



# Public Passenger Vehicles Act 1981

## 1981 CHAPTER 14

An Act to consolidate certain enactments relating to public passenger vehicles. [15th April 1981]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### PRELIMINARY

##### *Definition and classification of public service vehicles*

#### **1 Definition of " public service vehicle "**

- (1) Subject to the provisions of this section, in this Act " public service vehicle " means a motor vehicle (other than a tramcar) which—
  - (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
  - (b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.
- (2) For the purposes of subsection (1) above a vehicle " is used " as mentioned in paragraph (a) or (b) of that subsection if it is being so used or if it has been used as mentioned in that paragraph and that use has not been permanently discontinued.
- (3) A vehicle carrying passengers at separate fares in the course of a business of carrying passengers, but doing so in circumstances in which the conditions set out in Part I, II or III of Schedule 1 to this Act are fulfilled, shall be treated as not being a public service vehicle unless it is adapted to carry more than eight passengers.

- (4) For the purposes of this section a journey made by a vehicle in the course of which one or more passengers are carried at separate fares shall not be treated as made in the course of a business of carrying passengers if—
- (a) the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey; and
  - (b) the arrangements for the payment of fares by the passenger or passengers so carried were made before the journey began;
- and for the purposes of paragraph (a) above the running costs of a vehicle for a journey shall be taken to include an appropriate amount in respect of depreciation and general wear.
- (5) For the purposes of this section, section 2 and Schedule 1 to this Act—
- (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;
  - (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
  - (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised.
- (6) Where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of subsection (5) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.

## **2 Classification of public service vehicles as stage, express or contract carriages**

- (1) For the purposes of this Act—
- (a) a "stage carriage" is a public service vehicle being used in the operation of a local service;
  - (b) an "express carriage" is a public service vehicle being used in the operation of an express service; and
  - (c) a "contract carriage" is a public service vehicle being used to carry passengers otherwise than at separate fares;
- and references in this Act to use as a stage, express or contract carriage shall be construed accordingly.
- (2) In this section—
- (a) "local service" means a service for the carriage of passengers by road at separate fares, not being an express service;
  - (b) "express service" means a service for the carriage of passengers by road at separate fares, being a service as regards which the conditions specified in subsection (3) below are satisfied.

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- (3) The conditions referred to in subsection (2)(b) above are—
- (a) except in the case of an emergency, either of the following requirements as to length of journey is satisfied in respect of every passenger using the service, namely—
    - (i) the place where he is set down is thirty miles or more, measured in a straight line, from the place where he was taken up; or
    - (ii) some point on the route between those places is thirty miles or more, measured in a straight line, from either of those places; and
  - (b) either—
    - (i) the service is an excursion or tour; or
    - (ii) the prescribed particulars of the service (including the route and the timetable) and of every change of any prescribed kind made in the service have, not later than the prescribed time for doing so, been notified in the prescribed manner to the traffic commissioners in whose area the place specified in the notification as the beginning of the route is situated.
- (4) Where, in the case of any service for the carriage of passengers by road at separate fares, the condition specified in subsection (3)(a) above is satisfied as regards any part of the service taken in isolation, but not as regards the service as a whole—
- (a) that; part of the service shall be treated for the purposes of subsections (2)(b) and (3) above as a separate service (and will accordingly be an express service if the condition specified in subsection (3)(b) is satisfied as regards it); and
  - (b) any part of the service which is not an express service by virtue of the preceding paragraph shall be treated for the purposes of this section as a separate local service.
- (5) 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 Part II or III of Schedule 1 to this Act are fulfilled.

### *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.
- (3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions—
- (a) as to the effect of licences previously issued, and consents previously given, by the traffic commissioners 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 commissioners, as to the traffic commissioners 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 commissioners 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 commissioners 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 commissioners 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.

#### **4 Traffic commissioners**

- (1) For each traffic area constituted for the purposes of this Act there shall be a body of three commissioners, to be known as traffic commissioners for the area, who shall have the power and be charged with the duty of issuing licences under this Act and shall exercise such other powers and perform such other duties as are conferred or imposed on them by or in pursuance of this Act.
- (2) Without prejudice to section 62(1) of this Act, subsection (1) above shall not operate to confer on the traffic commissioners for the Metropolitan Traffic Area powers and duties as regards licences to drive public service vehicles.
- (3) Subject to the provisions of this Act, the traffic commissioners shall act under the general directions of the Secretary of State.
- (4) Except where the context otherwise requires, in this Act " the traffic commissioners" means the traffic commissioners for any traffic area constituted for the purposes of this Act.

#### **5 Appointment and terms of service of traffic commissioners**

- (1) The traffic commissioners shall be appointed by the Secretary of State.
- (2) Where the Secretary of State proposes to appoint a person to be one of the traffic commissioners he shall, before making the appointment, require the person whom he proposes to appoint to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers.
- (3) Of the three traffic commissioners for any traffic area—
  - (a) one shall be such person as the Secretary of State thinks fit to appoint to be chairman of the commissioners;
  - (b) one shall be appointed by the Secretary of State from a panel of persons nominated by such of the following councils, namely in England and Wales county councils and the Greater London Council and in Scotland regional or islands councils, as are councils whose area is wholly or partly comprised in the traffic area; and

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- (c) the third shall be appointed by the Secretary of State from a panel of persons nominated by such of the following councils, namely in England and Wales district councils, London borough councils and the Common Council of the City of London and in Scotland district councils, as are councils whose area is wholly or partly comprised in the traffic area.
- (4) Provision shall be made by regulations as to the arrangements for constituting the panels mentioned in subsection (3) above.
- (5) The chairman of the traffic commissioners shall hold office during Her Majesty's pleasure, and shall be required to devote the whole of his time to the duties of his office.
- (6) The chairman of the traffic commissioners shall vacate his office on attaining the age of seventy.
- (7) The provisions of Schedule 2 to this Act shall have effect with respect to the traffic commissioners.

## PART II

### GENERAL PROVISIONS RELATING TO PUBLIC SERVICE VEHICLES

#### *Fitness of public service vehicles*

#### **6 Certificate of initial fitness (or equivalent) required for use as public service vehicles**

- (1) A public service vehicle adapted to carry more than eight passengers shall not be used on a road unless—
  - (a) a certifying officer has issued a certificate (in this Act referred to as a "certificate of initial fitness ") that the prescribed conditions as to fitness are fulfilled in respect of the vehicle; or
  - (b) a certificate under section 10 of this Act has been issued in respect of the vehicle; or
  - (c) there has been issued in respect of the vehicle a certificate under section 47 of the Road Traffic Act 1972 (type approval) of a kind which by virtue of regulations is to be treated as the equivalent of a certificate of initial fitness.
- (2) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £500.

#### **7 Certifying officers and public service vehicle examiners**

- (1) For the purpose of the provisions of this Act with respect to the certification of fitness of vehicles, the Secretary of State may with the approval of the Minister for the Civil Service, appoint such officers (in this Act referred to as "certifying officers ") as he thinks fit, and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of initial fitness and otherwise, as the Minister may require.

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- (2) The Secretary of State may, with the approval of the Minister for the Civil Service, appoint as public service vehicle examiners such persons as he considers necessary for the purpose of the inspection of public service vehicles within the several traffic areas and for the purpose of the discharge of such other duties as he considers can conveniently be discharged by persons acting as such examiners, and for that purpose may, with the concurrence of the Secretary of State concerned, make arrangements with any police authority for the appointment of members of their police force for this purpose.
- (3) A certifying officer or public service vehicle examiner shall, in exercising any of the functions of such an officer or examiner, act under the general directions of the Secretary of State.
- (4) There shall be paid to or in respect of certifying officers and public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Secretary of State may, with the consent of the Minister for the Civil Service, determine.

## **8 Powers of, and facilities for, inspection of public service vehicles**

- (1) A certifying officer or public service vehicle examiner, on production if so required of his authority—
  - (a) may at any time inspect any public service vehicle, and for that purpose—
    - (i) may enter the vehicle; and
    - (ii) may detain the vehicle during such time as is required for the inspection;
  - (b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that there is a public service vehicle.
- (2) A person who intentionally obstructs a certifying officer or public service vehicle examiner acting in the exercise of his powers under subsection (1) above shall be liable on summary conviction to a fine not exceeding £200.
- (3) The Secretary of State may—
  - (a) provide and maintain stations where inspections of public service vehicles for the purposes of this Act may be carried out;
  - (b) designate premises as stations where such inspections may be carried out; and
  - (c) provide and maintain apparatus for the carrying out of such inspections;
 and in this Act " official PSV testing station " means a station provided, or any premises for the time being designated, under this subsection.

## **9 Power to prohibit driving of unfit public service vehicles**

- (1) If on any inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner that owing to any defects therein the vehicle is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road either—
  - (a) absolutely; or
  - (b) for one or more specified purposes ; or
  - (c) except for one or more specified purposes.

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- (2) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official PSV testing station.
- (3) Where a certifying officer or examiner prohibits the driving of a vehicle under subsection (1) above, he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—
  - (a) specifying the defects which occasioned the prohibition ;
  - (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and
  - (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (4) If the person to whom written notice of a prohibition is given under subsection (3) above as being the person in charge of the vehicle at the time of the inspection is not—
  - (a) the operator of the vehicle; or
  - (b) if there is no operator at that time, the owner of the vehicle,the officer or examiner shall as soon as practicable take steps to bring the contents of the notice to the attention of the said operator or owner.
- (5) If, in the opinion of the certifying officer or examiner concerned, the defects in the vehicle in question are such that driving it, or driving it for any purpose prohibited by the notice given to the person in charge of it, would involve danger to the driver or to passengers or other members of the public, the prohibition under subsection (1) above with respect to the vehicle shall come into force as soon as that notice has been given.
- (6) In any other case a prohibition under subsection (1) above shall come into force at such time not later than ten days from the date of the inspection as seems appropriate to the certifying officer or examiner having regard to all the circumstances.
- (7) Where a notice has been given under subsection (3) above, any certifying officer or public service vehicle examiner may—
  - (a) grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose or purposes as may be specified in the exemption ;
  - (b) by endorsement on the notice vary its terms and, in particular—
    - (i) alter the time at which the prohibition is to come into force, or suspend it if it has come into force; or
    - (ii) cancel a direction under subsection (2) above with which the prohibition was imposed.
- (8) Subject to any subsisting direction under subsection (2) above, a prohibition under subsection (1) above with respect to any vehicle may be removed by any certifying officer or public service vehicle examiner if he is satisfied that the vehicle is fit for service; and a person aggrieved by the refusal of a public service vehicle examiner to remove a prohibition may make an application to the traffic commissioners for any area to have the vehicle inspected by a certifying officer and, where such an application is made, the certifying officer to whom the matter is referred by the commissioners shall, if he considers that the vehicle is fit for service, remove the prohibition.
- (9) Except in such cases as may be prescribed, a person who—

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- (a) knowingly drives a vehicle in contravention of a prohibition under subsection (1) above; or
  - (b) subject to section 68(3) of this Act, causes or permits a vehicle to be driven in contravention of such a prohibition,
- shall be liable on summary conviction to a fine not exceeding £1,000.

## **10 Approval of type vehicle and effect thereof**

- (1) Where the Secretary of State is satisfied in respect of one vehicle of a particular type that the prescribed conditions as to fitness are fulfilled in respect of the vehicle he may, on payment of the prescribed fee, approve the vehicle as a type vehicle.
- (2) Where a type vehicle has been approved under this section and a declaration in the prescribed form has been made by a person authorised by the Secretary of State in that behalf that any other vehicle conforms in design, construction and equipment with the type vehicle, the certifying officer may, after examining if he thinks fit that other vehicle, issue a certificate in the prescribed form that the vehicle conforms to the type vehicle.
- (3) The Secretary of State may at any time withdraw his approval of a type vehicle and thereafter no certificate that any other vehicle conforms to the type vehicle shall be issued; but as regards any such certificate previously issued, the withdrawal of the approval shall not affect the operation of that certificate for the purposes of section 6 of this Act.

## **11 Modification of section 6 in relation to experimental vehicles**

- (1) Where it appears to the Secretary of State expedient to do so for the purpose of the making of tests or trials of a vehicle or its equipment, he may by order made in respect of that vehicle for the purposes of section 6 of this Act dispense with such of the prescribed conditions as to fitness referred to in subsection (1)(a) of that section as are specified in the order.
- (2) While such an order is in force in respect of a vehicle, section 6 of this Act shall have effect in relation to the vehicle as if the prescribed conditions as to fitness referred to in subsection (1)(a) of that section did not include such of those conditions as are dispensed with by the order.
- (3) An order under this section shall specify the period for which it is to continue in force, and may contain, or authorise the imposition of, requirements, restrictions or prohibitions relating to the construction, equipment or use of the vehicle to which the order relates.
- (4) Where an order under this section in respect of a vehicle is revoked or otherwise ceases to have effect, any certificate of initial fitness issued under section 6 of this Act in respect of the vehicle while the order was in force shall, for the purposes of that section as regards any use of the vehicle after the order has ceased to have effect, be deemed never to have been issued.



### *Public service vehicle operators' licences*

## **12 PSV operators' licences**

- (1) A vehicle shall not be used on a road as a stage, express or contract carriage except under a PSV operator's licence granted in accordance with the following provisions of this Part of this Act.
- (2) The authority having power to grant a PSV operator's licence is the traffic commissioners for any traffic area in which, if the licence is granted, there will be one or more operating centres of vehicles used under the licence; and, subject to the provisions of this Part of this Act, a PSV operator's licence authorises the holder to use anywhere in Great Britain vehicles which have their operating centre in the area of the traffic commissioners by whom the licence was granted.
- (3) A person may hold two or more PSV operators' licences each granted by the traffic commissioners for different areas, but shall not at the same time hold more than one such licence granted by the commissioners for the same area.
- (4) An application for a PSV operator's licence shall be made in such form as the traffic commissioners may require, and an applicant shall give the commissioners such information as they may reasonably require for disposing of the application.
- (5) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £500.

## **13 Classification of licences**

- (1) A PSV operator's licence may be either a standard licence or a restricted licence.
- (2) A standard licence authorises the use of any description of public service vehicle and may authorise use either—
  - (a) on both national and international operations; or
  - (b) on national operations only.
- (3) A restricted licence authorises the use (whether on national or international operations) of—
  - (a) public service vehicles not adapted to carry more than eight passengers; and
  - (b) public service vehicles not adapted to carry more than sixteen passengers when used—
    - (i) otherwise than in the course of a business of carrying passengers; or
    - (ii) by a person whose main occupation is not the operation of public service vehicles adapted to carry more than eight passengers.
- (4) For the purposes of subsection (3)(b)(i) above, a vehicle used for carrying passengers by a local or public authority shall not be regarded as used in the course of a business of carrying passengers unless it is used by the public service vehicle undertaking of that authority.

## 14 Grant of licences

- (1) An application for a standard licence shall not be granted unless the traffic commissioners are satisfied that the applicant meets the following requirements, namely—
  - (a) the requirement to be of good repute;
  - (b) the requirement to be of appropriate financial standing; and
  - (c) the requirement as to professional competence ;and an application for a restricted licence shall not be granted unless the traffic commissioners are satisfied that the applicant meets the requirements to be of good repute and of appropriate financial standing.
- (2) The provisions of Schedule 3 to this Act shall have effect for supplementing the provisions of subsection (1) above, and for modifying the operation of that subsection in the case of persons engaged in road passenger transport before 1st January 1978.
- (3) Notwithstanding that it appears to the traffic commissioners on an application for a standard or restricted licence that the requirements mentioned in subsection (1) above are met, the application shall not be granted unless the commissioners are further satisfied—
  - (a) that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition the vehicles proposed to be used under the licence; and
  - (b) that there will be adequate arrangements for securing compliance with the requirements of the law relating to the driving and operation of those vehicles.
- (4) If on an application for a PSV operator's licence the traffic commissioners determine that the relevant requirements mentioned in subsection (1) above and the further requirements mentioned in subsection (3) above are satisfied they shall, subject to the provisions of sections 15 and 16 of this Act, grant the licence in accordance with the application.

## 15 Duration of licences

- (1) There shall be specified in every PSV operator's licence the date on which the licence is to come into force and the date on which it is to expire; and, subject to subsection (2) below, the last-mentioned date shall be such as will make the duration of the licence such period not exceeding five years as the traffic commissioners on granting the licence consider appropriate in the circumstances.
- (2) Traffic commissioners on granting a PSV operator's licence may direct that the duration of the licence shall be such period not exceeding five years as is in the opinion of the commissioners desirable in order to arrange a reasonably convenient programme of work for the commissioners.
- (3) If, immediately before a PSV operator's licence is due to expire, proceedings are pending before the traffic commissioners on an application by the holder of that licence for the grant to him of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (4) Where an application is made to the traffic commissioners by the holder of a PSV operator's licence for the grant to him of a new licence to take effect on the expiry of the existing licence and the traffic commissioners decide not to grant the new licence,

they may direct that the existing licence continue in force for such period as appears to them reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

## **16 Conditions attached to licences**

- (1) Traffic commissioners on granting a PSV operator's licence shall attach to it one or more conditions specifying the maximum number of vehicles (being vehicles having their operating centre in the area of those commissioners) which the holder of the licence may at any one time use under the licence.
- (2) Conditions attached under subsection (1) above to a PSV operator's licence may specify different maximum numbers for different descriptions of vehicle.
- (3) Traffic commissioners may (whether at the time when the licence is granted or at any time thereafter) attach to a PSV operator's licence granted by them such conditions or additional conditions as they think fit for restricting or regulating the use of vehicles under the licence, being conditions of any prescribed description.
- (4) Without prejudice to the generality of the power to prescribe descriptions of conditions for the purposes of subsection (3) above, the descriptions which may be so prescribed include conditions for regulating the places at which vehicles being used under a PSV operator's licence may stop to take up or set down passengers.
- (5) The traffic commissioners by whom a PSV operator's licence was granted may at any time while it is in force vary the licence by—
  - (a) altering in such manner as they think fit any condition attached under subsection (3) above to the licence; or
  - (b) removing any condition so attached to the licence.
- (6) On the application of the holder of a PSV operator's licence, the traffic commissioners by whom the licence was granted may at any time while it is in force—
  - (a) vary the conditions attached under subsection (1) above to the licence; or
  - (b) exercise their powers (whether of alteration or removal) under subsection (5) above;and a person making an application under this subsection shall give to the traffic commissioners such information as they may reasonably require for the discharge of their duties in relation to the application.
- (7) Subject to section 68(3) of this Act, if a condition attached to a PSV operator's licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding £200.
- (8) Compliance with any condition attached to a PSV operator's licence under this section may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered.
- (9) It is hereby declared that the conditions attached under subsection (1) above to a PSV operator's licence granted by the traffic commissioners for any area do not affect the use by the holder of the licence of a vehicle—
  - (a) under a PSV operator's licence granted to him by the traffic commissioners for another area; or

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- (b) in circumstances such that another person falls to be treated as the operator of the vehicle (for example, by virtue of regulations under section 81(1)(a) of this Act).

## 17 **Revocation, suspension etc. of licences**

- (1) The traffic commissioners by whom a standard licence was granted shall revoke the licence if it appears to them at any time that the holder no longer satisfies the requirement to be of good repute, the requirement to be of appropriate financial standing or the requirement as to professional competence.
- (2) Without prejudice to subsection (1) above, the traffic commissioners by whom a PSV operator's licence was granted may, on any of the grounds specified in subsection (3) below, at any time—
  - (a) revoke the licence;
  - (b) suspend the licence for such period as the commissioners direct (during which time it shall be of no effect);
  - (c) curtail the period of validity of the licence;
  - (d) vary any condition attached under subsection (1) of section 16 of this Act to the licence, or attach to the licence (whether in addition to or in place of any existing condition so attached to it) any such condition as is mentioned in that subsection.
- (3) The grounds for action under subsection (2) above are—
  - (a) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for a variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled;
  - (b) that there has been a contravention of any condition attached to the licence;
  - (c) that a prohibition under section 9 of this Act has been imposed with respect to a vehicle owned or operated by the holder of the licence, or that the holder of the licence has been convicted of an offence under subsection (9) of that section;
  - (d) in the case of a restricted licence, that the holder no longer satisfies the requirement to be of good repute or the requirement to be of appropriate financial standing;
  - (e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence.
- (4) Traffic commissioners shall not take any action under subsection (1) or (2) above in respect of any licence without first holding a public sitting if the holder of the licence requests them to do so.
- (5) Where traffic commissioners decide to revoke a licence under this section, they may direct that the revocation shall not take effect for such period as appears to them reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.
- (6) The provisions of Schedule 3 to this Act shall apply for the purposes of subsections (1) and (3)(d) above as they apply for the purposes of section 14(1) of this Act.

## **18 Duty to exhibit operator's disc**

- (1) Where a vehicle is being used in circumstances such that a PSV operator's licence is required, there shall be fixed and exhibited on the vehicle in the prescribed manner an operator's disc issued under this section showing particulars of the operator of the vehicle and of the PSV operator's licence under which the vehicle is being used.
- (2) Traffic commissioners on granting a PSV operator's licence shall supply the person to whom the licence is granted with a number of operators' discs equal to the maximum number of vehicles which he may use under the licence in accordance with the condition or conditions attached to the licence under section 16(1) of this Act; and if that maximum number is later increased on the variation of one or more of those conditions, the traffic commissioners on making the variation shall supply him with further operators' discs accordingly.
- (3) Regulations may make provision—
  - (a) as to the form of operators' discs and the particulars to be shown on them ;
  - (b) with respect to the custody and production of operators' discs;
  - (c) for the issue of new operators' discs in place of those lost, destroyed or defaced;
  - (d) for the return of operators' discs on the revocation or expiration of a PSV operator's licence or in the event of a variation of one or more conditions attached to a licence under section 16(1) of this Act having the effect of reducing the maximum number of vehicles which may be used under the licence.
- (4) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £200.

## **19 Duty to inform traffic commissioners of relevant convictions etc.**

- (1) A person who has applied for a PSV operator's licence shall forthwith notify the traffic commissioners to whom the application was made if, in the interval between the making of the application and the date on which it is disposed of, a relevant conviction occurs of the applicant, or any employee or agent of his, or of any person proposed to be engaged as transport manager whose repute and competence are relied on in connection with the application.
- (2) It shall be the duty of the holder of a PSV operator's licence to give notice in writing to the traffic commissioners by whom the licence was granted of—
  - (a) any relevant conviction of the holder; and
  - (b) any relevant conviction of any officer, employee or agent of the holder for an offence committed in the course of the holder's road passenger transport business,and to do so within 28 days of the conviction in the case of a conviction of the holder or his transport manager and within 28 days of the conviction coming to the holder's knowledge in any other case.
- (3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—

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- (a) the bankruptcy or liquidation of the holder, or the sequestration of his estate or the appointment of a receiver, manager or trustee of his road passenger transport business; or
- (b) any change in the identity of the transport manager of the holder's road passenger transport business,

to give notice in writing of that event to the traffic commissioners to whom the licence was granted.

- (4) Traffic commissioners on granting or varying a PSV operator's licence, or at any time thereafter, may require the holder of the licence to inform them forthwith or within a time specified by them of any material change specified by them in any of his circumstances which were relevant to the grant or variation of the licence.
- (5) Subject to section 68(1) of this Act, a person who fails to comply with subsection (1), (2) or (3) above or with any requirement under subsection (4) above shall be liable on summary conviction to a fine not exceeding £200.

## **20 Duty to give traffic commissioners information about vehicles**

- (1) It shall be the duty of the holder of a PSV operator's licence, on the happening to any public service vehicle owned by him of any failure or damage of a nature calculated to affect the safety of occupants of the public service vehicle or of persons using the road, to report the matter as soon as is practicable to the traffic commissioners who granted the licence.
- (2) It shall be the duty of the holder of a PSV operator's licence, on any alteration otherwise than by replacement of parts being made in the structure or fixed equipment of any public service vehicle owned by him, to give notice of the alteration as soon as is practicable to the traffic commissioners who granted the licence.
- (3) The traffic commissioners by whom a PSV operator's licence was granted may—
  - (a) require the holder of the licence to supply them forthwith or within a specified time with such information as they may reasonably require about the public service vehicles owned by him and normally kept at an operating centre within the area of those commissioners, and to keep up to date information supplied by him under this paragraph; or
  - (b) require the holder or former holder of the licence to supply them forthwith or within a specified time with such information as they may reasonably require about the public service vehicles owned by him at any material time specified by them which were at that time normally kept at an operating centre within the area of those commissioners.

In this subsection " material time " means a time when the PSV operator's licence in question was in force.

- (4) Subject to section 68(1) of this Act, a person who fails to comply with the provisions of subsection (1) or (2) above or with any requirement under subsection (3) above shall be liable on summary conviction to a fine not exceeding £200.
- (5) A person who in purporting to comply with any requirement under subsection (3) above supplies any information which he knows to be false or does not believe to be true shall be liable on summary Conviction to a fine not exceeding £500.

- (6) Where a certifying officer or public service vehicle examiner imposes or removes a prohibition on the driving of a public service vehicle, he shall forthwith give notice of that fact to the traffic commissioners who granted the PSV operator's licence under which the vehicle was last used before the prohibition was imposed.

## **21 Certificates of qualification**

- (1) A person who wishes to do either of the following things in another member State or in Northern Ireland, namely to carry on a road passenger transport business or to be the transport manager of such a business, may apply—
- (a) if he holds a standard licence, to the traffic commissioners by whom that licence was granted or, if he holds more than one, by whom the last such licence was granted;
  - (b) in any other case, to the traffic commissioners for any traffic area, for a certificate as to his repute and professional competence and, where relevant, his financial standing.
- (2) A person applying for a certificate under subsection (1) above shall give to the traffic commissioners such information as they may reasonably require for the discharge of their duties in relation to the application.
- (3) The traffic commissioners to whom an application under subsection (1) above is made shall certify such matters relating to the applicant as—
- (a) they are satisfied they may properly certify, and
  - (b) appear to them to be of assistance to the applicant in satisfying the requirements of the law of the other member State in which he wishes to carry on business or to work or, as the case may be, the requirements of the law of Northern Ireland.

### *Drivers' licences*

## **22 Drivers' licences**

- (1) A person—
- (a) shall not drive a public service vehicle on a road unless he is licensed for the purpose under this section: and
  - (b) shall not employ a person who is not so licensed for the purpose to drive a public service vehicle on a road.

Notwithstanding section 1(1) of this Act, in this section and in sections 23 to 26 of this Act " public service vehicle " shall be construed as meaning a stage; express or contract carriage.

- (2) The authority having power to grant under this section a licence to a person to drive a public service vehicle shall be—
- (a) where the person seeking the grant of the licence is, at the time of the application therefor, resident in a traffic area other than the Metropolitan Traffic Area, the traffic commissioners for the traffic area in which he then resides;
  - (b) where the person seeking the grant of the licence is, at that time, resident in the Metropolitan Traffic Area, the commissioner of police of the metropolis.

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- (3) A person shall be disqualified for obtaining a licence to drive a public service vehicle unless he fulfils such conditions as may be prescribed.
- (4) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.
- (5) A licence to drive a public service vehicle may at any time be suspended or revoked by the authority by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence; and a licence suspended under this subsection shall during the time of suspension be of no effect.
- (6) A licence to drive a public service vehicle shall, unless previously revoked, continue in force for five years from the date on which it is expressed to take effect.
- (7) Without prejudice to section 23(3) of this Act if, on the date on which an application is made for a licence to drive a public service vehicle, the applicant is the holder of such a licence, the existing licence shall, notwithstanding anything in subsection (6) above, continue in force until the application is disposed of.
- (8) A licence granted under this section to a person resident in any traffic area shall be valid in every other traffic area.
- (9) Subject to section 68(1) and (3) of this Act, a person who contravenes subsection (1) (a) or (b) above shall be liable on summary conviction to a fine not exceeding £500.

## **23 Appeals to courts of summary jurisdiction in connection with drivers' licences**

- (1) A person who, being the holder of or an applicant for a licence to drive a public service vehicle, feels aggrieved by the refusal or failure of the traffic commissioners or the commissioner of police of the metropolis to grant, or by the suspension or revocation of, such a licence, or by any limitation imposed thereon, may by notice in writing to the commissioners or commissioner, as the case may be, require them or him to reconsider the matter and shall on the reconsideration be entitled to be heard either personally or by his representative.
- (2) A person who is so aggrieved or who is dissatisfied with the decision of the commissioners or commissioner on the reconsideration of the matter may appeal—
  - (a) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,
  - (b) if he resides in Scotland, to the sheriff within whose jurisdiction he resides,and on any such appeal the court or sheriff may make such order as it or he thinks fit and any order so made shall be binding on the commissioners or commissioner.
- (3) Where the applicant for a licence to drive a public service vehicle, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall, notwithstanding anything in section 22(6) of this Act, continue in force until the appeal has been disposed of.



*Regulation of conduct etc. of drivers, inspectors, conductors and passengers*

**24 Regulation of conduct of drivers, inspectors and conductors**

- (1) Regulations may make provision for regulating the conduct, when acting as such, of—
  - (a) persons licensed to act as drivers of public service vehicles, and
  - (b) inspectors and conductors of such vehicles.
- (2) Subject to section 68(1) of this Act, if a person to whom regulations having effect by virtue of this section apply contravenes, or fails to comply with, any of the provisions of the regulations, he shall be liable on summary conviction to a fine not exceeding £50 and, in the case of an offence by a person acting as driver, the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon the licence granted to that person under section 22 of this Act
- (3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and, subject to section 68(1) of this Act, if he fails to do so, shall be liable on summary conviction to a fine not exceeding £200.
- (4) In this section and in section 25 of this Act " inspector ", in relation to a public service vehicle, means a person authorised to act as an inspector by the holder of the PSV operator's licence under which the vehicle is being used.

**25 Regulation of conduct of passengers**

- (1) Regulations may make provision generally as to the conduct of passengers on public service vehicles and in particular (but without prejudice to the generality of the foregoing provision) for—
  - (a) authorising the removal from a public service vehicle of a person infringing the regulations by the driver, inspector or conductor of the vehicle or on the request of the driver, inspector or conductor by a police constable ;
  - (b) requiring a passenger in a public service vehicle who is reasonably suspected by the driver, inspector or conductor thereof of contravening the regulations to give his name and address to the driver, inspector or conductor on demand ;
  - (c) requiring a passenger to declare, if so requested by the driver, inspector or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of that journey and to accept any ticket provided therefor ;
  - (d) requiring, on demand being made for the purpose by the driver, inspector or conductor, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him ;
  - (e) requiring a passenger, if so requested by the driver, inspector or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;
  - (f) requiring the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.
- (2) If a constable suspects with reasonable cause that a person has contravened or failed to comply with a provision of regulations having effect by virtue of this section, the constable may require that person to give his name and address to the constable ; and if that person—

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- (a) refuses to give his name and address to the constable; or
  - (b) gives his name and address to the constable but does not answer to the satisfaction of the constable questions put to him by the constable for the purpose of ascertaining whether the name and address are correct,
- the constable may arrest him without a warrant.
- (3) Subject to section 68(1) of this Act, if a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding £200.
  - (4) In the application of this section to Scotland, subsection (1)(b) shall have effect as if after the word " address " there were inserted the words " to a police constable or "

## **26 Control of number of passengers**

- (1) Regulations may make provision with respect to public service vehicles for—
  - (a) the determination by or under the regulations of the number of the seated passengers and standing passengers respectively for whom a vehicle is constructed or adapted and fit to carry;
  - (b) the determination by or under the regulations of the number of such passengers respectively who may be carried in a vehicle;
  - (c) the marks to be carried on a vehicle showing those numbers and the manner in which those marks are to be carried.
- (2) Subject to section 68(1) and (3) of this Act, if a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding £50.

### *Supplementary provisions*

## **27 Returns to be provided by persons operating public service vehicles**

- (1) It shall be the duty of a person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Secretary of State such financial and statistical returns, and in such manner and at such times, as the Secretary of State may from time to time require.
- (2) Subject to section 68(3) of this Act, if a person fails to comply with the requirements of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding £200.
- (3) This section shall not apply to the British Railways Board or the London Transport Executive.

## **28 Wages and conditions of employment of persons employed in connection with public service vehicles**

- (1) The wages paid by the holder of a PSV operator's licence to persons employed by him in connection with the operation of a public service vehicle and the conditions of their employment shall not be less favourable to them than the wages which would be payable and the conditions which would have to be observed under a contract which

complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts with government departments.

- (2) Any organisation representative of the persons engaged in the road transport industry may make representations to the Advisory, Conciliation and Arbitration Service to the effect that the wages paid to, or the conditions of employment of, any person employed by the holder of a PSV operator's licence are not in accordance with the requirements of subsection (1) above, and if the matter in dispute is not otherwise disposed of it shall be referred by the Service to the Central Arbitration Committee for settlement
- (3) Where a matter is referred to the Central Arbitration Committee under subsection (2) above, the Committee, in arriving at its decision, shall have regard to any determination which may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates and contained in a decision of a joint industrial council, conciliation board or other similar body, or in an agreement between organisations representative of employers and workpeople.
- (4) If it is decided by the Central Arbitration Committee that a person has been guilty of a breach of the provisions of this section, the traffic commissioners by whom any PSV operator's licence has been granted to that person may suspend or revoke that licence or refuse to grant a further such licence to that person; and a licence suspended under this subsection shall during the time of suspension be of no effect.

## **29 Avoidance of contracts so far as restrictive of liability in respect of death of or injury to passengers in public service vehicles**

A contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of a person in respect of a claim which may be made against him in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

### **PART III**

#### **PROVISIONS RELATING TO STAGE CARRIAGE SERVICES**

##### *Road service licences*

## **30 Road services licences required for operation of stage carriage services**

- (1) Subject to section 39 of this Act and to the provisions of section 23 of the Transport (London) Act 1969 as to London bus services, a stage carriage service shall not be provided except under a road service licence granted in accordance with the following provisions of this Part of this Act
- (2) The authority having power to grant a road service licence in respect of a stage carriage service is the traffic commissioners for any traffic area in which the service is proposed to be provided, not being an area in which passengers will be neither taken up nor set down in the course of the service; and a road service licence authorises the holder to provide the service specified in the licence in the area of the traffic commissioners

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by whom it was granted and in any other traffic area in which passengers are neither taken up nor set down in the course of the service.

- (3) Where a stage carriage service is proposed to be provided on a route running through more than one traffic area, a separate road service licence is required for each traffic area in which passengers will be either taken up or set down in the course of the service.
- (4) Subject to subsection (5) below and to section 35(2) of this Act, a road service licence granted by the traffic commissioners for any traffic area shall be of no effect at any time at which the holder does not also hold a PSV operator's licence granted by the commissioners for that or any other traffic area, not being a licence which is at that time of no effect by reason of its suspension.
- (5) Subsection (4) above does not apply—
  - (a) to a road service licence held by a local education authority or, in Scotland, an education authority;
  - (b) to a road service licence granted in respect of a community bus service within the meaning of section 45 of this Act.
- (6) Subject to section 68(3) of this Act, if a stage carriage service is provided in contravention of subsection (1) above, the operator of the service shall be liable on summary conviction to a fine not exceeding £200.
- (7) Subject to section 68(3) of this Act, if a condition attached under section 32 or 33 of this Act to a road service licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding £200.
- (8) A road service licence is required for a stage carriage service notwithstanding that the provision of such a service is authorised under Part V of the Road Traffic Act 1930 or by a special Act or an order having the force of an Act.

### **31 Grant of road service licences**

- (1) An application for a road service licence shall be made in such form as the traffic commissioners may require, and an applicant shall give the commissioners such information as they may reasonably require for disposing of the application.
- (2) Where an application is made for the grant of a road service licence, the traffic commissioners—
  - (a) shall grant the licence unless they are satisfied that to do so would be against the interests of the public; and
  - (b) if they grant the licence, shall do so in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public.
- (3) In considering under subsection (2) above whether the grant of a licence would be against the interests of the public, or the extent to which the grant of a licence in accordance with the application would be against those interests, the traffic commissioners shall in particular have regard to—
  - (a) the transport requirements of the area as a whole (including so much as is relevant not only of the commissioners' own traffic area but also of adjoining traffic areas) and of particular communities in the area ;

- (b) any transport policies or plans which have been made by the local authorities concerned and have been drawn to the commissioners' attention by those authorities; and
  - (c) any objections or other representations made to the commissioners in the prescribed manner which in their opinion are relevant.
- (4) In subsection (3) above " the local authorities concerned " means—
- (a) in Greater London, the Greater London Council;
  - (b) elsewhere in England and Wales, county councils ; and
  - (c) in Scotland, regional and islands councils.
- (5) The traffic commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to the chief officer of police of every police district in which any such service is to be provided and to each of the following councils in whose area any such service is to be provided, that is to say—
- (a) the Greater London Council, any London borough council and the Common Council of the City of London;
  - (b) any county council or district council in England or Wales; and
  - (c) any regional, islands or district council in Scotland.

## **32 Attachment to road service licences of conditions as to matters other than fares**

- (1) Subject to subsection (2) below and to any regulations, traffic commissioners granting a road service licence may attach to the licence such conditions as they think fit having regard to the interests of the public, and in particular to the matters mentioned in section 31(3)(a) to (c) of this Act, and may in particular attach thereto such conditions as they think fit (having regard as aforesaid) for securing—
- (a) that suitable routes are used in providing any service which may be provided under the licence;
  - (b) that copies of the timetable and fare-table are carried and are available for inspection in vehicles used on any such service;
  - (c) that passengers are not taken up or are not set down except at specified points, or are not taken up or are not set down between specified points ;
- and generally for securing the safety and convenience of the public, including persons who are disabled.
- (2) No such condition as to fares as is mentioned in section 33(1) of this Act shall be attached under this section to a road service licence.
- (3) The traffic commissioners by whom a road service licence was granted may at any time while it is in force vary the licence by—
- (a) altering, in such manner as they think fit having regard to the interests of the public, any condition attached to the licence ; or
  - (b) removing any condition attached to the licence, if they think fit having regard to those interests; or
  - (c) attaching to the licence any such condition or additional condition as they think fit having regard to those interests.
- (4) Where the holder of such a licence makes an application to the traffic commissioners requesting them to exercise then-powers under subsection (3) above, the commissioners shall exercise those powers in accordance with the application

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except to the extent that they are satisfied that to do so would be against the interests of the public.

- (5) Compliance with any condition attached to a road service licence under this section may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied—
- (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered; and
  - (b) that such a dispensation would not be against the interests of the public.

### **33 Attachment to road service licences of conditions as to fares**

- (1) Subject to subsection (3) below and to any regulations, traffic commissioners may (whether at the time when the licence is granted or at any time thereafter, and whether or not in response to any particulars received by them under this Part of this Act) attach to a road service licence granted by them conditions or additional conditions as to the fares, or the minimum or maximum fares, which may be charged for services provided under the licence.
- (2) Subject to subsection (3) below, the traffic commissioners by whom a road service licence was granted may at any time while it is in force vary the licence by—
- (a) altering in such manner as they think fit any condition as to fares attached under subsection (1) above to the licence;
  - (b) removing any condition as to fares so attached to the licence.
- (3) The traffic commissioners shall not exercise their powers under subsection (1) above or their powers of alteration under subsection (2) above in any particular case unless satisfied that the proposed exercise of those powers in that case is essential in the interests of the public—
- (a) to protect the public from unreasonable use by the holder of the licence of his position as such; or
  - (b) to regulate the terms of competition between stage carriage services on any route or routes.
- (4) Where the holder of a road service licence makes an application to the traffic commissioners requesting them to exercise their powers (whether of alteration or removal) under subsection (2) above, the commissioners—
- (a) shall remove all the conditions attached under subsection (1) above to the licence except to the extent that they are satisfied that it is essential in the interests of the public to maintain them, with or without alteration, for one or both of the purposes mentioned in paragraphs (a) and (b) of subsection (3) above; and
  - (b) shall not exercise their powers of alteration under subsection (2) above unless satisfied that the proposed exercise of those powers is consistent with their reasons for not removing all the conditions attached under subsection (1) above to the licence.
- (5) Compliance with any condition attached to a road service licence under subsection (1) above may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied—

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- (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered; and
  - (b) that such a dispensation would not be against the interests of the public.
- (6) Where it is proposed to make any change in the fares charged for any service provided under a road service licence, it shall be the duty of the holder of the licence to supply to the traffic commissioners, not later than the prescribed time before the date of the proposed change, the prescribed particulars of the proposed change.
- (7) Subject to section 68(1) of this Act, a person who fails to supply within the prescribed time any particulars which he is required to supply under subsection (6) above shall be liable on summary conviction to a fine not exceeding £200.
- (8) A person who in purporting to comply with subsection (6) above supplies any particulars which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding £500.

### **34 Grant of road service licences for services on routes not otherwise served**

- (1) If, in the case of any application for a road service licence, the traffic commissioners are satisfied that there are no other transport facilities available to meet the reasonable needs of the route on which the service which the applicant proposes to provide under the licence would operate—
- (a) the commissioners shall grant the applicant a road service licence in respect of that route and shall do so in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public; and
  - (b) in relation to the application and to the licence granted on it, sections 31 and 32 of this Act shall have effect as if section 31(2) to (4) and, in section 32(1), the words " and in particular to the matters mentioned in section 31(3)(a) to (c) of this Act" were omitted.
- (2) Every road service licence granted in pursuance of this section shall include a statement that it is so granted.
- (3) No appeal shall lie under section 50 of this Act from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

### **35 Grant of road service licences for certain excursions or tours**

- (1) If, in the case of any application for a road service licence, the traffic commissioners are satisfied that the service which the applicant proposes to provide under the licence (" the proposed service ") would be an excursion or tour and are also satisfied either—
- (a) that the proposed service would not compete directly with—
    - (i) any other service for which a road service licence has been granted, not being an excursion or tour, or
    - (ii) any London bus service within the meaning of section 23 of the Transport (London) Act 1969; or
    - (iii) any service being provided by means of one or more tramcars; or
  - (b) that the proposed service would operate only to enable passengers to attend special events,

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the commissioners shall grant the applicant a road service licence in accordance with the application and, in relation to the application and to the licence granted on it, sections 31(2) to (4), 32 and 33 of this Act shall not apply.

- (2) Section 30(4) of this Act does not prevent a road service licence granted in pursuance of this section from having effect for the purposes of the provision of a service by means of a vehicle whose operator holds a PSV operator's licence granted by the traffic commissioners for any traffic area, not being a licence which is for the time being of no effect by reason of its suspension.
- (3) Every road service licence granted in pursuance of this section shall include a statement that it is so granted.
- (4) No appeal shall lie under section 50 of this Act from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

### **36 Revocation and suspension of road service licences**

- (1) Subject to subsection (2) below, a road service licence may be revoked or suspended by the traffic commissioners who granted the licence on the ground that there has been a contravention of any condition attached to it.
- (2) The traffic commissioners shall not revoke or suspend a road service licence unless, owing to the frequency of the breach of conditions, or to the breach having been committed intentionally, or to the danger to the public involved in the breach, the commissioners are satisfied that the licence should be revoked or suspended.
- (3) On revoking or suspending a road service licence the traffic commissioners shall send notice thereof—
  - (a) to the chief officer of police of every police district in which the service to which the licence relates was provided ; and
  - (b) to each of the councils mentioned in section 31(5)(a) to (c) of this Act in whose area that service was provided.
- (4) A road service licence suspended under this section shall during the time of suspension be of no effect.

### **37 Duration of road service licences**

- (1) Regulations shall specify the dates in the year on which road service licences are to expire.
- (2) Subject to subsection (3) below, a road service licence shall, unless previously revoked, continue in force up to and including that one of the dates so specified which occurs next before the expiration of five years from the date on which the licence is expressed to take effect unless at the time of the granting of the licence the traffic commissioners for special reasons determine that it shall continue in force only up to and including an earlier date (being one of those so specified), in which case it shall, unless previously revoked, continue in force only up to and including that date.
- (3) If, on the date on which a road service licence is due to expire, proceedings are pending before the traffic commissioners on an application for the grant of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 36 of this Act.



- (4) Nothing in this section shall prevent—
- (a) the grant of a road service licence in respect of a service limited to one or more particular periods or occasions; or
  - (b) the attachment to a road service licence of a condition that the service shall be so limited.

### *Trial areas*

## **38 Designation of trial areas**

- (1) For the purposes of this Part of this Act, a trial area is any area in Great Britain (outside Greater London) for the time being designated in accordance with the following provisions of this section as an area in which road service licences are not required for stage carriage services.
- (2) The Secretary of State may, if he thinks fit, make an order in this section referred to as a "designation order") so designating any area consisting of the whole or part of the area of a local authority, but shall not make such an order in respect of any area except on an application made to him by the local authority concerned.
- (3) An application for a designation order shall specify the area which the local authority concerned wishes to be designated by the order; and the area designated by such an order as originally made—
- (a) shall not include any area outside the area specified in the application on which the order is made; and
  - (b) shall not consist of less than the whole of the area so specified unless the reduction is made with the consent of the local authority concerned.
- (4) Subject to subsection (5) below, the Secretary of State may by order vary or revoke a designation order but shall not do so except on an application made to him by the local authority concerned; and the Secretary of State—
- (a) on an application for an order varying a designation order, may at his discretion refuse the application or make the order applied for either with or without modifications; and
  - (b) on an application for an order revoking a designation order, may at his discretion refuse the application or make the order applied for.
- (5) A designation order—
- (a) shall not be revoked before the end of the period specified in the order, as originally made, as the minimum period for which the order is to be in force, being a period of not less than two and not more than five years beginning with the day on which it comes into force;
  - (b) shall not before the end of that period be varied so as to exclude from the area designated by it any part of the area originally so designated; and
  - (c) shall at no time be varied so as to include in the area designated by it any area outside the area originally so designated.
- (6) The preceding provisions of this section have effect subject to the provisions of Schedule 4 to this Act (which relate to the making of applications for, and the variation and revocation of, designation orders).

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(7) Any order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In this section and Schedule 4 to this Act—

" designation order " has the meaning given by subsection (2) above (but does not include an order under this section altering the area designated by a designation order);

" local authority " means, for England and Wales, a county council and, for Scotland, a regional or islands council;

" the local authority concerned ", in relation to any area designated or proposed to be designated under this section, means the local authority whose area is or contains that area.

### **39 Stage carriage services in trial areas**

(1) A road service licence is not required for the provision of a stage carriage service within a trial area.

(2) Where a stage carriage service operates partly within one or more trial areas and partly not within a trial area—

(a) a road service licence is not required in respect of so much of the service as operates not within a trial area but within a traffic area in which (except in any trial area) passengers are neither taken up nor set down in the course of the service; and

(b) any conditions attached to a road service licence under which any part of that service is provided shall not apply in relation to so much of the service as operates within any trial area.

(3) So much of subsection (3) of section 1 of the Road Traffic Regulation Act 1967 as provides that no prohibition or restriction on waiting imposed by a traffic regulation order under that section shall apply to a stage carriage shall not operate within a trial area.

### **40 Duty to publish particulars of stage carriage services in trial areas**

(1) This section applies to any stage carriage service which operates wholly within a trial area; but where a stage carriage service operates only partly within a trial area, so much of it as operates within that area shall for the purposes of this section be treated as a separate stage carriage service to which this section applies.

(2) Before—

(a) starting to provide a new service to which this section applies; or

(b) making, otherwise than temporarily, any changes in a service to which this section applies; or

(c) discontinuing a service to which this section applies,

the operator of the service shall—

(i) give to the local authority concerned, and to every district council in whose area passengers will be or are taken up or set down in the course of the service in question (including, in a case within paragraph (b) above, the service as proposed to be changed), a notice giving the prescribed information about the new service, the changes or the discontinuance, as the case may be; and

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- (ii) publish in a local newspaper circulating in the locality served or to be served by the service a notice giving the prescribed information about the new service, the changes or the discontinuance, as the case may be.
- (3) Subject to subsection (4) below, any notice required by subsection (2) above shall be given or published not later than the prescribed time before the operator does as mentioned in subsection (2)(a), (b) or (c), as the case may be.
- (4) Where the operator of a service to which this section applies does as mentioned in subsection (2)(a), (b) or (c) above in consequence of unforeseen circumstances making it impracticable for him to give or, as the case may be, publish in accordance with subsection (3) above a notice required by subsection (2), subsection (3) shall not apply to that notice, but instead the notice in question shall be given or, as the case may be, published (with any necessary modifications) as soon as is practicable.
- (5) If, at the time when any area becomes a trial area, there is being provided under a road service licence a stage carriage service which operates wholly or partly within that area, that service shall for the purposes of subsection (1) above be treated as one which operates wholly or, as the case may be, partly within a trial area.
- (6) Subject to section 68(1) of this Act, a person who fails to give or publish as required by this section any notice which this section requires him to give or publish shall be liable on summary conviction to a fine not exceeding £200.
- (7) Where more than one person falls to be regarded as the operator of a service to which this section applies, the requirements of this section are complied with if the requisite notices are given and published by any of those persons.
- (8) In this section—
  - " the local authority concerned " has the meaning given by section 38(8) of this Act;
  - " operator " includes a prospective operator.

#### **41 Relaxation in trial areas of operators' duties to co-operate and exchange information**

- (1) Subject to subsection (3) below, the duties of public passenger transport operators under the provisions mentioned in subsection (2) below, being duties to co-operate with and afford information to one another, shall not apply in relation to a service so far as it is provided within a trial area.
- (2) The provisions referred to in subsection (1) above are—
  - (a) section 24(2) and (3) of the Transport Act 1968 (services in passenger transport areas);
  - (b) section 1(1)(c) of the Transport Act 1978 (services in England and Wales outside passenger transport areas); and
  - (c) section 151(1)(b) of the Local Government (Scotland) Act 1973 (services in Scotland outside passenger transport areas).
- (3) Subsection (1) above shall not affect the duties of public passenger transport operators to co-operate with or afford information to—
  - (a) a Passenger Transport Executive;
  - (b) a county council; or
  - (c) a regional or islands council,

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for the purpose of the discharge by any such Executive or council of its function of co-ordinating passenger transport services.

- (4) In this section " public passenger transport operators " means persons providing public passenger transport services within the meaning of section 1(2) of the Transport Act 1978.

## PART IV

### MODIFICATION OF REQUIREMENTS OF PARTS II AND III IN RELATION TO CERTAIN VEHICLES AND AREAS

#### *Use of certain vehicles by educational and other bodies*

#### **42 Use of certain vehicles by educational and other bodies**

- (1) If a small passenger-carrying vehicle is used for carrying passengers for hire or reward, it shall nevertheless be treated as not being a public service vehicle if and so long as—
- (a) the vehicle is specified in a permit under this section; and
  - (b) the vehicle is being used neither for the carriage of members of the public at large nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit; and
  - (c) the use of the vehicle is by the body to whom the permit was granted and in every respect in accordance with the conditions of the permit.
- (2) If a large passenger-carrying vehicle is used for carrying passengers for hire or reward, then, if and so long as the conditions set out in paragraphs (a) to (c) of subsection (1) above are satisfied, sections 12(1), 22 and 30 of this Act and section 23(2) of the Transport (London) Act 1969 (restrictions on provision of London bus services) shall not apply to the driving or use of the vehicle.
- (3) Permits under this section may be granted—
- (a) in the case of small passenger-carrying vehicles, by the traffic commissioners for the traffic area in which the vehicle concerned is ordinarily kept to any body appearing to them to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community; and
  - (b) in the case of small or large passenger-carrying vehicles, by a body designated in an order under subsection (4) below either to itself or to any other body to whom, in accordance with the order, it is entitled to issue a permit;
- but in the exercise of their discretion under this subsection traffic commissioners shall have regard to any directions (whether of a general or specific character) given to them by the Secretary of State.
- (4) The Secretary of State may by order designate for the purpose of this section bodies appearing to him to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community and, with respect to any body designated by it, any such order—
- (a) shall specify the classes of bodies to whom the designated body may grant permits under this section;
  - (b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either

- generally or in such cases as may be specified in the order, unless the permit contains such conditions as may be so specified; and
- (c) may require the designated body to make returns with regard to the permits granted by it.
- (5) Different provision may be made by orders under subsection (4) above in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.
- (6) The power to make an order under subsection (4) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section and in the next two following sections—
- " body " means a body of persons, whether corporate or unincorporate ;
- " large passenger-carrying vehicle " means a vehicle which is adapted to carry more than sixteen passengers ;
- " small passenger-carrying vehicle " means a vehicle which is adapted to carry more than eight but not more than sixteen passengers;
- and any reference to a vehicle being used for carrying passengers for hire or reward shall be construed in accordance with section 1(5) of this Act.

#### **43 Supplementary provisions as to permits under section 42**

- (1) A permit under section 42 of this Act shall be in such form as may be prescribed under section 44 of this Act and, subject to subsection (5) below, shall specify—
- (a) the body to whom it is granted ; and
- (b) the vehicle in respect of which it is granted.
- (2) In addition to any conditions contained in it by virtue of section 42(4)(b) of this Act, a permit under that section shall contain such conditions as the traffic commissioners or other body granting it consider appropriate including, in particular, conditions—
- (a) limiting the passengers who may be carried in the vehicle in pursuance of the permit to persons falling within such classes as may be specified in the permit; and
- (b) with respect to such other matters as may be prescribed under section 44 of this Act.
- (3) A permit under section 42 of this Act may not be so varied as to substitute another body for the body to whom it was granted or another vehicle for the vehicle to which it relates but, subject thereto,—
- (a) a permit under that section which is granted by a body designated under subsection (4) thereof may be varied or revoked by that body or, after consultation with that body, by the traffic commissioners for any traffic area in which the vehicle concerned has been used in pursuance of the permit; and
- (b) a permit under that section which is granted by the traffic commissioners for any traffic area may be varied or revoked by them.
- (4) A permit under section 42 of this Act shall remain in force until—
- (a) it is revoked under subsection (3) above ; or
- (b) in the case of a permit granted by a body designated under section 42(4), that body ceases to be so designated.

- (5) If, having regard to the nature of a body to which they propose that a permit under section 42 of this Act should be granted, traffic commissioners or a body designated under subsection (4) of that section consider it appropriate, they may grant a permit under that section to a named individual on behalf of the body, rather than to the body itself; but a permit so granted shall be treated for the purposes of section 42 and subsection (3) above as granted to the body on whose behalf it is held.

#### **44 Regulations for purposes of sections 42 and 43**

- (1) The Secretary of State may by regulations prescribe—
- (a) the form of permits under section 42 of this Act and the matters of which account is to be taken under section 43 (2)(b) of this Act in determining the conditions of such a permit;
  - (b) the fees to be charged by traffic commissioners for the issue of such permits;
  - (c) the documents, plates and marks to be carried by vehicles used in pursuance of such permits and the manner and position in which they are to be carried;
  - (d) the conditions to be fulfilled by persons driving vehicles whilst they are being used in pursuance of such permits ; and
  - (e) the conditions as to fitness which are to be fulfilled by small passenger-carrying vehicles used in pursuance of such permits.
- (2) Regulations made by virtue of any of paragraphs (a) to (d) of subsection (1) above may make different provision in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.
- (3) Subsection (1) or, as the case may be, subsection (2) of section 42 of this Act shall not apply to a vehicle at any time when it is used in such circumstances that there is a contravention of any provision of regulations made by virtue of any of paragraphs (c) to (e) of subsection (1) above.
- (4) Before making regulations containing any provision made by virtue of paragraph (e) of subsection (1) above, the Secretary of State shall consult with bodies or persons appearing to him to be representative of—
- (a) bodies using vehicles in pursuance of permits under section 42 of this Act;
  - (b) local authorities;
  - (c) persons providing public transport services ;
  - (d) persons employed in the provision of public transport services; and
  - (e) manufacturers of motor vehicles ;
- and with such other bodies or persons as he considers appropriate.
- (5) Regulations containing any provision made by virtue of paragraph (d) or paragraph (e) of subsection (1) above may contain such transitional provisions as the Secretary of State thinks fit.

#### *Community bus services*

#### **45 Community bus services**

- (1) where on an application in that behalf the traffic commissioners for any traffic area grant a road service licence in respect of a community bus service—
- (a) the licence shall state that it is granted in respect of such a service;

- (b) the conditions specified in subsection (2) below shall be attached to the licence ; and
  - (c) such provision as is mentioned in subsection (3) below may be included in the licence with respect to the use of the community bus otherwise than in the operation of the community bus service.
- (2) The conditions to be attached in every case to a road service licence granted in respect of a community bus service are—
  - (a) that any vehicle used in the course of the service is adapted to carry more than eight but not more than sixteen passengers;
  - (b) that the driver of any vehicle being used in the course of the service—
    - (i) is a volunteer; and
    - (ii) if not the holder of a public service vehicle driver's licence, fulfils any prescribed conditions for drivers of community buses;
  - (c) that any vehicle used in the course of the service fulfils the prescribed conditions of fitness for use as a community bus; and
  - (d) that there is displayed on any vehicle being used in the course of the service such disc or other document issued by the traffic commissioners as may be prescribed for a vehicle used as a community bus;and the powers conferred by section 32(3) and (5) of this Act to alter, remove or dispense from compliance with conditions attached to a road service licence shall not apply to conditions attached under this subsection.
- (3) Traffic commissioners on granting a road service licence in respect of a community bus service may, if they are satisfied that in all the circumstances it is reasonable to do so with a view to providing financial support for that service, include in the licence provision authorising the use of the community bus as a contract carriage or as an express carriage (or both), subject to such restrictions (if any) as the commissioners think fit to impose; and where such provision is included in a licence, the conditions attached under subsection (2) above to the licence shall apply to the use of the community bus as a contract carriage or express carriage as they apply to the use of a vehicle in the course of the community bus service.
- (4) Sections 6, 9, 12(1) and 22 of this Act shall not apply to the driving or use of a vehicle in the course of a community bus service or in the course of its use as a contract carriage or express carriage in accordance with any such provision as is mentioned in subsection (3) above.
- (5) Where a community bus service is provided in whole or in part in Greater London, that service or part shall not be regarded as a London bus service within section 23 of the Transport (London) Act 1969 (under which the agreement or consent of the London Transport Executive is required instead of a road service licence); but where the traffic commissioners of the Metropolitan Traffic Area propose—
  - (a) to grant a road service licence in respect of such a service; or
  - (b) to vary the conditions attached to such a licence,they shall consult the London Transport Executive about the proposal.
- (6) Subsection (7) of section 30 of this Act shall apply in relation to a condition attached to a road service licence under subsection (2) above as it applies in relation to a condition so attached under section 32 of this Act; and, for the purposes of sections 69 to 72 and 74 of this Act, an offence under the said subsection (7) as applied by this subsection shall be treated as an offence under Part III of this Act.

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- (7) Regulations may provide that, in relation to any community bus service provided in whole or in part within a trial area, the preceding provisions of this section shall have effect with such additions, omissions, alterations or other modifications as may be prescribed.
- (8) In this section—
- "community bus service" means a stage carriage service provided—
- (a) by a body of persons (whether corporate or unincorporate) concerned for the social and welfare needs of one or more communities; and
  - (b) without a view to profit, either on the part of those persons or of anyone else;
- and in relation to such a service " the community bus " means any vehicle used on a regular basis in the course of the service ;
- " volunteer ", in reference to the driver of a vehicle on any journey, means that he is not paid for driving the vehicle on that journey, disregarding—
- (a) any payment of reasonable expenses incurred by him in making himself available to drive; and
  - (b) any payment representing earnings lost as a result of making himself available to drive in exceptional circumstances.

*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 bus service;
- and sections 6, 8, 9, 12(1) and 22 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 Education Act 1944 for the purpose of facilitating the attendance of pupils at a place of education;
- " local bus service " means a stage carriage service other than a service as regards which the condition specified in section 2(3)(a) of this Act is satisfied;
- " 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—



- (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)”.

*Provisions relating to areas designated as experimental areas*

#### **47 Designation of experimental areas**

- (1) For the purposes of this Act an experimental area is any area in Great Britain for the time being designated in accordance with the following provisions of this section as an area in relation to which the requirements of this Act as to public service vehicles may be modified.
- (2) The Secretary of State may by order so designate any area consisting of the whole or a part of the area of a local authority. The Secretary of State, if requested to do so as regards any such area by the local authority concerned, shall so designate the area in question.
- (3) An order under subsection (2) above, other than one for altering the area designated by a previous order under that subsection, shall specify the period (starting with the day on which the order comes into operation, and not exceeding two years) for which it is to have effect; and at the end of the period so specified the order (and any other order in force under that subsection which amends it) shall cease to have effect unless continued in force by an order under subsection (4) below.
- (4) The Secretary of State—
  - (a) may from time to time by order extend or further extend the period for which any particular order in force under subsection (2) above is to have effect; and
  - (b) if requested by the local authority whose area is or contains the experimental area designated by such an order to extend or further extend the period for which the order is to have effect, shall so extend or further extend that period accordingly;

but the period of extension or further extension provided for in any one order under this subsection shall not exceed two years.
- (5) Before making any order under this section in respect of an area the Secretary of State shall consult with the local authority concerned, with such organisations as appear to him appropriate as representing persons providing or employed in the provision of public passenger transport services in the area, and with such other organisations or bodies as appear to him appropriate.
- (6) Any power conferred by this section to make orders 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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- (7) In this section, in section 48 of this Act and in Schedule 5 to this Act—
- " local authority " means, for England and Wales, a county council or the Greater London Council and for Scotland a regional or islands council;
  - " the local authority concerned " means—
    - (a) in relation to any area designated or proposed to be designated under subsection (2) above, the local authority whose area is or contains that area, and
    - (b) in relation to an authorisation or proposed authorisation under the next following section, the local authority who granted it or have power to grant it.

#### **48 Powers of local authorities in relation to experimental areas**

- (1) In relation to an experimental area the local authority concerned shall have the powers conferred by this section.
- (2) The local authority concerned may grant authorisations in respect of the use of vehicles for the carriage of passengers for hire or reward, whether or not at separate fares—
  - (a) within the experimental area or within one or more parts of that area; or
  - (b) within the experimental area and also on journeys falling partly within the experimental area and partly outside that area including, subject to subsection (5) below, journeys falling partly within the area of another local authority.
- (3) An authorisation under this section may be either—
  - (a) a general authorisation, applying (according to its terms) either—
    - (i) to private vehicles generally; or
    - (ii) to private vehicles adapted to carry not more than a specified number of passengers, being a number less than sixteen; or
  - (b) a special authorisation issued to a specified person and applying to such one or more private vehicles or commercial vehicles as may be specified in the authorisation.
- (4) An authorisation under this section shall specify the experimental area to which it relates and shall either—
  - (a) state that it applies to the whole of that area ; or
  - (b) specify the part or parts of that area to which it applies; or
  - (c) state that it applies to the whole of that area and also covers journeys of the kind mentioned in subsection (2)(b) above.
- (5) A special authorisation granted by a local authority which is expressed to cover journeys of the kind mentioned in subsection (2)(b) above shall be of no effect within the area of another local authority unless granted with that other authority's consent.
- (6) An authorisation under this section shall be granted only with the approval of the Secretary of State, given either for that particular authorisation or generally for authorisations of a class or description into which that authorisation falls.

An approval under this subsection given for a class or description of special authorisations may be limited so as to apply only to the grant of authorisations of that class or description containing conditions of a kind specified in the approval.

- (7) Schedule 5 to this Act shall have effect with respect to authorisations under this section,
- (8) Subject to subsection (9) below, where, in the case of any private or commercial vehicle, the use of the vehicle within any particular area, or on any particular journey, is covered by an authorisation under this section, then, in relation to its use in that area or on that journey in circumstances in which the relevant conditions are fulfilled, the vehicle shall be treated as not being a public service vehicle for the purposes of—
- (a) this Act; and
  - (b) any other statutory provision (whenever passed or made) relating to public service vehicles in which "public service vehicle" is defined directly or indirectly by reference to the provisions of this Act.

In this subsection " the relevant conditions " means—

- (a) in the case of a general authorisation, the conditions attached to the authorisation by virtue of paragraph 1 of Schedule 5 to this Act, and
  - (b) in the case of a special authorisation, any conditions attached to the authorisation under that Schedule.
- (9) Nothing in subsection (8) above shall affect the operation of section 40 of this Act.
- (10) In this section and in Schedule 5 to this Act—

" commercial vehicle " means a motor vehicle adapted to carry not more than eight passengers which, apart from any use made of it in pursuance of an authorisation under this section, is used for carrying passengers for hire or reward in the course of a passenger transport business;

" passenger transport business " means any business which consists of or includes the carrying of passengers for hire or reward;

" private vehicle " means a motor vehicle adapted to carry not more than sixteen passengers which, apart from any use made of it in pursuance of an authorisation under this section, is not used for carrying passengers for hire or reward in the course of a passenger transport business;

" specified", in relation to an authorisation under this section, means specified in the authorisation;

and references to the carrying of passengers for hire or reward shall be construed in accordance with section 1(5) of this Act.

## **49 Travel concessions**

- (1) A local authority may make with any person whose use of a motor vehicle is covered by an authorisation under section 48 of this Act the like arrangements for the grant of travel concessions by that person as the authority have power to make under section 138(3) of the Transport Act 1968 (travel concessions) with a person who operates a public service vehicle undertaking.
- (2) Subsections (4) and (5) of the said section 138 shall, so far as applicable, apply in relation to arrangements under this section as they apply in relation to arrangements under subsection (3) of that section; and in this section " local authority " and " travel concession " have the same meaning as in the said section 138.

## PART V

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Appeals to the Secretary of State*

#### **50 Appeals to the Secretary of State**

- (1) A person who has applied for the grant of a PSV operator's licence or a road service licence under this Act may appeal to the Secretary of State against any decision of the traffic commissioners—
  - (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.
- (2) Where a person who has applied for a new PSV operator's licence or road service licence in substitution for a licence held by him and in force at the date of his application appeals to the Secretary of State under subsection (1) above against any such decision of the traffic commissioners as is mentioned in paragraph (a) or (b) of that subsection, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 or 36 of this Act.
- (3) The holder of a PSV operator's licence or a road service licence may appeal to the Secretary of State against any decision of the traffic commissioners—
  - (a) to refuse an application by the holder for the variation or removal of any condition attached to the licence;
  - (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on an application by the holder; or
  - (c) to revoke or suspend the licence or to curtail its period of validity.
- (4) Traffic commissioners making any such decision with respect to a licence as is mentioned in paragraph (b) or (c) of subsection (3) above may, if the holder of the licence so requests, direct that their decision shall not have effect until the expiration of the period within which an appeal against it may be made to the Secretary of State under that subsection and, if such an appeal is made, until the appeal is disposed of; and if they refuse to give such a direction, the holder of the licence may apply to the Secretary of State for such a direction, and the Secretary of State shall give his decision on the application within fourteen days.
- (5) A person who has applied for the grant of a PSV operator's licence or a road service licence under this Act, or for the variation or removal of any conditions attached to such a licence, shall, if the traffic commissioners to whom the application was made fail to come to a decision on the application within a reasonable time, have the same right to appeal to the Secretary of State as if the commissioners had decided to refuse the application.
- (6) 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,

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may appeal to the Secretary of State against the refusal of a certifying officer to issue such a certificate.

- (7) A person other than the applicant for, or holder of, a road service licence may, if he has standing in the matter in accordance with subsection (8) below, appeal to the Secretary of State against any decision of the traffic commissioners with respect to—
  - (a) the grant, revocation or suspension of a road service licence; or
  - (b) the attachment of any condition to a road service licence or the variation or removal of any condition attached to such a licence.
- (8) The persons having standing to appeal under subsection (7) above against a decision of the traffic commissioners with respect to a road service licence are—
  - (a) any local authority in whose area the service, or any part of the service, is being or is to be provided under the licence; and
  - (b) any person providing transport facilities along or near the route, or part of the route, of the service which is being or is to be provided under the licence, being an authority or person who has made objections or other representations to the traffic commissioners in the course of the proceedings resulting in that decision.
- (9) 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 appeals under this section.
- (10) 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 the traffic commissioners or, as the case may be, to the certifying officer for giving effect to his decision; and it shall be the duty of the traffic commissioners or certifying officer to comply with any such directions.

## **51 Further appeals on points of law**

- (1) An appeal lies at the instance of any of the persons mentioned in subsection (2) below on any point of law arising from a decision of the Secretary of State on an appeal from a decision of the traffic commissioners for any area—
  - (a) to the High Court where the proceedings before the traffic commissioners were in England or Wales; and
  - (b) to the Court of Session where the proceedings before the traffic commissioners were in Scotland.
- (2) The persons who may appeal against any such decision of the Secretary of State are—
  - (a) the person who appealed to the Secretary of State,
  - (b) any person who had a right to appeal to the Secretary of State against the relevant decision of the traffic commissioners but did not exercise that right; and
  - (c) the traffic commissioners whose decision was appealed against
- (3) If on an appeal under this section the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Secretary of State with the opinion of the court for rehearing and determination by him.
- (4) No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.

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- (5) An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the House of Lords determine.

### *Financial provisions*

## **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 commissioners for each traffic area in respect of—
    - (i) applications for, and the grant of, PSV operators' licences and road service licences;
    - (ii) applications for, and the issue of, certificates of initial fitness under section 6 of this Act;
    - (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 ;
  - (b) by the traffic commissioners for each traffic area and by the commissioner of police for the metropolis in respect of—
    - (i) applications for, and the issue of, licences to drive public service vehicles; and
    - (ii) the provision by the traffic commissioners or the said commissioner of police 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) The traffic commissioners or the said commissioner 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;
  - (b) the grant of any licence or the issue of any certificate, disc or other document referred to in that subsection; or
  - (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.
- (3) Any fees received by the traffic commissioners by virtue of this section or by virtue of regulations under section 44 of this Act shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (4) Any fees payable by virtue of this section to the commissioner of police of the metropolis shall be paid to the Receiver for the metropolitan police district or a person authorised by him to receive payments or give receipts on his behalf.

### **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 the traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Secretary of State for the purposes of Part I, II or III or section 45 of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.
- (2) There shall be paid into the metropolitan police fund out of moneys provided by Parliament such sums in respect of the costs incurred under Part II or III or section 45 of this Act by the commissioner of police of the metropolis as the Treasury, after consultation with the Secretary of State, may from time to time determine.

*Provisions relating to traffic commissioners etc.*

### **54 Procedure of traffic commissioners**

- (1) The traffic commissioners may for any purpose, if they so think fit, hold public sittings at such places as appear to them convenient.
- (2) Not less than two commissioners shall be present at the hearing of an opposed application for the grant of a road service licence, and if where such an application is heard by two commissioners only there is a difference of opinion between them, the matter shall be reheard and determined by all the commissioners.
- (3) The traffic commissioners may delegate to any one of their members any of their functions other than those of hearing and determining opposed applications for the grant of road service licences and other than those of advising a local authority on the making of an order under section 15 or 33 of the Road Traffic Regulation Act 1967 or determining the charges referred to in subsection (3) of the said section 33.
- (4) So much of subsection (2) above as requires not less than two commissioners to be present at the hearing of an opposed application for the grant of a road service licence shall not apply—
  - (a) to so much of the hearing of any such application as is devoted to determining whether the commissioners are satisfied as mentioned in section 34(1) or 35(1) of this Act; or
  - (b) to the remainder of the hearing of any such application in the case of which the commissioners have determined that they are so satisfied.
- (5) In this section "opposed application" means an application with respect to which an objection has been made and not withdrawn, being an objection to which the traffic commissioners are obliged to have regard by virtue of section 31(3)(c) of this Act.

### **55 Annual report of traffic commissioners and metropolitan police commissioner**

The traffic commissioners for each traffic area shall make an annual report to the Secretary of State on their proceedings containing particulars with respect to such matters as the Secretary of State may direct and the commissioner of police of the metropolis shall make a like report as regards the exercise of his functions with respect to licences to drive public service vehicles.

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## 56 Records of licences

- (1) The traffic commissioners for each traffic area, and the commissioner of police of the metropolis, shall keep a record in such form and containing such particulars as may be prescribed of all licences granted by them or him under this Act.
- (2) A police constable or a person authorised for the purpose by a local authority shall, without payment, and any other person appearing to the traffic commissioners to have a reasonable ground for claiming so to do shall, upon payment of the prescribed fee, be entitled at any reasonable time to inspect and take copies of, or extracts from, the record kept under this section by them; and a police constable or a person authorised as aforesaid shall, without payment, and any other person appearing to the commissioner of police of the metropolis to have a reasonable ground for claiming so to do shall, upon payment of such fee as aforesaid, be entitled at any reasonable time to inspect and take copies of, or extracts from, the record so kept by him.
- (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 matters stated in that entry without proof of the signature or authority of the person signing the same.

*Supplementary provisions as to licences etc.*

## 57 Death, bankruptcy etc. of licence holder

- (1) A PSV operator's licence or road service licence 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 or road service licence 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 Part VIII of the Mental Health Act 1959, or, in Scotland, becomes incapable of managing his own affairs.
- (3) In relation to a PSV operator's licence or road service licence 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 commissioners by whom a PSV operator's licence or road service licence 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 commissioners that there are special circumstances, eighteen months, and
  - (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 commissioners may impose.



## **58 Partnership 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 or road service licence 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.

### *Regulations*

## **59 Power to make regulations as to procedure on applications for licences etc.**

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 operators' licences, road service licences or licences to drive public service vehicles,
- (b) applications or proposals for the variation of conditions attached to PSV operators' licences or road service licences,
- (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,

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.

## **60 General power to make regulations for purposes of Act**

- (1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed under this Act and generally 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) applications for, and the issue of, the disc or other document required under section 45(2) of this Act in connection with a community bus service;
  - (e) the fees to be payable under this Act and the persons liable to pay the same ;
  - (f) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;
  - (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 the commissioners or, as the case may be, the commissioner of police of the metropolis, of

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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;
- (k) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle 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;

and regulations under this section may make different provision for different circumstances, and may in particular make different provision as respects different classes or descriptions of public service vehicles or as respects the same class or description of public service vehicles in different circumstances.

- (2) In this Act " prescribed " means prescribed by regulations and " regulations " means regulations made under this section.
- (3) In subsections (1) and (2) above the references to this Act shall be construed as if sections 42 to 44 and 47 to 49 were not contained therein.

## **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.
- (2) Before making any regulations under section 59 or 60 of this Act the Secretary of State shall consult with such representative organisations as he thinks fit.

### *Provisions relating to Metropolitan Traffic Area*

## **62 Power of Secretary of State to transfer licensing functions of metropolitan police commissioner to traffic commissioners**

- (1) The Secretary of State may by order provide that, as regards persons residing in the Metropolitan Traffic Area or any specified part of that area, the functions of the commissioner of police of the metropolis of granting licences to drive public service vehicles, or any class of such vehicles, shall be transferred to the traffic commissioners for the Metropolitan Traffic Area; but no order under this subsection conferring any power, or imposing any duty, on the said commissioner of police shall be made save with the concurrence of the Secretary of State concerned.
- (2) An order under subsection (1) above may make such adaptations and modifications of this Act as may be necessary for giving effect to the transfer of functions effected by the order.
- (3) Without prejudice to the foregoing provisions of this section, the Secretary of State may by order suspend the operation of subsection (2) of section 53 of this Act.

- (4) The powers conferred on the Secretary of State by this section shall be exercisable by statutory instrument.

### **63 Accounts of metropolitan police commissioner**

As regards his functions with respect to licences to drive public service vehicles, the commissioner of police of the metropolis shall cause proper accounts and other records in relation thereto to be kept and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Secretary of State.

### **64 Exclusion of certain enactments as respects Metropolitan Traffic Area**

- (1) As respects the Metropolitan Traffic Area, the Metropolitan Public Carriage Act 1869 and the 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 Town Police Clauses Act 1847 any powers with respect to public service vehicles or the licensing thereof or of their drivers or conductors.

#### *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—
- (a) a licence under Part II or III of this Act;
  - (b) a certificate of initial fitness under section 6 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;
  - (f) a document evidencing the appointment of a person as a certifying officer or public service vehicle examiner.
- (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—
- " forges " means forges within the meaning of the Forgery Act 1913 ;
  - "statutory maximum" means the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (at the passing of this Act £1,000).

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(4) In the application of this section to Scotland—

"statutory maximum" means the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000).

## **66 False statements to obtain licence etc.**

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

- (a) obtaining the grant of a licence under Part II or III 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; or
- (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 £500.

## **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 (other than regulations made under section 44 thereof) 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 £50.

## **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), 33(7), 40(6), 67 and 70(3); and
  - (b) so much of section 22(9) as relates to contravention of section 22(1)(a).
- (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), 9(9)(b), 12(5), 16(7), 18(4), 26(2), 27(2), and 30(6) and (7); and
  - (b) so much of section 22(9) as relates to contravention of section 22(1)(b).

**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 or III 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 the traffic commissioners, 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.

**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 or III 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 £50.
- (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 £50.

**71 Evidence by certificate**

- (1) In any proceedings in England or Wales for an offence under Part II or III 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—
  - (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion ; or
  - (b) 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
  - (c) 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.

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- (3) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence—
- (a) 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
  - (b) 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.

## **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 or III 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 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.

## **73 Time within which summary proceedings for certain offences must 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 or Part III 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.

- (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.

## **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).

### *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 except sections 42 to 44 and 47 to 49 thereof.

## **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;
  - (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 £200.

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*Supplementary provisions*

**78 Power of Secretary of State 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 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.

**79 Vehicles excluded from regulation as private hire vehicles**

At any time when a vehicle would apart from section 1(3) or 42(1) 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 section 270 or 271 of and Schedule 5 to the Burgh Police (Scotland) Act 1892 or in Part II of the Local Government (Miscellaneous Provisions) Act 1976, which regulate the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and exclude public service vehicles from the scope of that regulation.

**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 on the signed maps whose boundary is delineated thereon by a red line.
- (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; and if, by virtue of subsection (3) of that section, an order thereunder provides for substituting, for any of the signed maps, maps authenticated as provided by the order and showing the areas to which the order relates as constituted in accordance with the provisions of the order, the substituted maps shall be deemed to be included among the signed maps in place of those for which they were substituted.
- (3) In this section " the signed maps " means the maps contained in the three sets of books signed by the Chairman of the Joint Committee of the House of Lords and the House of Commons to which the Bill for the Road Traffic Act 1960 was referred, of which one set was deposited in the Office of the Clerk of the Parliaments, one in the Private Bill Office of the House of Commons and one at the Ministry of Transport.
- (4) The signed maps, and any substituted therefor by virtue of section 3 of this Act, shall be for all purposes conclusive evidence of the extent of the respective areas whose boundaries are delineated thereon; and a copy of any such map purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office shall be of equal validity with the original.

**81 Interpretation of references to the operator of a vehicle or service**

- (1) For the purposes of this Act—



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- (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) For the purposes of this Act the operator of a stage or express carriage service is the person, or each of the persons, providing the service; and for those purposes the operator of a vehicle being used as a stage or express carriage shall be taken to be providing the service thereby provided unless he proves that the service is or forms part of a service provided not by himself but by one or more other persons.

## 82 General interpretation provisions

- (1) In this Act, unless the context otherwise requires—
- " certificate of initial fitness " has the meaning given by section 6.
  - " certifying officer " means an officer appointed under section 7(1);
  - " community bus service " has the meaning given by section 45(8);
  - " company " means a body corporate;
  - " contract carriage " has the meaning given by section 2;
  - " 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;
  - " excursion or tour " means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places and back;
  - " express carriage " has the meaning given by section 2, and "express carriage service" means a service provided by means of one or more express carriages;
  - " 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 Local Government Act 1972 ;
    - (b) in relation to Scotland, a regional, islands or district council;
  - " magistrates' court " and " petty sessions area " have the same meanings as in the Magistrates' Courts Act 1980 ;

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" 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);

" 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 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;

" road service licence " means a road service licence granted under the provisions of Part III of this Act;

" stage carriage " has the meaning given by section 2, and stage carriage service " means a service provided by means of one or more stage carriages;

" 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 Interpretation Act 1978 ;

" tramcar " includes any carriage used on any road by virtue of an order made under the 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;

" trial area " has the meaning given by section 38.

- (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.

**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", "stage carriage", "express carriage" or "contract carriage" by reference to the Road Traffic Act 1930 or the 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) References in any enactment to a licensing authority for public service vehicles shall be construed as references to the traffic commissioners for a traffic area constituted for the purposes of this Act.

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

**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.

**86 Saving for ss. 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 Interpretation Act 1978 (which relate to the effect of repeals).

**87 Power of Secretary of State to repeal section 10**

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), 50(6)(b), 65(1)(c) and 66(c) of this Act.

**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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- (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.
- (3) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**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.

## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

#### PUBLIC SERVICE VEHICLES : CONDITIONS AFFECTING STATUS OR CLASSIFICATION

##### PART I

###### SHARING OF TAXIS AND HIRE-CARS

- 1 The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by any person who has made the vehicle available under any arrangement, or by any person who receives any remuneration in respect of the arrangements for the journey.
- 2 (1) The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares, except where the local authorities concerned have approved the arrangements under which the journey is made as designed to meet the social and welfare needs of one or more communities, and their approvals remain in force. ,  
(2) In relation to a journey the local authorities concerned for the purposes of this paragraph are those in whose area any part of the journey is to be made; and in this sub-paragraph " local authority " means—
  - (a) in relation to England and Wales, the Greater London Council or a county council;
  - (b) in relation to Scotland, a regional or islands council.
- 3 The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement with, the holder of the licence or any person who receives any remuneration in respect of the service provided under it or in respect of arrangements for that service.

##### PART II

###### PARTIES OF OVERSEAS VISITORS

- 4 Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

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### PART III

#### ALTERNATIVE CONDITIONS AFFECTING STATUS OR CLASSIFICATION

- 5 Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—
- (a) the holder of the PSV operator's licence under which the vehicle is to be used, if such a licence is in force.
  - (b) the driver or the owner of the vehicle or any person who has made the vehicle available under any arrangement, if no such licence is in force,
- and otherwise than by any person who receives any remuneration in respect of the arrangements.
- 6 The journey must be made without previous advertisement to the public of the arrangements therefor.
- 7 All passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.
- 8 No differentiation of fares for the journey on the basis of distance or of time must be made.

### PART IV

#### SUPPLEMENTARY

- 9 For the purposes of paragraphs 2 and 6 above no account shall be taken of any such advertisement as follows, that is to say—
- (a) a notice displayed or announcement made—
    - (i) at or in any place of worship for the information of persons attending that place of worship ;
    - (ii) at or in any place of work for the information of persons who work there; or
    - (iii) by any club or other voluntary association at or in any premises occupied or used by the club or association;
  - (b) a notice contained in any periodical published for the information of, and circulating wholly or mainly among—
    - (i) persons who attend or might reasonably be expected to attend a particular place of worship or a place of worship in a particular place ; or
    - (ii) persons who work at a particular place of work or at any of two or more particular places of work ; or
    - (iii) the members of a club or other voluntary association.

## SCHEDULE 2

Section 5.

### TRAFFIC COMMISSIONERS

#### *Terms of service of traffic commissioners*

- 1 A traffic commissioner for any traffic area, other than the chairman, shall hold office for such term not exceeding three years as the Secretary of State may determine at the time of his appointment and shall, if at the date on which his term of office expires his name is still included in the panel from which he was appointed, be eligible for reappointment.
- 2 The Secretary of State may remove a traffic commissioner from his office for inability or misbehaviour.
- 3 If a traffic commissioner acquires a financial interest in a transport undertaking which carries passengers he shall, within four weeks after so doing, give notice thereof in writing to the Secretary of State specifying the interest so acquired and the Secretary of State, after taking the matter into consideration, may if he thinks fit declare that the commissioner has vacated his office.

#### *Appointment and terms of office of deputies to chairman*

- 4 In the case of illness, incapacity or absence of a traffic commissioner, the Secretary of State may appoint some other person to act as his deputy, so however that the person appointed to act as deputy for a traffic commissioner appointed from a panel shall be a person whose name is included in that panel.
- 5 If the Secretary of State considers that, owing to the number of applications under this Act and under Part V of the Transport Act 1968 the duties to be performed by the chairman of the traffic commissioners for any traffic area, or any deputy appointed under paragraph 4 above to any such chairman, cannot conveniently or efficiently be performed by one person, the Secretary of State may appoint a person to act as deputy or, as the case may be, as additional deputy to the chairman.
- 6 A person appointed under paragraph 5 above shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Secretary of State may determine, and shall act for the chairman of traffic commissioners whose deputy he is in such matters, whether arising under this Act or Part V of the Transport Act 1968, as the chairman, or any deputy appointed by reason of the chairman's illness, incapacity or absence, may from time to time direct or as the Secretary of State may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the chairman.

#### *Traffic commissioners' staff*

- 7 Subject to the approval of the Minister for the Civil Service, the Secretary of State may appoint such persons to act as officers and servants of the traffic commissioners for any traffic area as he considers requisite for the purpose of enabling them to discharge their duties under this Act.

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*Remuneration and pensions*

- 8        There shall be paid to the chairman of the traffic commissioners for any traffic area, and to the persons acting as officers or servants of the traffic commissioners for any traffic area, such salaries or remuneration as may be determined by the Secretary of State with the consent of the Minister for the Civil Service.
- 9        There shall be paid to any member, other than the chairman, of any body of traffic commissioners, and to any person appointed to act as deputy to the chairman or any other member of any body of traffic commissioners, such remuneration and such allowances, if any, as may be determined by the Secretary of State with the consent of the Minister for the Civil Service.
- 10       The principal civil service pension scheme within the meaning of section 2 of the Superannuation Act 1972 and for the time being in force shall apply to persons holding the office of chairman of the traffic commissioners for each of the traffic areas.

SCHEDULE 3

Sections 14(2) and 17(6).

SUPPLEMENTARY PROVISION AS TO QUALIFICATIONS FOR PSV OPERATORS LICENCE

*Good repute*

- 1        (1) In determining whether an individual is of good repute, traffic commissioners shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of his and of his employees and agents; and
  - (b) such other information as the commissioners may have as to his previous conduct, in whatever capacity, in relation to the operation of vehicles of any description in the course of a business.
- (2) In determining whether a company is of good repute, traffic commissioners shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of the company and its officers, employees and agents; and
  - (b) such other information as the commissioners may have as to previous conduct of—
    - (i) the company's officers, employees and agents in relation to the operation of vehicles of any description in the course of any business carried on by the company; and
    - (ii) each of the company's directors, in whatever capacity, in relation to the operation of vehicles of any description in the course of any other business.

*Appropriate financial standing*

- 2        Being of appropriate financial standing in relation to an applicant for, or holder of, a PSV operators licence consists in having available sufficient financial resources to ensure the establishment and proper administration of the business carried on, or proposed to be carried on, under the licence.



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### *Professional competence*

- 3 References in Part II of this Act to professional competence are to the professional competence of an individual; and a company satisfies the requirement as to professional competence if, and so long as, it has a transport manager of its road transport business who is of good repute and professionally competent.
- 4 Where an individual is not himself professionally competent, the requirement as to professional competence shall be regarded as satisfied in relation to him if, and so long as, he has a transport manager of his road passenger transport business who is of good repute and professionally competent.
- 5 Where the holder of a PSV operator's licence relies on a transport manager to satisfy the requirement as to professional competence and that manager—
- (a) dies or ceases by reason of physical disability or mental disorder to be capable of discharging his duties as transport manager;
  - (b) ceases to work for the business ; or
  - (c) ceases to be of good repute,
- the holder shall nevertheless not be treated as failing to satisfy that requirement until the expiry of such period as in the opinion of the relevant traffic commissioners is reasonably required for the appointment of a new transport manager.
- 6 Subject to paragraph 10 below, an individual shall be regarded as professionally competent for the purposes of Part II of this Act if, and only if,—
- (a) he is the holder of a certificate issued by an approved body to the effect that he possesses the requisite skills; or
  - (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this paragraph by the Secretary of State.
- 7 In paragraph 6 above " approved body " means—
- (a) a body approved by the Secretary of State for the purposes of that paragraph; or
  - (b) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the Transport Act (Northern Ireland) 1967 ; or
  - (c) a body or authority designated by another member State for the purposes of Article 2(4) of [Council Directive \(EEC\) 74/562](#) of 12th November 1974 on admission to the occupation of road passenger transport operator in national and international transport operations;
- and " the requisite skills " means skills in the subjects listed in Part A of the Annex to that Directive and, in the case of a licence to cover international operations, also skills in the subjects listed in Part B of mat Annex.

### *Persons engaged in road passenger transport before 1st January 1978*

- 8 (1) Paragraphs 9 and 10 below apply only to persons applying for, and to holders of, standard licences.
- (2) For the purposes of those paragraphs, an individual or company was authorised to engage in the occupation of road passenger transport operator at any time if, and only if, at that time—
- (a) he was the holder, or one of the joint holders, of a public service vehicle licence under section 127 of the Road Traffic Act 1960, or the corresponding

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- provision of the law of Northern Ireland, relating to a vehicle adapted to carry more than eight passengers; or
- (b) he was by virtue of a permit under Regulation 20 of the Public Service Vehicles (Licences and Certificates) Regulations 1952, or the corresponding provision of the law of Northern Ireland, deemed to be the holder or one of the joint holders of such a licence ; or
- (c) he was so authorised under the law of another member State; or
- (d) he was the transport manager of a person within paragraph (a), (b) or (c).
- 9 (1) An individual or company authorised to engage in the occupation of road passenger transport operator at any time before 1st January 1978 shall be deemed until the contrary is proved to satisfy the requirements to be of good repute and appropriate financial standing and, if so authorised before 1st January 1975, also to satisfy the requirement as to professional competence.
- (2) An applicant for a standard licence, or for the variation of such a licence, shall not be obliged to furnish to the traffic commissioners in support of his application information relating to a requirement which is deemed to be satisfied by virtue of sub-paragraph (1) above unless it appears to the commissioners that there are grounds for thinking that the requirement is not in fact satisfied.
- 10 For the purpose of Part II of this Act, an individual shall be regarded as professionally competent if he was authorised to engage in the occupation of road passenger transport operator before 1st January 1978 and was so authorised—
- (a) for a period of, or for periods amounting in the aggregate to, two years during the period 1st January 1975 to 31st December 1979; or
- (b) at any time in the period 1st January 1970 to 31st December 1974.

#### SCHEDULE 4

Section 38.

#### ORDERS DESIGNATING TRIAL AREAS

##### *Applications for designation orders*

- 1 (1) Not less than 21 days before making an application to the Secretary of State for a designation order in respect of any area the local authority concerned shall publish in one or more relevant newspapers a notice describing the area in question and stating their intention to apply for a designation order in respect of it and the date on which they propose to make the application.
- (2) For the purposes of any notice under this paragraph a "relevant newspaper" is any local newspaper which the local authority concerned may consider appropriate.
- 2 (1) Before making such an application the local authority concerned shall also notify—
- (a) every local authority (if any) whose area adjoins the area specified in the application;
- (b) every district council whose area is wholly or partly comprised in, or adjoins, the area so specified;
- (c) any person who is already providing a stage carriage service in the area so specified ; and

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(d) such organisations as appear to the local authority concerned appropriate as representing persons providing or employed in the provision of public passenger transport services in the area so specified.

(2) In this paragraph " public passenger transport services" has the meaning given by section 1(2) of the Transport Act 1978.

3 Every application for a designation order shall be accompanied by the original or a copy of any representations in writing (by whoever made) which relate to the application and were received by the local authority concerned before the date on which the application is made; and before making a designation order the Secretary of State shall consider any such representations.

*Variation or revocation of designation orders*

4 Before making an application to the Secretary of State for an order under section 38(4) of this Act varying or revoking a designation order the local authority concerned—

(a) shall notify—

(i) every local authority (if any) whose area adjoins the trial area in question ;

(ii) every district council whose area adjoins the trial area;

(iii) any person who is for the time being providing a stage carriage service in the trial area; and

(iv) such organisations as appear to the local authority concerned appropriate as representing persons providing or employed in the provision of public passenger transport services (within the meaning of paragraph 2 above) in the trial area ; and

(b) shall consult with every district council whose area is wholly or partly comprised in the trial area.

5 Paragraph 3 above shall apply in relation to an application for, and the making of, an order under section 38(4) of this Act as it applies in relation to an application for, and the making of, a designation order.

6 (1) Subject to sub-paragraph (2) below, an order under section 38 of this Act which revokes or varies a designation order may contain such transitional provisions as the Secretary of State thinks fit.

(2) An order under section 38(4) of this Act which revokes a designation order or varies it so as to exclude from the area designated by it any part of that area shall contain such transitional provisions as the Secretary of State thinks fit for securing that any person who has, throughout the relevant period ending with the date of the order, provided a stage carriage service which he will be unable to continue to provide after the time when the revocation or variation takes effect unless granted a road service licence in respect of it, can obtain as of right a road service licence that will enable him to continue to provide that service for as long as the licence remains in force after that time.

(3) In sub-paragraph (2) above " the relevant period ", in relation to an order under section 38(4) of this Act, means such period of not less than three months as may be specified in the order.

## SCHEDULE 5

Section 48.

### AUTHORISATIONS UNDER SECTION 48 IN RELATION TO EXPERIMENTAL AREAS

#### *General authorisations*

- 1        There shall by virtue of this paragraph be attached to every general authorisation the following conditions—
- (a) a journey in pursuance of the authorisation must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service ;
  - (b) any such journey must be made without previous advertisement to the public;
  - (c) vehicles used in pursuance of the authorisation must not stand or ply for hire ;
  - (d) any carriage of passengers by a vehicle in pursuance of the authorisation must be carriage for which arrangements were made before the journey began.
- 2        (1) A general authorisation shall be granted by resolution of the local authority concerned.
- (2) Paragraph 13 below applies in relation to any such resolution.
- 3        (1) The local authority concerned may by resolution vary a general authorisation in one or both of the following ways, where applicable, that is to say so as to—
- (a) increase the number specified in pursuance of section 48(3)(a)(ii) of this Act; or
  - (b) in the case of an authorisation which does not apply to the whole of an experimental area, add one or more other parts of the experimental area to that or those previously specified in accordance with section 48(4) of this Act, or make the authorisation apply to the whole of the experimental area.
- (2) Paragraph 13 below applies in relation to any such resolution.

#### *Special authorisations*

- 4        In deciding whether to grant a special authorisation or whether to exercise their discretion to revoke such an authorisation the local authority concerned shall, in particular, have regard to the fitness for use in pursuance of the authorisation of any vehicle which is to be or is a specified vehicle, and to the suitability of the persons who will be or are using any such vehicle in pursuance of the authorisation.
- 5        (1) The local authority granting a special authorisation may attach to it such conditions as they think fit with respect to all or any of the following matters—
- (a) the persons by whom the specified vehicle or vehicles may be used in pursuance of the authorisation;
  - (b) the routes on which the specified vehicle or vehicles are to be used in pursuance of the authorisation;
  - (c) the timetables to be observed with respect to specified journeys;

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- (d) the advertisement of services provided by means of any specified vehicle;
  - (e) the points at which passengers may be taken up or set down ;
  - (f) the rates of payment to be charged to passengers ;
  - (g) any other matter which appears to the authority to be appropriate having regard to local circumstances.
- (2) Paragraph 13 below applies in relation to the grant of a special authorisation.
- 6 (1) The local authority concerned—
- (a) may by notice in writing given to the specified person vary the conditions attached to a special authorisation under paragraph 5 above, either on the initiative of the authority or on an application in that behalf made to them by the specified person; and
  - (b) if so directed by the Secretary of State, shall so vary those conditions in accordance with the direction.
- (2) The power conferred by sub-paragraph (1)(a) above shall be exercised only with the approval of the Secretary of State given either for the particular exercise of it in question or generally for cases of a class or description into which that exercise of it falls.
- (3) If the local authority concerned fails to comply with a direction of the Secretary of State requiring them to vary the conditions attached to a special authorisation under paragraph 5 above, the Secretary of State may himself by notice in writing given to the specified person vary those conditions.
- 7 A special authorisation shall not be transferable.

#### *Duration of authorisations*

- 8 Unless previously revoked, an authorisation shall cease to have effect when the order under section 47(2) of this Act by virtue of which it was granted ceases to have effect.

#### *Revocation of authorisations*

- 9 The local authority concerned may revoke an authorisation at any time, and shall do so if so directed by the Secretary of State.
- 10 (1) Revocation of a general authorisation shall be effected by resolution of the local authority concerned.
- (2) Revocation of a special authorisation shall be effected by giving notice of its revocation to the specified person.
- (3) If the local authority concerned fails to comply with a direction of the Secretary of State requiring them to revoke an authorisation, the Secretary of State may himself revoke the authorisation—
- (a) in the case of a general authorisation, by order ; or
  - (b) in the case of a special authorisation, by giving notice of its revocation to the specified person.
- (4) Paragraph 13 below applies in relation to the revocation of a general authorisation or special authorisation.

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*Special authorisations requiring the consent of other local authorities*

- 11 Every special authorisation granted with the consent of one or more local authorities other than the authority by whom it is granted shall include a statement to that effect specifying the consenting authorities; and a statement in any special authorisation under section 48 of this Act to the effect that it was so granted shall be evidence, and in Scotland sufficient evidence, of the matters stated.

*General*

- 12 Where an authorisation ceases to have effect or is varied under or by virtue of the preceding provisions of this Schedule, its previous operation shall not be affected thereby.
- 13 (1) A local authority shall before—
- (a) passing any resolution in pursuance of paragraph 2, 3 or 10(1) above for the purpose of granting, varying or revoking a general authorisation ; or
  - (b) granting or revoking a special authorisation. give the appropriate notice in one or more relevant newspapers; and where a local authority intend to revoke a special authorisation they shall also give the appropriate notice in writing to every district council, London borough council, parish council and, in Scotland or Wales, community council who may in the opinion of the local authority be affected by the revocation of the authorisation.
- (2) In sub-paragraph (1) above " the appropriate notice " means—
- (a) not less than 21 days' notice of intention to consider a resolution or grant a special authorisation; and
  - (b) not less than 56 days notice of intention to revoke a special authorisation.
- (3) Before passing the resolution or granting or revoking the special authorisation in question the local authority shall take account of any representations received by them in relation to it.
- (4) The local authority may—
- (a) pass any resolution; or
  - (b) grant any special authorisation,
- in respect of which notice has been given under sub-paragraph (1) above either with or without modifications.
- (5) As soon as may be after—
- (a) a local authority have passed any such resolution as is mentioned in sub-paragraph (1)(a) above ; or
  - (b) the Secretary of State has made an order under paragraph 10(3)(a) above for the purpose of revoking a general authorisation,
- the local authority or the Secretary of State, as the case may be, shall give notice of its having been passed or made in one or more relevant newspapers; and the grant, variation or revocation, as the case may be, shall not take effect before notice of the resolution or order having been passed or made is so given.
- (6) A notice under sub-paragraph (5) above of any resolution granting an authorisation shall include particulars of the terms of the authorisation (including the conditions attached to it); and a local authority or the Secretary of State may include in any notice under this paragraph such other relevant information as they or he may think fit.

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- (7) For the purposes of any notice under this paragraph a "relevant newspaper" is any local newspaper which the local authority or the Secretary of State, as the case may be, may consider appropriate.
- 14 For the purposes of paragraph 1(b) above no account shall be taken of any advertisement consisting of a notice or announcement such as is mentioned in paragraph 9 of Schedule 1 to this Act, and paragraph 5(1)(d) above shall not extend to advertisement by means of any such notice or announcement.

## SCHEDULE 6

Section 88.

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Periods of time*

- 1 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

#### *Saving for transitional provisions and savings in orders under section 70(5) and (6) of Transport Act 1980*

- 2 Where any provision of the Transport Act 1980 which is repealed by this Act was brought into force by an order which contains transitional provisions and savings in connection with that provision, an order under section 89(2) of this Act may contain corresponding provisions and savings in connection with any provision of this Act corresponding to the repealed provision.

#### *Certificates of initial fitness*

- 3 A certificate of fitness issued in respect of a vehicle under section 129 of the Road Traffic Act 1960 which was in force immediately before the date on which section 17 of the Transport Act 1980 came into force and had effect on and after that date as if it were a certificate of initial fitness shall, notwithstanding the repeal by this Act of subsection (2) of the said section 17, continue to have effect as if it were a certificate of initial fitness issued in respect of the vehicle on that date.
- 4 For the purposes of subsection (1) of section 6 of this Act, the requirement of paragraph (b) of that subsection shall be treated as complied with if a certificate under section 130 of the Road Traffic Act 1960 was in force in respect of the vehicle concerned immediately before section 17 of the Transport Act 1980 came into force or has since that date been issued in respect of the vehicle.

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*Status: This is the original version (as it was originally enacted).*

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## SCHEDULE 7

Section 88.

## CONSEQUENTIAL AMENDMENTS

*Local Government (Miscellaneous Provisions) Act 1953 (c.26)*

- 1 In section 4(4) of the Local Government (Miscellaneous Provisions) Act 1953 in the definition of "public service vehicle" for the words from "Part I" to "section 2(1)" there shall be substituted the words " the Public Passenger Vehicles Act 1981 if in section 1(1) ".

*Local Government (Omnibus Shelters and Queue Barriers) . (Scotland) Act 1958 (c.50)*

- 2 In section 7(1) of the Local Government (Omnibus and Queue Barriers) (Scotland) Act 1958 in the definition of " public service vehicle" for the words from "Part I" to "section 2(1) " there shall be substituted the words " the Public Passenger Vehicles Act 1981 if in section 1(1) ".

*Finance Act 1965 (c.25)*

- 3 In section 92 of the Finance Act 1965, in the definition of " operator " in subsection (8), for the words " Part I of the Transport Act 1980" there shall be substituted the words " the Public Passenger Vehicles Act 1981 ".

*Road Traffic Regulation Act 1967 (c.76)*

- 4 In section 6 of the Road Traffic Regulation Act 1967—
- (a) in subsection (8) for the words " section 28 of the Transport Act 1980 " there shall be substituted the words " section 50 of the Public Passenger Vehicles Act 1981 ";
  - (b) in subsection (12) for the words " Road Traffic Act 1960 " there shall be substituted the words " Public Passenger Vehicles Act 1981 ".
- 5 In section 9(8) of that Act for the words "section 28 of the Transport Act 1980" there shall be substituted the words " section 50 of the Public Passenger Vehicles Act 1981. "
- 6 In sections 15(4) and 33(5) of that Act for the words " Part III of the Road Traffic Act 1960 " there shall be substituted the words " the Public Passenger Vehicles Act 1981 ".
- 7 In section 104(1) of that Act for the words "Part I of the Transport Act 1980" there shall be substituted the words " the Public Passenger Vehicles Act 1981 ".
- 8 In Schedule 5 to that Act, in paragraph 26 in the definition of "PSV operator's licence", for the words "Part I of the Transport Act 1980" there shall be substituted the words " Part II of the Public Passenger Vehicles Act 1981 ".

*Transport Act 1968 (c.73)*

- 9 In section 59(1) of the Transport Act 1968 for the words " Part III of the Act of 1960 " there shall be substituted the words " the Public Passenger Vehicles Act 1981 ".
- 10 In section 159(1) of that Act—



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- (a) in the definition of " bus service " for the words " Part I of the Transport Act 1980 " there shall be substituted the words " the Public Passenger Vehicles Act 1981 " and for the words " section 3(3)(a) of the Transport Act 1980 " there shall be substituted the words " section 2(3)(a) of the Public Passenger Vehicles Act 1981 "; and
- (b) in the definition of " express carriage " and " stage carriage " and in the definition of " public service vehicle " for the words " Act of 1960 " there shall be substituted the words " Public Passenger Vehicles Act 1981 " .

*Transport (London) Act 1969 (c.35)*

- 11 In section 23 of the Transport (London) Act 1969—
- (a) in subsection (2) for the words " Part III of the Act of 1960 " there shall be substituted the words " the Public Passenger Vehicles Act 1981. " ;
  - (b) in subsection (7) in the definition of " road service licence " for the words " Act of 1960 " there shall be substituted the words " Public Passenger Vehicles Act 1981 " and for the definition of " service of express carriages " there shall be substituted—
    - “" service of express carriages " means an express carriage service within the meaning of the Public Passenger Vehicles Act 1981 or a stage carriage service within the meaning of that Act as to which the condition in section 2(3)(a) of that Act (long journeys only) is satisfied.”

*Road Traffic Act 1972 (c.20)*

- 12 In section 8(8) of the Road Traffic Act 1972 the words " Part III of the Road Traffic Act 1960 or " shall be omitted and there shall be added at the end the words " or Part II or III of the Public Passenger Vehicles Act 1981 (including an offence under section 30(7) of that Act as applied by section 45(6) thereof). "
- 13 In section 37(5) of that Act after the words " 1967 " there shall be inserted the words " or the Public Passenger Vehicles Act 1981 ) " .
- 14 In sections 44(4), 53(2), 56(1), 58(2), 82, 113(1), 124, 160(4), 163, 173(2) and 188(4)(a) of that Act for the words " Part III of the Road Traffic Act 1960 " there shall be substituted the words " the Public Passenger Vehicles Act 1981 " .
- 15 In section 50(6) of that Act for the words " section 128(2) of the Road Traffic Act 1960 " there shall be substituted the words " section 7(2) of the Public Passenger Vehicles Act 1981. "

*Road Traffic (Foreign Vehicles) Act 1972 (c.27)*

- 16 In section 4(2)(b) of the Road Traffic (Foreign Vehicles) Act 1972 for the words from " section 19(1) " to " section 160(1)(k) of that Act " there shall be substituted the words " section 12(1) of the Public Passenger Vehicles Act 1981 as modified by regulations for the time being in force under section 60(1)(m) of that Act " .
- 17 In section 7(1) of that Act—
- (a) in the definition of " examiner " for the words from " examiner appointed " to " of that Act " there shall be substituted the words " a certifying officer appointed under section 7(1) or an examiner appointed under section 7(2) of the Public Passenger Vehicles Act 1981 " ;

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(b) in the definition of " public service vehicle " for the words "Part III of the Road Traffic Act 1960" there shall be substituted the words " the Public Passenger Vehicles Act 1981 ".

18 In Schedule 1 to that Act for the words " Section 16(1) of the Transport Act 1980 " there shall be substituted the words " Section 8(1) of the Public Passenger Vehicles Act 1981 ".

*Local Government (Miscellaneous Provisions) Act 1976 (c.57)*

19 In section 63(3)(b) of the Local Government (Miscellaneous Provisions) Act 1976 for the words " Part I of the Transport Act 1980" there shall be substituted the words " the Public Passenger Vehicles Act 1981 ".

20 In section 80(1) of that Act, in the definition of " public service vehicle ", for the words " Part III of the Road Traffic Act 1960 " there shall be substituted the words " the Public Passenger Vehicles Act 1981 ".

*Energy Act 1976 (c.76)*

21 In paragraph 1 of Schedule 1 to the Energy Act 1976—

(a) in sub-paragraph (1)(c) for the words " Part I of the Transport Act 1980 " there shall be substituted the words " Part II or Part III of the Public Passenger Vehicles Act 1981 ";

(b) in sub-paragraph (1)(d) for the words " section 14 " there shall be substituted the words " section 40 "; and

(c) in sub-paragraph (2) for the words " section 160 of the Road Traffic Act 1960" there shall be substituted the words " section 60 of the Public Passenger Vehicles Act 1981 ".

22 In paragraph 2 of Schedule 1 to that Act for the words " section 144 of the Road Traffic Act 1960 " there shall be substituted the words " section 22 of the Public Passenger Vehicles Act 1981 ".

*Transport Act 1978 (c.55)*

23 In section 1(2)(a) of the Transport Act 1978 for the words " the Minibus Act 1977 " there shall be substituted the words " section 42 of the Public Passenger Vehicles Act 1981 ".

*Transport Act 1980 (c.34)*

24 In section 43(1) of the Transport Act 1980 for the words from the beginning to " that Schedule " there shall be substituted the words " The enactments specified in Part II of Schedule 5 ".

SCHEDULE 8

Section 88.

REPEALS

Chapter	Short Title	Extent of Repeal
1960 c. 16.	The Road Traffic Act 1960.	Part III. In section 232(1), paragraph (a). Section 239. In section 247(2) the words " except offences under section 148(2)". Section 252. In section 257(1) the words from " and the expressions " to end of the subsection. Section 260. In section 263, in subsection (1) the word "III" and subsection (2). In section 265, subsection (1) and in subsection (2) the words from the beginning to "Part III of this Act and."
1960 c. 63.	The Road Traffic and Roads Improvement Act 1960.	Section 24. The Schedule.
1962 c. 46.	The Transport Act 1962.	In Schedule 2, in Part I the entry relating to section 157 of the Road Traffic Act 1960.
1962 c. 59.	The Road Traffic Act 1962.	In Schedule 4, the amendment of section 130 of the Road Traffic Act 1960.
1968 c. 73.	The Transport Act 1968.	In section 35, subsection (3). In section 130(6), paragraph (c). In section 145, subsection (2). In Schedule 10, in Part I the entry relating to section 123 of the Road Traffic Act 1960 and in Part II the entry relating to section 123 of the Road Traffic Act 1960.

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Chapter	Short Title	Extent of Repeal
1969 c. 35.	The Transport (London) Act 1969.	In section 24, subsections (1) to (4).
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, the amendment of section 126 of the Road Traffic Act 1960.
1974 c. 50.	The Road Traffic Act 1974.	In section 10(7) the words "the amendments of Part III of the 1960 Act specified in Schedule 2 to this Act."  In section 21(1) paragraph (a) and the words "Part I or" and "as the case may require".  In Schedule 2, paragraph 2.  In Schedule 5, Part I.  In Schedule 6, paragraph 2.
1975 c. 53.	The Public Service Vehicles (Arrest of Offenders) Act 1975.	In section 1 the words from "regulations having effect" to "public service vehicles) or of".  Section 2(2).
1977 c. 21.	The Passenger Vehicles (Experimental Areas) Act 1977.	The whole Act.
1977 c. 25.	The Minibus Act 1977.	The whole Act.
1978 c. 55.	The Transport Act 1978.	Sections 5 and 7,  In section 24(2), the definition of "the 1960 Act". In Schedule 2, paragraph 5.
1980 c. 34.	The Transport Act 1980.	Sections 1 to 31.  In section 32, subsections (1) to (4).  Section 33.  Section 36.  In section 37, subsection (1).  Sections 38 to 41.  In section 42— (a) in subsection (2), paragraph (a) and subparagraphs (i), (ii) and (iv) of paragraph (b); and

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Chapter	Short Title	Extent of Repeal
		<p>(b) subsections (3) and (4). In section 43, subsection (2) Section 44. Schedules 1 to 3. In Schedule 4, the entries relating to sections 144, 146, 147 and 157 of the Road Traffic Act 1960. In Schedule 5, Part I and in Part II the paragraphs amending the Transport (London) Act 1969, the Road Traffic Act 1974, the Passenger Vehicles (Experimental Areas) Act 1977, the Minibus Act 1977 and the Transport Act 1978.</p>