



# Public Passenger Vehicles Act 1981

## 1981 CHAPTER 14

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Supplementary provisions*

#### **78 Power of Minister to modify or revoke restrictions in local Acts.**

Where the running of public service vehicles is restricted or prohibited by any provision contained in—

- (a) a local Act (including an Act confirming a provisional order) passed before the commencement of subsection (2) of section 43 of the <sup>M1</sup>Transport Act 1980; or
- (b) an instrument made before the commencement of that subsection under any such local Act,

the Secretary of State may, on the application of any person affected by the restriction or prohibition, by order made by statutory instrument modify or revoke the restriction or prohibition.

#### **Marginal Citations**

**M1** 1980 c. 34.

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

At any time when a vehicle would apart from section [<sup>F1</sup>1(4)]of this Act be a public service vehicle, it shall continue to be treated as such for the purposes only of provisions contained in a local Act, in [<sup>F2</sup>sections 10 to 23 of the Civic Government (Scotland) Act 1982][<sup>F3</sup>, in the Private Hire Vehicles (London) Act 1998] or in Part II of the <sup>M2</sup>Local Government (Miscellaneous Provisions) Act 1976, which regulate the use of private hire vehicles provided for hire with the services of a driver for the

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purpose of carrying passengers and exclude public service vehicles from the scope of that regulation.

#### Extent Information

- E1** This version of this provision extends to England and Wales only; a separate version has been created for Scotland only

#### Textual Amendments

- F1** Words in s. 79 substituted (E.W.) (1.7.2001) by 2000 c. 38, s. 265(1); S.I. 2001/1498, art. 3  
**F2** Words substituted by Civic Government (Scotland) Act 1982 (c. 45 SIF 81:2), s. 137(3), Sch. 3 para. 5  
**F3** Words in s. 79 inserted (8.6.2004) by Private Hire Vehicles (London) Act 1998 (c. 34), s. 40(2), Sch. 1 para. 2 (with s. 29); S.I. 2004/241, art. 2(2)

#### Marginal Citations

- M2** 1976 c. 57.

### [<sup>F4</sup>79A Small PSVs subject to regulation as private hire vehicles.

- (1) If a small bus is being provided for hire with the services of a driver for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of—
- (a) Part II of the <sup>M3</sup>Local Government (Miscellaneous Provisions) Act 1976, or
  - (b) any local Act applying in any area in England and Wales which regulates the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and excludes public service vehicles from the scope of that regulation.
- (2) If a small bus is being made available with a driver to the public for hire for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of the <sup>M4</sup>Private Hire Vehicles (London) Act 1998.
- (3) But subsection (1) or (2) does not apply where the vehicle is being so provided or made available in the course of a business of carrying passengers by motor vehicles all but a small part of which involves the operation of large buses.
- (4) In this section—
- “small bus” means a public service vehicle within paragraph (b) of subsection (1) of section 1 of this Act; and
- “large buses” means public service vehicles within paragraph (a) of that subsection.

#### Textual Amendments

- F4** S. 79A inserted (E.W.) (1.7.2001) by 2000 c. 38, s. 265(2); S.I. 2001/1498, art. 3

#### Marginal Citations

- M3** 1976 c. 57.  
**M4** 1998 c. 34.

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## 80 Construction of references to traffic areas. ]

- (1) References in this Act to a traffic area constituted for the purposes thereof by a particular designation are references to the area described by that designation [<sup>F5</sup>in article 4 of, and Schedule 1 to, the Traffic Areas (Reorganisation) Order 1990].
- (2) Subsection (1) above has effect subject to the powers of the Secretary of State under section 3 of this Act to vary the provisions of this Act constituting traffic areas; . . . <sup>F6</sup>
- (3) . . . . . <sup>F7</sup>

### Textual Amendments

- F4** S. 79A inserted (E.W.) (1.7.2001) by 2000 c. 38, s. 265(2); S.I. 2001/1498, art. 3
- F5** Words in s. 80(1) substituted (1.6.1991) by S.I. 1991/288, arts. 5(1), 6(1), 9(1)
- F6** Words repealed by S.I. 1983/1714, art. 5(1)(b)
- F7** S. 80(3)(4) repealed by S.I. 1983/1714, art. 5(1)(c)

### Modifications etc. (not altering text)

- C1** S. 80 applied by Transport Act 1985 (c. 67, SIF 126), s. 137(1)

## 81 Interpretation of references to the operator of a vehicle or service.

- (1) For the purposes of this Act—
  - (a) regulations may make provision as to the person who is to be regarded as the operator of a vehicle which is made available by one holder of a PSV operator’s licence to another under a hiring arrangement; and
  - (b) where regulations under paragraph (a) above do not apply, the operator of a vehicle is—
    - (i) the driver, if he owns the vehicle; and
    - (ii) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work).
- (2) . . . . . <sup>F8</sup>

### Textual Amendments

- F8** S. 81(2) repealed by Transport Act 1985 (c. 67, SIF 126), s. 1(3), Sch. 1 para. 12, Sch. 8

## 82 General interpretation provisions.

- (1) In this Act, unless the context otherwise requires—
  - “certificate of initial fitness” has the meaning given by section 6.  
<sup>F9</sup> . . . . .
  - <sup>F10</sup> . . . . .
  - “company” means a body corporate;  
<sup>F11</sup> . . . . .

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“contravention”, in relation to any condition or provision includes a failure to comply with the condition or provision, and “contravene” shall be construed accordingly;

“director”, in relation to a company, includes any person who occupies the position of a director, by whatever name called;

“driver”, where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and “drive” shall be construed accordingly;

<sup>F11</sup> .....

“fares” include sums payable in respect of a contract ticket or a season ticket;

“international operation” means a passenger transport operation starting or terminating in the United Kingdom and involving an international journey by the vehicle concerned, whether or not any driver leaves or enters the United Kingdom with that vehicle;

“local authority” means—

- (a) in relation to England and Wales, any local authority within the meaning of the <sup>M5</sup>Local Government Act 1972;
- (b) in relation to Scotland, a [<sup>F12</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[<sup>F13</sup>“local service” has the same meaning as in the Transport Act 1985;]

“magistrates’ court” [<sup>F14</sup>has the same meaning] as in the <sup>M6</sup>Magistrates’ Courts Act 1980;

“modification” includes addition, omission and alteration, and related expressions shall be construed accordingly;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

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

“official PSV testing station” has the meaning given by section 8(3);

“operating centre”, in relation to a vehicle, means the base or centre at which the vehicle is normally kept;

“operator” has the meaning given by section 81;

“owner”, in relation to a vehicle which is the subject of an agreement for hire, hire-purchase, conditional sale or loan, means the person in possession of the vehicle under that agreement, and references to owning a vehicle shall be construed accordingly;

“prescribed” has the meaning given by section 60(2);

[<sup>F15</sup>“prescribed testing authority” means such person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act as may be prescribed]

“PSV operator’s licence” means a PSV operator’s licence granted under the provisions of Part II of this Act;

“public service vehicle” has the meaning given by section 1;

[<sup>F16</sup>“the 2009 Regulation” means Regulation (EC) No 1071/2009 of the European Parliament and of the Council of 21 October 2009 establishing common rules concerning the conditions to be complied with to pursue

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the occupation of road transport operator and repealing Council Directive 96/26/EC;

[<sup>F17</sup>“the 2011 Regulation” means Regulation (EU) No 181/2011 of the European Parliament and of the Council of 16 February 2011 concerning the rights of passengers in bus and coach transport and amending Regulation (EC) No 2006/2004;]

“Regulation (EC) 1073/2009” means Regulation (EC) No 1073/2009 of the European Parliament and of the Council of 21 October 2009 on common rules for access to the international market for coach and bus services, and amending Regulation (EC) No 561/2006;]

“relevant conviction” means a conviction (other than a spent conviction) of any offence prescribed for the purposes of this Act, or an offence under the law of Northern Ireland, or of a country or territory outside the United Kingdom, corresponding to an offence so prescribed;

“restricted licence” means such a PSV operator’s licence as is mentioned in section 13(3);

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes [<sup>F18</sup>except that in Scotland it has the same meaning as in the Roads (Scotland) Act 1984];

[<sup>F19</sup>“the Scottish traffic commissioner” is to be read in accordance with section 4(1)(b) (the traffic commissioner for the Scottish Traffic Area);]

<sup>F20</sup> .....

<sup>F21</sup> .....

“standard licence” means a PSV operator’s licence which is not a restricted licence;

“statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the <sup>M7</sup>Interpretation Act 1978;

[<sup>F22</sup>“traffic commissioner” means a commissioner appointed under section 4;]

“tramcar” includes any carriage used on any road by virtue of an order made under the <sup>M8</sup>Light Railways Act 1896;

[<sup>F23</sup>“transport manager” has the same meaning as in the 2009 Regulation;]

<sup>F24</sup> .....

[<sup>F25</sup>(1A) References in any provision of this Act to an authorised inspector are references to an authorised inspector under section 8 of the Transport Act 1982 and, where the function to which that provision relates is one of those specified in section 9 of that Act (testing and surveillance functions), are limited to an authorised inspector authorised under section 8 to exercise that function.]

(2) Any reference in this Act to [<sup>F26</sup>an EU] 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.

[<sup>F27</sup>(3) In this Act—

- (a) any reference to a county shall be construed in relation to Wales as including a reference to a county borough;

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- (b) any reference to a county council shall be construed in relation to Wales as including a reference to a county borough council; and
- (c) section 17(4) and (5) of the Local Government (Wales) Act 1994 (references to counties and districts to be construed generally in relation to Wales as references to counties and county boroughs) shall not apply.]

#### Textual Amendments

- F9** S. 82(1): definition repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix
- F10** Definition repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F11** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F12** S. 82(1): words in definition of "local authority" inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 121(4)** (with s.128(8)); S.I. 1996/323, **art. 2**
- F13** Definition inserted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 13**
- F14** Words in definition of "magistrates court" substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), **Sch. 10 para. 37** (with Sch. 14 para. 7(2))
- F15** Definition inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), **Sch. 5 para. 23(a)**
- F16** Words in s. 82 inserted (4.12.2011) by The Road Transport Operator Regulations 2011 (S.I. 2011/2632), reg. 1(1), **Sch. 1 para. 10(2)** (with Sch. 3 Pt. 1)
- F17** Words in s. 82(1) inserted (19.8.2013) by The Rights of Passengers in Bus and Coach Transport (Exemptions and Enforcement) Regulations 2013 (S.I. 2013/1865), regs. 1(1), **13(1)(c)**
- F18** Words added (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 83**
- F19** Words in s. 82(1) inserted (3.7.2013) by Local Transport Act 2008 (c. 26), **ss. 2(7)**, 134(4); S.I. 2013/685, art. 3(1)(2)(a)
- F20** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F21** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F22** Words in s. 82(1) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F23** Words in s. 82 substituted (4.12.2011) by The Road Transport Operator Regulations 2011 (S.I. 2011/2632), reg. 1(1), **Sch. 1 para. 10(3)** (with Sch. 3 Pt. 1)
- F24** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F25** S. 82(1A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), **Sch. 5 para. 23(b)**
- F26** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(3)(4)(5))
- F27** S. 82(3) added (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 36** (ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 3, **Sch. 1**

#### Marginal Citations

- M5** 1972 c. 70.
- M6** 1980 c. 43.
- M7** 1978 c. 30.
- M8** 1896 c. 48.

### 83 Construction of references in other Acts etc. to public service vehicles, licensing authorities etc.

- (1) A provision of an Act other than this Act or of an instrument having effect under an enactment not repealed by this Act which (however expressed) defines "public service

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vehicle”, . . . <sup>F28</sup> by reference to the <sup>M9</sup>Road Traffic Act 1930 or the <sup>M10</sup>Road Traffic Act 1960 shall have effect as if it provided that that expression should be construed in like manner as if it were contained in this Act.

(2) . . . . . <sup>F29</sup>

**Textual Amendments**

**F28** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 14\(a\)](#), Sch. 8

**F29** S. 83(2) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 14\(b\)](#), Sch. 8

**Marginal Citations**

**M9** 1930 c. 43.

**M10** 1960 c. 16.

**84 Protection of public interests.**

(1) It is hereby declared that nothing in this Act is to be treated as conferring on the holder of a licence granted thereunder any right to the continuance of any benefits arising from, or from a licence granted under, this Act, or from any conditions attached to any such licence.

(2) In the event of an undertaking by which a service of public service vehicles is provided being purchased compulsorily by a local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

**Modifications etc. (not altering text)**

**C2** S. 84 amended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 44\(3\)](#)

**C3** S. 84 amended (3.7.2000) by [1999 c. 29, s. 194\(3\)](#), (with Sch. 12 para. 9(1)); [S.I. 2000/801, art. 2\(2\)\(c\)](#), [Sch. Pt. 3](#)

**85 Saving for law of nuisance.**

Nothing in this Act shall authorise a person to use on a road a vehicle so constructed or used as to cause a public or private nuisance, or in Scotland a nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

**Modifications etc. (not altering text)**

**C4** S. 85 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 128](#)

**86 Saving for sections 16 and 17 of the Interpretation Act 1978.**

The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 16 or 17 of the <sup>M11</sup>Interpretation Act 1978 (which relate to the effect of repeals).

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#### Marginal Citations

**M11** 1978 c. 30.

### 87 Power of Secretary of State to repeal section 10 of this Act.

The Secretary of State may by order made by statutory instrument repeal section 10 of this Act from such day as may be specified in the order, and any such order may include provision, to take effect on that day, for the repeal of sections 6(1)(b), [<sup>F30</sup>51(1)(b)], 65(1)(c) and 66(c) of this Act.

#### Textual Amendments

**F30** “51(1)(b)” substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 21\(11\)](#)

#### Modifications etc. (not altering text)

**C5** S. 87 extended (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), s. 76(2), [Sch. 5 para. 24](#)

### 88 Transitional provisions, consequential amendments and repeals.

- (1) This Act shall have effect subject to the transitional provisions set out in Schedule 6 to this Act.
- <sup>X1</sup>(2) The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.
- <sup>X1</sup>(3) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

#### Editorial Information

**X1** The text of s. 88(2)(3) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

### 89 Short title, commencement and extent.

- (1) This Act may be cited as the Public Passenger Vehicles Act 1981.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- <sup>F31</sup>(3) .....
- (4) This Act does not extend to Northern Ireland.

#### Subordinate Legislation Made

**P1** Power of appointment conferred by s. 89(2) fully exercised: 30.10.1981 appointed by [S.I. 1981/1387](#)



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**Textual Amendments**

**F31** S. 89(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 14**

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