



Transport Act 1980

1980 CHAPTER 34

PART I

PUBLIC SERVICE VEHICLES

Preliminary

1 Preliminary

- (1) The purposes for which this Part is enacted include—
- (a) redefining and reclassifying public service vehicles;
 - (b) abolishing road service licences for express carriages as redefined;
 - (c) making it easier for applicants to obtain road service licences, and restricting the power to attach thereto conditions as to fares;
 - (d) providing for the designation of areas as trial areas in which road service licences are not required for stage carriage services;
 - (e) making new provision for securing the fitness of public service vehicles;
 - (f) substituting a system of public service vehicle operators' licences for the system of public service vehicle licences; and
 - (g) providing an appeal against a refusal by the London Transport Executive to enter into an agreement with a person other than the Executive for the provision of a London bus service ;

and accordingly the provisions mentioned in subsection (2) (which, except so far as they are re-enacted with or without alteration in this Part, are no longer required) shall cease to have effect.

- (2) Those provisions are—
- (a) in the Road Traffic Act 1960—
 - (i) sections 117 and 118 and Schedule 12 (classification of public service vehicles);
 - (ii) sections 127, 129 and 132 to 133A (licensing and fitness of public service vehicles); and

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- (iii) sections 134 to 140 (road service licences);
 - (b) section 30 of the Transport Act 1968 (permits for certain bus services in lieu of road service licences).
- (3) This Part and the 1960 Act shall be construed and have effect as if this Part (except so far as it textually amends any enactment) were contained in Part III of that Act; and section 44 of this Act shall apply for the interpretation of the said Part III as well as for the interpretation of this Part.
- (4) Without prejudice to subsection (3), any reference to, or to Part III of, the 1960 Act in any statutory provision not contained in this Part or the 1960 Act shall, unless the context otherwise requires, be construed as including a reference to this Part.

Definition and classification of public service vehicles

2 Definition of " public service vehicle "

- (1) Subject to the provisions of this section, in this Part "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) 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 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) 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 3 and Schedule 1—
- (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) 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.

3 Classification of public service vehicles as stage, express or contract carriages

- (1) For the purpose of this Part—
- (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 Part 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) are satisfied.
- (3) The conditions referred to in subsection (2)(b) 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 30 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 30 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) is satisfied as regards any part of the service taken in isolation, but not as regards the service as a whole—

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- (a) that part of the service shall be treated for the purposes of subsections (2) (b) and (3) 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 are fulfilled.

Road service licences

4 Road service licences

- (1) Subject to section 13 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.
- (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 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) and section 9(2), 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) 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 5 of the Transport Act 1978.
- (6) If a stage carriage service is provided in contravention of subsection (1), the operator of the service shall be liable on summary conviction to a fine not exceeding £200.
- (7) If a condition attached under section 6 or 7 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.

5 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 for the grant of a road service licence is made, 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) 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) " 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.

6 Attachment to road service licences of conditions as to matters other than fares

- (1) Subject to subsection (2) 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 5 (3) (a) to (c), 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;

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- (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 7(1) 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 their powers under subsection (3), the commissioners shall exercise those powers 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.
- (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.

7 Attachment to road service licences of conditions as to fares

- (1) Subject to subsection (3) and 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) 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), 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) to the licence ; or
 - (b) removing any condition as to fares so attached to the licence.
- (3) The traffic commissioners shall not exercise their powers under subsection (1) or their powers of alteration under subsection (2) 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), the commissioners—
 - (a) shall remove all the conditions attached under subsection (1) 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); and
 - (b) shall not exercise their powers of alteration under subsection (2) unless satisfied that the proposed exercise of those powers is consistent with their reasons for not removing all the conditions attached under subsection (1) to the licence.
- (5) Compliance with any condition attached to a road service licence under subsection (1) 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.
- (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) A person who fails to supply within the prescribed time any particulars which he is required to supply under subsection (6) shall be liable on summary conviction to a fine not exceeding £200.
- (8) A person who in purporting to comply with subsection (6) 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.

8 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 5 and 6 shall have effect as if section 5(2) to (4) and, in section 6(1), the words " and in particular to the matters mentioned in section 5(3)(a) to (c) " 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 28 from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

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9 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 road 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,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 5(2) to (4), 6 and 7 shall not apply.
- (2) Section 4(4) 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 28 from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

10 Revocation and suspension of road service licences

- (1) Subject to subsection (2), 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 5(5)(a) to (c) 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.

11 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), 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 10.
- (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

12 Designation of trial areas

- (1) For the purposes of this Part 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 Minister 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), the Minister 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 Minister—
 - (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

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- (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 2 (which relate to the making of applications for, and the variation and revocation of, designation orders).
- (7) Any order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section and Schedule 2—
- " designation order " has the meaning given by subsection (2) (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.

13 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.

14 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 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), 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
 - (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), any notice required by subsection (2) 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) in consequence of unforeseen circumstances making it impracticable for him to give or, as the case may be, publish in accordance with subsection (3) 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) be treated as one which operates wholly or, as the case may be, partly within a trial area.
- (6) 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 12(8);
 - " operator " includes a prospective operator.

15 Relaxation in trial areas of operators' duties to co-operate and exchange information

- (1) Subject to subsection (3) the duties of public passenger transport operators under the provisions mentioned in subsection (2), 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) 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) 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,
 for the purpose of the discharge by any such Executive or council of its function of coordinating 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.

Fitness of public service vehicles

16 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) shall be liable on summary conviction to a fine not exceeding £200.
- (3) The Minister may—
 - (a) provide and maintain stations where inspections of public service vehicles for the purposes of this Part 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 Part " official PSV testing station " means a station provided, or any premises for the time being designated, under this subsection.

17 Certificate of initial fitness (or equivalent) required for use of public service vehicle

- (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 section 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 130 of the 1960 Act (type approval) was in force immediately before this section came into force or has since 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) For the purposes of this Part and Part III of the 1960 Act a certificate of fitness issued in respect of a vehicle under section 129 of that Act which is in force immediately before the date on which this section comes into force shall have effect on and after that date as if it were a certificate of initial fitness issued in respect of the vehicle on that date.
- (3) If a vehicle is used in contravention of subsection (1), the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £500.

18 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.
- (2) A prohibition under subsection (1) 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), 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.

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- (4) If the person to whom written notice of a prohibition is given under subsection (3) 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) 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) 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), 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) with which the prohibition was imposed.
- (8) Subject to any subsisting direction under subsection (2), a prohibition under subsection (1) 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—
- (a) knowingly drives a vehicle in contravention of a prohibition under subsection (1); or
 - (b) 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.

Public service vehicle operators' licences

19 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.

- (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, 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) If a vehicle is used in contravention of subsection (1) the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £500.

20 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), 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.

21 Grant and duration 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.

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

- (2) The provisions of Schedule 3 shall have effect for supplementing the provisions of subsection (1), 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) 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) and the further requirements mentioned in subsection (3) are satisfied they shall, subject to the following provisions of this section and to section 22, grant the licence in accordance with the application.
- (5) There shall be specified in every PSV operator's licence the date on which the licence is to come into force and the date with which it is to expire; and, subject to subsection (6), 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.
- (6) 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.
- (7) 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 23.
- (8) 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.

22 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) 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), 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) 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) to the licence ; or
 - (b) exercise their powers (whether of alteration or removal) under subsection (5); 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) 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) 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
 - (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 44(2)(a)).

23 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), the traffic commissioners by whom a PSV operator's licence was granted may, on any of the grounds specified in subsection (3), at any time—
 - (a) revoke the licence;

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- (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 22 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) 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 18 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) 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 shall apply for the purposes of subsections (1) and (3) (d) as they apply for the purposes of section 21(1).

24 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 operator's 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 22(1); 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 operator's discs accordingly.
- (3) Regulations may make provision—

- (a) as to the form of operator's discs and the particulars to be shown on them;
 - (b) with respect to the custody and production of operator's discs;
 - (c) for the issue of new operator's discs in place of those lost, destroyed, or defaced ;
 - (d) for the return of operator's 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 22(1) having the effect of reducing the maximum number of vehicles which may be used under the licence.
- (4) If a vehicle is used in contravention of subsection (1), the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £200.

25 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—
- (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, by 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) A person who fails to comply with subsection (1), (2) or (3) or with any requirement under subsection (4) shall be liable on summary conviction to a fine not exceeding £200.

26 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) A person who fails to comply with the provisions of subsection (1) or (2) or with any requirement under subsection (3) 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) 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.

27 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) 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) 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.

Supplementary provisions relating to licences

28 Appeals to the Minister

- (1) A person who has applied for the grant of a licence under this Part may appeal to the Minister 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 licence under this Part in substitution for a licence held by him and in force at the date of his application appeals to the Minister under subsection (1) 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 10 or 23.
- (3) The holder of a licence granted under this Part may appeal to the Minister 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) 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 Minister 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 Minister for such a direction, and the Minister shall give his decision on the application within 14 days.
- (5) A person who has applied for the grant of a licence under this Part, 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 Minister as if the commissioners had decided to refuse the application.
- (6) A person applying for—

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- (a) a certificate of initial fitness ; or
 - (b) a certificate under section 130 of the 1960 Act (type approval),
- may appeal to the Minister 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), appeal to the Minister 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 the 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) 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.
- In this subsection " local authority " means—
- (i) in relation to England and Wales, any local authority within the meaning of the Local Government Act 1972;
 - (ii) in relation to Scotland, a regional, islands or district council.
- (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 Minister 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.

29 Further appeals on points of law

- (1) An appeal lies at the instance of any of the persons mentioned in subsection (2) on any point of law arising from a decision of the Minister 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 Minister are—
- (a) the person who appealed to the Minister ;
 - (b) any person who had a right to appeal to the Minister 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 Minister 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.
- (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.

30 Partnerships and related matters

- (1) Provision may be made by regulations for modifying the provisions of this Part, 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 road service licence or PSV operator's 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.

31 Death, bankruptcy, etc. of licence-holder

- (1) A road service licence or PSV operator's licence is not assignable or, subject to the following provisions of this section, transmissible on death or in any other way.
- (2) A road service licence or PSV operator's 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 road service licence or PSV operator's 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 road service licence or PSV operator's licence was granted may—
 - (a) direct that the termination of the licence by subsection (2), or under subsection (3), be deferred for a period not exceeding 12 months or, if it appears to the commissioners that there are special circumstances, 18 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.

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

Other matters

32 Fare-paying passengers on school buses

- (1) Subject to subsection (2), 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 ; and
 - (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 the following provisions, that is to say section 144 of the 1960 Act (public service vehicle drivers' licences) and sections 16, 17, 18 and 19(1) of this Act, shall not apply to a school bus belonging to a local education authority in the course of its use by the authority in accordance with this subsection.
- (2) Subsection (1) 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 3 (3) (a) 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) for " maintained by " there shall be substituted " under the management of "; and
 - (c) in subsection (3) 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 1962 (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)”.
- (5) The repeal by this Act of section 12 of the Education (Miscellaneous Provisions) Act 1953 and section 118(4) of the 1960 Act shall not affect the operation of those provisions in relation to any consent given under the said section 12 which is in force immediately before that repeal takes effect

33 Use of certain vehicles by educational and other bodies

- (1) In subsection (1) of section 1 of the Minibus Act 1977 (exemption of certain vehicles from requirements applicable to public service vehicles) for " vehicle which is adapted to carry more than seven but not more than sixteen passengers " there shall be substituted " small passenger-carrying vehicle " , and after that subsection there shall be inserted the following subsection—

“(1A) 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, the following provisions shall not apply to the driving or use of the vehicle, namely—

- (a) section 144 of the Road Traffic Act 1960 (public service vehicle drivers' licences);
- (b) section 23(2) of the Transport (London) Act 1969 and section 4 of the Transport Act 1980 (licensing of stage carriage services); and
- (c) section 19(1) of the Transport Act 1980 (PSV operators' licences).”.

- (2) In section 1(2) of that Act (persons authorised to grant permits)—

- (a) at the beginning of paragraph (a) (powers of traffic commissioners) there shall be inserted " in the case of small passenger-carrying vehicles, "; and
- (b) at the beginning of paragraph (b) (power of designated bodies) there shall be inserted " in the case of small or large passenger-carrying vehicles, ".

- (3) After section 1(3) of that Act (designation orders) there shall be inserted the following subsection—

“(3A) Different provision may be made by orders under subsection (3) above in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.”;

and a designation order made under the said section 1(3) before the commencement of this section shall not apply in relation to large passenger-carrying vehicles.

- (4) In section 3(1) of that Act (power to make regulations), in paragraph (e) (power to prescribe conditions of fitness) for "vehicles" there shall be substituted " small passenger-carrying vehicles ".

- (5) After section 3(1) of that Act there shall be inserted the following subsection—

“(1A) 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.”.

- (6) In section 3(2) of that Act (consequences of breach of regulations) for "Section 1(1)" substitute " Subsection (1) or, as the case may be, subsection (1A) of section 1 ".

- (7) In section 4(2) of that Act (interpretation) after paragraph (b) there shall be inserted the following paragraph—

“(bb) " small passenger-carrying vehicle " means a vehicle which is adapted to carry more than eight but not more than sixteen passengers, and " large passenger-carrying vehicle " means a vehicle which is adapted to carry more than sixteen passengers ;”.

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

34 **Obligatory test certificates for passenger-carrying vehicles**

In section 44 of the Road Traffic Act 1972 (obligatory test certificates), in subsection (4) (excluded classes of vehicles) the following words (which relate to the exclusion of large public service vehicles) shall be omitted—

- (a) the words from " to public service vehicles " to " passengers or "; and
- (b) the words from " but shall apply " onwards.

35 **Amendment of Transport (London) Act 1969**

After section 23 of the Transport (London) Act 1969 (restrictions on provision of London bus services otherwise than by the London Transport Executive and their subsidiaries) there shall be inserted: —

“23A Right of appeal where Executive refuse to make or vary an agreement authorising a London bus service.

- (1) Where a person other than the Executive or a subsidiary of theirs seeks—
 - (a) an agreement with the Executive under subsection (2) of section 23 of this Act to enable him to provide a London bus service; or
 - (b) an agreement with the Executive to vary the terms of an agreement under that subsection (whenever made) which for the time being subsists between himself and the Executive,then, if the Executive refuse to enter into the agreement sought or fail to enter into it within a reasonable period, that person may appeal to the Minister on the ground of the refusal or failure.
- (2) A person appealing under this section shall give notice of the appeal—
 - (a) to the Council;
 - (b) to the commissioner or commissioners of police concerned; and
 - (c) to any of the councils of the London boroughs or the Common Council within whose area it is proposed to provide a service under the agreement sought by the appellant;and the Minister shall not proceed with the appeal unless he is satisfied that such notice has been given.
- (3) In determining an appeal under this section the Minister shall take into account—
 - (a) any representations made by the Council; and
 - (b) any representations with respect to relevant road traffic matters made by any of the persons notified as mentioned in paragraph (b) or (c) of subsection (2) of this section.
- (4) 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.
- (5) On such an appeal the Minister may make such order, if any, as he thinks fit requiring the Executive to enter into an agreement with the appellant on such terms as may be specified in the order; and it shall be the duty of the Executive to comply with any such order.

- (6) For the purposes of any reference in this or any other Act to an agreement under subsection (2) of section 23 of this Act any agreement entered into or varied by the Executive in compliance with an order under subsection (5) above shall be taken to be such an agreement.
- (7) In this section—
- " commissioner of police " and " London bus service " have the same meaning as in section 23 of this Act;
 - " prescribed " means prescribed by regulations made by the Minister ;
 - " relevant road traffic matters ", in relation to an appeal, means the following matters relating to the service proposed to be provided under the agreement sought by the appellant—
 - (a) the route of the service and its terminal points;
 - (b) the points at which passengers may or may not be taken up or set down ;
 - (c) the places at which, and streets by the use of which, vehicles used for the service may turn at a terminal point.

23B Further appeals on points of law.

- (1) An appeal lies to the High Court at the instance of any of the persons mentioned in subsection (2) of this section on any point of law arising from a decision of the Minister on an appeal under section 23A of this Act.
- (2) The persons who may appeal against any such decision of the Minister are—
- (a) the person who appealed to the Minister;
 - (b) any person required to be notified of that appeal under subsection (2) of section 23A of this Act; and
 - (c) the Executive.
- (3) If on an appeal under this section the High Court is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Minister 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.”.

36 Abolition of licensing of conductors of public service vehicles

Subsection (1) of section 144 of the 1960 Act (drivers' and conductors' licences) shall cease to have effect so far as it requires a person acting as conductor of a public service vehicle on a road to be licensed for the purpose under that section or prohibits the employment for that purpose of a person not so licensed.

37 Reduction of minimum age for drivers of public service vehicles

- (1) In subsection (3) of section 144 of the 1960 Act (PSV drivers' licences: minimum age and other conditions) for the words from " unless ", in the first place where it occurs, to

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the end of the subsection there shall be substituted " unless he fulfils such conditions as may be prescribed ".

- (2) Subsection (1) of section 96 of the Road Traffic Act 1972 (minimum ages at which licences may be held for different classes of vehicles) shall have effect as if in the Table in that subsection, in item 6, the age of 18 were substituted for the age of 21 in relation to a large passenger vehicle where—
- (a) the driver is not engaged in the carriage of passengers and either holds a PSV driver's licence or is acting under the supervision of a person who holds a PSV driver's licence; or
 - (b) the driver holds a PSV driver's licence and is engaged in the carriage of passengers—
 - (i) on a regular service over a route which does not exceed 50 kilometres ;
or
 - (ii) on a national transport operation when the vehicle used is constructed and equipped to carry not more than 15 persons including the driver, and in either case the operator of the vehicle holds a PSV operator's licence granted by the traffic commissioners for any area, not being a licence which is of no effect by reason of its suspension.
- (3) In subsection (2)—
- " large passenger vehicle " means a motor vehicle which is constructed solely to carry passengers and their effects and is adapted to carry more than nine persons inclusive of the driver;
 - " PSV driver's licence " means a licence to drive a public service vehicle granted under section 144 of the 1960 Act.
- (4) The provisions of subsections (2) and (3) may be amended or repealed by regulations under section 96(2) of the Road Traffic Act 1972.

38 Fees for grant of licences, etc.

For section 159(1) of the 1960 Act (fees for grant or issue of licences) there shall be substituted—

- “(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, road service licences and PSV operators' licences;
 - (ii) applications for, and the issue of, certificates of initial fitness under section 17 of the Transport Act 1980 ;
 - (iii) the issue of operators' discs under section 24 of that Act;
 - (iv) applications for, and the issue of, certificates under section 27 of that 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.
- (1A) 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 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 (6) (ii) of that subsection,
- until the fee or instalment in question has been paid.”.

39 Arrangements for appointment of traffic commissioners

In section 121 of the 1960 Act (appointment etc. of traffic commissioners), for subsections (4) and (5) (appointments, and constitution of panels of nominees for appointment) there shall be substituted—

- “(4) Of the three commissioners—
- (a) one shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners ;
 - (b) one shall be appointed by the Minister 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
 - (c) the third shall be appointed by the Minister 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.
- (5) Provision shall be made by regulations as to the arrangements for constituting the panels mentioned in subsection (4) above.”.

40 Increase of penalties

In the case of an offence against any provision of the 1960 Act specified in column 1 of Schedule 4 (of which the general nature is indicated in column 2) the maximum punishment is increased from that now in force (which is indicated in column 3) to that specified in column 4; and for that purpose the provisions of that Act specified in column 1 shall have effect subject to the amendments specified in column 5.

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41 Offences by bodies corporate

- (1) Where an offence under this Part or Part III of the 1960 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) 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.

42 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 mentioned in subsection (2) 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) are—
 - (a) sections 7(7), 14(6), 25(5) and 26(4);
 - (b) in the 1960 Act—
 - (i) so much of section 144(8) as relates to contravention of section 144(1)(a);
 - (ii) sections 146(2) and (3), 147(2) and 148(2);
 - (iii) so much of section 232(3) as relates to failure to comply with the requirement of section 232 (2) (b); and
 - (iv) section 239.
- (3) It shall be a defence for a person charged with an offence under any of the provisions mentioned in subsection (4) 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) are—
 - (a) sections 4(6) and (7), 17(3), 18(9)(b), 19(5), 22(7) and 24(4);
 - (b) in the 1960 Act—
 - (i) so much of section 144(8) as relates to contravention of section 144(1)(b); and
 - (ii) sections 148(2) and 157(2).

43 Amendments of other Acts

- (1) The provisions of the 1960 Act mentioned in Part I of Schedule 5, and the enactments specified in Part II of that Schedule, shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Part.
- (2) 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 this subsection; or

(b) an instrument made before the commencement of this subsection under any such local Act,

the Minister 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.

44 Interpretation of Part I

(1) In this Part, unless the context otherwise requires—

" the 1960 Act " means the Road Traffic Act 1960;

" company " means a body corporate ;

" contract carriage " has the meaning given by section 3 ;

" 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;

" 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 3, and " express carriage service " means a service provided by means of one or more express carriages ;

" 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;

" national operation " means a passenger transport operation wholly within the United Kingdom ;

" official PSV testing station " has the meaning given by section 16(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 subsections (2) and (3);

" 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;

" PSV operator's licence " means a PSV operator's licence granted under the provisions of this Part;

" public service vehicle " has the meaning given by section 2;

" relevant conviction " means a conviction (other than a spent conviction) of any offence prescribed for the purposes of this Part, or of 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 20(3);

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

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" stage carriage " has the meaning given by section 3, 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 ;

" 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 12(1).

(2) For the purposes of this Part—

- (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) 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).

(3) For the purposes of this Part 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.

(4) Any reference in this Part 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.