



Road Traffic Act 1960

1960 CHAPTER 16

PART III

PUBLIC SERVICE VEHICLES

Classification of Public Service Vehicles

117 Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage"

- (1) For the purposes of this Act a public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either—
- is carrying passengers at separate fares, or
 - is not carrying passengers at separate fares but is adapted to carry eight or more passengers.

In this subsection "motor vehicle" does not include a tramcar or a trolley vehicle.

- (2) For the purposes of this Act a stage carriage is a public service vehicle carrying passengers at separate fares, not being an express carriage.
- (3) For the purposes of this Act an express carriage is a public service vehicle carrying passengers at separate fares none of which is less than one shilling or such greater sum as may be prescribed; and for the purposes of this subsection—
- a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount, and
 - no account shall be taken of any fare which is charged in the case of passengers of particular descriptions if a fare of not less than one shilling, or such greater sum as may for the time being be prescribed by virtue of the foregoing provisions of this subsection, is charged for the like service in the case of all passengers not falling within any of those descriptions.
- (4) For the purposes of this Act a contract carriage is a public service vehicle not carrying passengers at separate fares.

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(5) This section has effect subject to the next following section.

118 Circumstances affecting classification of public service vehicles

- (1) A vehicle carrying passengers at separate fares in circumstances in which the conditions set out in Part I, II, III or IV of the Twelfth Schedule to this Act are fulfilled shall be treated as not being a public service vehicle unless it is adapted to carry eight or more passengers.
- (2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in either Part III or Part IV of the Twelfth Schedule to this Act are fulfilled.
- (3) For the purposes of this and the last foregoing section and of the Twelfth Schedule 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;
 - (d) in a case where one or more passengers are being carried for hire or reward otherwise than in the course of a business of carrying passengers, the vehicle shall be treated as carrying passengers at separate fares.
- (4) Notwithstanding anything in the last foregoing subsection a motor vehicle used for providing transport in pursuance of arrangements made under subsection (1) of section fifty-five of the Education Act, 1944—
 - (a) if belonging to a local education authority, shall not for the purposes of this Part of this Act be treated as carrying passengers for hire or reward;
 - (b) if not belonging to a local education authority, shall not for those purposes be treated as carrying passengers at separate fares;by reason only of the carriage therein of a person who is charged a fare by virtue of subsection (1) of section twelve of the Education (Miscellaneous Provisions) Act, 1953.
- (5) For the purposes of this Part of this Act a motor vehicle used in pursuance of subsection (1) of section one of the National Health Service (Amendment) Act, 1957, for the purpose therein mentioned shall not be treated as carrying passengers for hire or reward.
- (6) For the purposes of this Part of this Act a vehicle when being used, at any time during the period of six months beginning with the first day of June in any year, for the purpose of carrying persons engaged in agricultural work to or from that work, shall

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be deemed not to be a public service vehicle, notwithstanding that those persons are carried for hire or reward.