



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART IV

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

Use of certain vehicles by educational and other bodies

42 Use of certain vehicles by educational and other bodies

- (1) If a small passenger-carrying vehicle is used for carrying passengers for hire or reward, it shall nevertheless be treated as not being a public service vehicle if and so long as—
 - (a) the vehicle is specified in a permit under this section; and
 - (b) the vehicle is being used neither for the carriage of members of the public at large nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit; and
 - (c) the use of the vehicle is by the body to whom the permit was granted and in every respect in accordance with the conditions of the permit.
- (2) If a large passenger-carrying vehicle is used for carrying passengers for hire or reward, then, if and so long as the conditions set out in paragraphs (a) to (c) of subsection (1) above are satisfied, sections 12(1), 22 and 30 of this Act and section 23(2) of the Transport (London) Act 1969 (restrictions on provision of London bus services) shall not apply to the driving or use of the vehicle.
- (3) Permits under this section may be granted—
 - (a) in the case of small passenger-carrying vehicles, by the traffic commissioners for the traffic area in which the vehicle concerned is ordinarily kept to any body appearing to them to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community; and
 - (b) in the case of small or large passenger-carrying vehicles, by a body designated in an order under subsection (4) below either to itself or to any other body to whom, in accordance with the order, it is entitled to issue a permit;

but in the exercise of their discretion under this subsection traffic commissioners shall have regard to any directions (whether of a general or specific character) given to them by the Secretary of State.

- (4) The Secretary of State may by order designate for the purpose of this section bodies appearing to him to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community and, with respect to any body designated by it, any such order—
- (a) shall specify the classes of bodies to whom the designated body may grant permits under this section;
 - (b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either generally or in such cases as may be specified in the order, unless the permit contains such conditions as may be so specified; and
 - (c) may require the designated body to make returns with regard to the permits granted by it.
- (5) Different provision may be made by orders under subsection (4) above in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.
- (6) The power to make an order under subsection (4) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section and in the next two following sections—
- " body " means a body of persons, whether corporate or unincorporate ;
 - " large passenger-carrying vehicle " means a vehicle which is adapted to carry more than sixteen passengers ;
 - " small passenger-carrying vehicle " means a vehicle which is adapted to carry more than eight but not more than sixteen passengers;
- and any reference to a vehicle being used for carrying passengers for hire or reward shall be construed in accordance with section 1(5) of this Act.

43 Supplementary provisions as to permits under section 42

- (1) A permit under section 42 of this Act shall be in such form as may be prescribed under section 44 of this Act and, subject to subsection (5) below, shall specify—
- (a) the body to whom it is granted ; and
 - (b) the vehicle in respect of which it is granted.
- (2) In addition to any conditions contained in it by virtue of section 42(4)(b) of this Act, a permit under that section shall contain such conditions as the traffic commissioners or other body granting it consider appropriate including, in particular, conditions—
- (a) limiting the passengers who may be carried in the vehicle in pursuance of the permit to persons falling within such classes as may be specified in the permit; and
 - (b) with respect to such other matters as may be prescribed under section 44 of this Act.

- (3) A permit under section 42 of this Act may not be so varied as to substitute another body for the body to whom it was granted or another vehicle for the vehicle to which it relates but, subject thereto,—
- (a) a permit under that section which is granted by a body designated under subsection (4) thereof may be varied or revoked by that body or, after consultation with that body, by the traffic commissioners for any traffic area in which the vehicle concerned has been used in pursuance of the permit; and
 - (b) a permit under that section which is granted by the traffic commissioners for any traffic area may be varied or revoked by them.
- (4) A permit under section 42 of this Act shall remain in force until—
- (a) it is revoked under subsection (3) above ; or
 - (b) in the case of a permit granted by a body designated under section 42(4), that body ceases to be so designated.
- (5) If, having regard to the nature of a body to which they propose that a permit under section 42 of this Act should be granted, traffic commissioners or a body designated under subsection (4) of that section consider it appropriate, they may grant a permit under that section to a named individual on behalf of the body, rather than to the body itself; but a permit so granted shall be treated for the purposes of section 42 and subsection (3) above as granted to the body on whose behalf it is held.

44 Regulations for purposes of sections 42 and 43

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

- (d) persons employed in the provision of public transport services; and
- (e) manufacturers of motor vehicles ;

and with such other bodies or persons as he considers appropriate.

- (5) Regulations containing any provision made by virtue of paragraph (d) or paragraph (e) of subsection (1) above may contain such transitional provisions as the Secretary of State thinks fit.

Community bus services

45 Community bus services

- (1) where on an application in that behalf the traffic commissioners for any traffic area grant a road service licence in respect of a community bus service—
- (a) the licence shall state that it is granted in respect of such a service;
 - (b) the conditions specified in subsection (2) below shall be attached to the licence ; and
 - (c) such provision as is mentioned in subsection (3) below may be included in the licence with respect to the use of the community bus otherwise than in the operation of the community bus service.

- (2) The conditions to be attached in every case to a road service licence granted in respect of a community bus service are—

- (a) that any vehicle used in the course of the service is adapted to carry more than eight but not more than sixteen passengers;
- (b) that the driver of any vehicle being used in the course of the service—
 - (i) is a volunteer; and
 - (ii) if not the holder of a public service vehicle driver's licence, fulfils any prescribed conditions for drivers of community buses;
- (c) that any vehicle used in the course of the service fulfils the prescribed conditions of fitness for use as a community bus; and
- (d) that there is displayed on any vehicle being used in the course of the service such disc or other document issued by the traffic commissioners as may be prescribed for a vehicle used as a community bus;

and the powers conferred by section 32(3) and (5) of this Act to alter, remove or dispense from compliance with conditions attached to a road service licence shall not apply to conditions attached under this subsection.

- (3) Traffic commissioners on granting a road service licence in respect of a community bus service may, if they are satisfied that in all the circumstances it is reasonable to do so with a view to providing financial support for that service, include in the licence provision authorising the use of the community bus as a contract carriage or as an express carriage (or both), subject to such restrictions (if any) as the commissioners think fit to impose; and where such provision is included in a licence, the conditions attached under subsection (2) above to the licence shall apply to the use of the community bus as a contract carriage or express carriage as they apply to the use of a vehicle in the course of the community bus service.
- (4) Sections 6, 9, 12(1) and 22 of this Act shall not apply to the driving or use of a vehicle in the course of a community bus service or in the course of its use as a contract

carriage or express carriage in accordance with any such provision as is mentioned in subsection (3) above.

- (5) Where a community bus service is provided in whole or in part in Greater London, that service or part shall not be regarded as a London bus service within section 23 of the Transport (London) Act 1969 (under which the agreement or consent of the London Transport Executive is required instead of a road service licence); but where the traffic commissioners of the Metropolitan Traffic Area propose—
- (a) to grant a road service licence in respect of such a service; or
 - (b) to vary the conditions attached to such a licence,
- they shall consult the London Transport Executive about the proposal.
- (6) Subsection (7) of section 30 of this Act shall apply in relation to a condition attached to a road service licence under subsection (2) above as it applies in relation to a condition so attached under section 32 of this Act; and, for the purposes of sections 69 to 72 and 74 of this Act, an offence under the said subsection (7) as applied by this subsection shall be treated as an offence under Part III of this Act.
- (7) Regulations may provide that, in relation to any community bus service provided in whole or in part within a trial area, the preceding provisions of this section shall have effect with such additions, omissions, alterations or other modifications as may be prescribed.
- (8) In this section—
- "community bus service" means a stage carriage service provided—
- (a) by a body of persons (whether corporate or unincorporate) concerned for the social and welfare needs of one or more communities; and
 - (b) without a view to profit, either on the part of those persons or of anyone else;
- and in relation to such a service "the community bus" means any vehicle used on a regular basis in the course of the service ;
- "volunteer", in reference to the driver of a vehicle on any journey, means that he is not paid for driving the vehicle on that journey, disregarding—
- (a) any payment of reasonable expenses incurred by him in making himself available to drive; and
 - (b) any payment representing earnings lost as a result of making himself available to drive in exceptional circumstances.

Fare-paying passengers on school buses

46 Fare-paying passengers on school buses

- (1) Subject to subsection (2) below, a local education authority may—
- (a) use a school bus, when it is being used to provide free school transport, to carry as fare-paying passengers persons other than those for whom the free school transport is provided;
 - (b) use a school bus belonging to the authority, when it is not being used to provide free school transport, to provide a local bus service;
- and sections 6, 8, 9, 12(1) and 22 of this Act shall not apply to a school bus belonging to a local education authority in the course of its use by the authority in accordance with this subsection.

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

- (2) Subsection (1) above does not affect the duties of a local education authority in relation to the provision of free school transport or authorise a local education authority to make any charge for the carriage of a pupil on a journey which he is required to make in the course of his education at a school maintained by such an authority.
- (3) In this section—
- " free school transport" means transport provided by a local education authority in pursuance of arrangements under section 55(1) of the Education Act 1944 for the purpose of facilitating the attendance of pupils at a place of education;
- " local bus service " means a stage carriage service other than a service as regards which the condition specified in section 2(3)(a) of this Act is satisfied;
- " school bus ", in relation to a local education authority, means a motor vehicle which is used by that authority to provide free school transport.
- (4) In the application of this section to Scotland—
- (a) for the references to a local education authority there shall be substituted references to an education authority;
- (b) in subsection (2) above for " maintained by " there shall be substituted " under the management of "; and
- (c) in subsection (3) above for the definition of " free school transport" there shall be substituted—
- “" free school transport " means transport between a pupil's home and place of education provided in pursuance of arrangements under subsection (1)(a) of section 51 of the Education (Scotland) Act 1980 (pupils for whom such transport facilities are necessary) or in pursuance of subsection (2) of that section (other pupils allowed to use vacant seats free of charge)”.

Provisions relating to areas designated as experimental areas

47 Designation of experimental areas

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

- (a) may from time to time by order extend or further extend the period for which any particular order in force under subsection (2) above is to have effect; and
- (b) if requested by the local authority whose area is or contains the experimental area designated by such an order to extend or further extend the period for which the order is to have effect, shall so extend or further extend that period accordingly;

but the period of extension or further extension provided for in any one order under this subsection shall not exceed two years.

- (5) Before making any order under this section in respect of an area the Secretary of State shall consult with the local authority concerned, with such organisations as appear to him appropriate as representing persons providing or employed in the provision of public passenger transport services in the area, and with such other organisations or bodies as appear to him appropriate.
- (6) Any power conferred by this section to make orders shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section, in section 48 of this Act and in Schedule 5 to this Act—
 - " local authority " means, for England and Wales, a county council or the Greater London Council and for Scotland a regional or islands council;
 - " the local authority concerned " means—
 - (a) in relation to any area designated or proposed to be designated under subsection (2) above, the local authority whose area is or contains that area, and
 - (b) in relation to an authorisation or proposed authorisation under the next following section, the local authority who granted it or have power to grant it.

48 Powers of local authorities in relation to experimental areas

- (1) In relation to an experimental area the local authority concerned shall have the powers conferred by this section.
- (2) The local authority concerned may grant authorisations in respect of the use of vehicles for the carriage of passengers for hire or reward, whether or not at separate fares—
 - (a) within the experimental area or within one or more parts of that area; or
 - (b) within the experimental area and also on journeys falling partly within the experimental area and partly outside that area including, subject to subsection (5) below, journeys falling partly within the area of another local authority.
- (3) An authorisation under this section may be either—
 - (a) a general authorisation, applying (according to its terms) either—
 - (i) to private vehicles generally; or
 - (ii) to private vehicles adapted to carry not more than a specified number of passengers, being a number less than sixteen; or
 - (b) a special authorisation issued to a specified person and applying to such one or more private vehicles or commercial vehicles as may be specified in the authorisation.

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

- (4) An authorisation under this section shall specify the experimental area to which it relates and shall either—
- (a) state that it applies to the whole of that area ; or
 - (b) specify the part or parts of that area to which it applies; or
 - (c) state that it applies to the whole of that area and also covers journeys of the kind mentioned in subsection (2)(b) above.

- (5) A special authorisation granted by a local authority which is expressed to cover journeys of the kind mentioned in subsection (2)(b) above shall be of no effect within the area of another local authority unless granted with that other authority's consent.

- (6) An authorisation under this section shall be granted only with the approval of the Secretary of State, given either for that particular authorisation or generally for authorisations of a class or description into which that authorisation falls.

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

- (7) Schedule 5 to this Act shall have effect with respect to authorisations under this section,

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

In this subsection " the relevant conditions " means—

- (a) in the case of a general authorisation, the conditions attached to the authorisation by virtue of paragraph 1 of Schedule 5 to this Act, and
- (b) in the case of a special authorisation, any conditions attached to the authorisation under that Schedule.

- (9) Nothing in subsection (8) above shall affect the operation of section 40 of this Act.

- (10) In this section and in Schedule 5 to this Act—

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

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

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

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

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

49 Travel concessions

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