



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

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.
- (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
 - (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.