 on the standard scale].
- (2) If a constable, [^{F78}an examiner appointed under section 66A of the Road Traffic Act 1988] 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.

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Textual Amendments

- F75** S. 66A inserted (prosp.) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 24(4), 76(2)
- F76** S. 66A(1)(b) and the word "or" directly preceding it repealed (prosp.) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 83, 84, Sch. 8
- F77** 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
- F78** Words in s. 66A(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para. 22(3); S.I. 1992/1286, art. 2, Sch.

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 (. . . ^{F79}) 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 [^{F80}level 2 on the standard scale].

Textual Amendments

- F79** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8
- F80** 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)

- C22** 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), . . . ^{F81}, 67 and 70(3); ^{F82} . . .
 - ^{F83}(b)
- (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), ^{F84} . . . , 12(5), 16(7), 18(4), 26(2), [^{F85}and 27(2)]; ^{F86} . . .
 - ^{F87}(b)

Textual Amendments

- F81** “33(7), 40(6)” repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

Status: Point in time view as at 28/01/2000. This version of this part contains provisions that are not valid for this point in time.

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- F82** Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F83** 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**
- F84** S. 68(4): reference to s. 9(9)(b) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix
- F85** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 11**
- F86** Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F87** 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)

- C23** 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 . . . ^{F88} of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by [^{F89}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

- F88** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F89** 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)

- C24** 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 . . . ^{F90} 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 [^{F91}level 3 on the standard scale].

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- (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 [^{F91}level 3 on the standard scale].

Textual Amendments

- F90** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
F91 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)

- C25** [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 . . . ^{F92} 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—
- that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion; or
 - 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
 - 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—
- 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
 - 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

- F92** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

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Modifications etc. (not altering text)

C26 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 . . . ^{F93} 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 ^{M4}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.

Textual Amendments

F93 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C27 S. 72 extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

Marginal Citations

M4 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 . . . ^{F94} 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.

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- (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

F94 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C28 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).

Modifications etc. (not altering text)

C29 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 . . . ^{F95}

Textual Amendments

F95 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C30 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;

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- (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 [^{F96}level 3 on the standard scale].

Textual Amendments

F96 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. 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 ^{M5}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

M5 [1980 c. 34.](#)

79 Vehicles excluded from regulation as private hire vehicles.

At any time when a vehicle would apart from section 1(3) [^{F97}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 [^{F98}sections 10 to 23 of the Civic Government (Scotland) Act 1982] or in Part II of the ^{M6}Local Government (Miscellaneous Provisions) Act 1976, which regulate the use of private hire vehicles provided for hire

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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

F97 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 21\(10\)](#)

F98 Words substituted by Civic Government (Scotland) Act 1982 (c. 45 SIF 81:2), s. 137(3), Sch. 3 para. 5

Marginal Citations

M6 [1976 c. 57.](#)

VALID FROM 01/07/2001

[^{F99}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 ^{M7}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 ^{M8}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

F99 S. 79A inserted (E.W.) (1.7.2001) by [2000 c. 38, s. 265\(2\)](#); [S.I. 2001/1498, art. 3](#)

Marginal Citations

M7 [1976 c. 57.](#)

M8 [1998 c. 34.](#)

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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 [^{F100}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; . . . ^{F101}
- (3) ^{F102}

Textual Amendments

F99 S. 79A inserted (E.W.) (1.7.2001) by 2000 c. 38, s. 265(2); S.I. 2001/1498, art. 3

F100 Words in s. 80(1) substituted (1.6.1991) by S.I. 1991/288, arts. 5(1), 6(1), 9(1)

F101 Words repealed by S.I. 1983/1714, art. 5(1)(b)

F102 S. 80(3)(4) repealed by S.I. 1983/1714, art. 5(1)(c)

Modifications etc. (not altering text)

C32 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) ^{F103}

Textual Amendments

F103 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.
^{F104} ^{F105}
 - “company” means a body corporate;
..... ^{F106}

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“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;

..... F106
..... F106

“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;

“local authority” means—

- (a) in relation to England and Wales, any local authority within the meaning of the ^{M9}Local Government Act 1972;
- (b) in relation to Scotland, a [^{F107}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[^{F108}“local service” has the same meaning as in the Transport Act 1985;]

“magistrates’ court” [^{F109}has the same meaning] as in the ^{M10}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);

[^{F110}“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

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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 [^{F111}except that in Scotland it has the same meaning as in the Roads (Scotland) Act 1984];

.....
F112

.....
F113

“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 ^{M11}Interpretation Act 1978;

[^{F114}“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 ^{M12}Light Railways Act 1896;

“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;

.....
F115

[^{F116}(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.

[^{F117}(3) In this Act—

- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;
- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.]

Textual Amendments

F104 S. 82(1): definition repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch. 8](#); [S.I. 1992/1286, art. 2, Sch.](#), Appendix

F105 Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

F106 Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 13, Sch. 8](#)

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- F107** S. 82(1): words in definition of "local authority" inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 121(4)** (with s.128(8)); S.I. 1996/323, **art. 2**
- F108** Definition inserted by **Transport Act 1985 (c. 67, SIF 126)**, s. 1(3), **Sch. 1 para. 13**
- F109** Words in definition of "magistrates court" substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), **Sch. 10 para. 37** (with **Sch. 14 para. 7(2)**)
- F110** Definition inserted (*prosp.*) by **Transport Act 1982 (c. 49, SIF 58, 107:1, 126)**, s. 76(2), **Sch. 5 para. 23(a)**
- F111** Words added (S.) by **Roads (Scotland) Act 1984 (c. 54, SIF 108)**, s. 128(1), **Sch. 9 para. 83**
- F112** Definition repealed by **Transport Act 1985 (c. 67, SIF 126)**, ss. 1(3), 139(3), **Sch. 1 para. 13, Sch. 8**
- F113** Definition repealed by **Transport Act 1985 (c. 67, SIF 126)**, ss. 1(3), 139(3), **Sch. 1 para. 13, Sch. 8**
- F114** Definition inserted by **Transport Act 1985 (c. 67, SIF 126)**, s. 3(5), **Sch. 2 Pt. II para. 4(20)**
- F115** Definition repealed by **Transport Act 1985 (c. 67, SIF 126)**, ss. 1(3), 139(3), **Sch. 1 para. 13, Sch. 8**
- F116** S. 82(1A) inserted (*prosp.*) by **Transport Act 1982 (c. 49, SIF 58, 107:1, 126)**, s. 76(2), **Sch. 5 para. 23(b)**
- F117** S. 82(3) added (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 36** (ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 3, **Sch. 1**

Marginal Citations

- M9** 1972 c. 70.
- M10** 1980 c. 43.
- M11** 1978 c. 30.
- M12** 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", . . . ^{F118} by reference to the ^{M13}Road Traffic Act 1930 or the ^{M14}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) ^{F119}

Textual Amendments

- F118** Words repealed by **Transport Act 1985 (c. 67, SIF 126)**, ss. 1(3), 139(3), **Sch. 1 para. 14(a)**, **Sch. 8**
- F119** S. 83(2) repealed by **Transport Act 1985 (c. 67, SIF 126)**, s. 1(3), **Sch. 1 para. 14(b)**, **Sch. 8**

Marginal Citations

- M13** 1930 c. 43.
- M14** 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

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the undertaking attributable directly or indirectly to this Act shall not be taken into account.

Modifications etc. (not altering text)

C33 S. 84 amended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 44(3)

C34 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)

C35 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 ^{M15}Interpretation Act 1978 (which relate to the effect of repeals).

Marginal Citations

M15 [1978 c. 30](#).

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), [^{F120}51(1)(b)], 65(1)(c) and 66(c) of this Act.

Textual Amendments

F120 “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)

C36 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.

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- ^{XI}(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.
- ^{XI}(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

- P1** Power of appointment conferred by s. 89(2) fully exercised: 30.10.1981 appointed by [S.I. 1981/1387](#)

Status:

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