



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Appeals to the Secretary of State

50 Appeals to the Secretary of State

- (1) A person who has applied for the grant of a PSV operator's licence or a road service licence under this Act may appeal to the Secretary of State against any decision of the traffic commissioners—
 - (a) to refuse to grant the licence in accordance with the application; or
 - (b) to attach any condition to the licence otherwise than in accordance with the application.
- (2) Where a person who has applied for a new PSV operator's licence or road service licence in substitution for a licence held by him and in force at the date of his application appeals to the Secretary of State under subsection (1) above against any such decision of the traffic commissioners as is mentioned in paragraph (a) or (b) of that subsection, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 or 36 of this Act.
- (3) The holder of a PSV operator's licence or a road service licence may appeal to the Secretary of State against any decision of the traffic commissioners—
 - (a) to refuse an application by the holder for the variation or removal of any condition attached to the licence;
 - (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on an application by the holder; or
 - (c) to revoke or suspend the licence or to curtail its period of validity.
- (4) Traffic commissioners making any such decision with respect to a licence as is mentioned in paragraph (b) or (c) of subsection (3) above may, if the holder of the

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licence so requests, direct that their decision shall not have effect until the expiration of the period within which an appeal against it may be made to the Secretary of State under that subsection and, if such an appeal is made, until the appeal is disposed of; and if they refuse to give such a direction, the holder of the licence may apply to the Secretary of State for such a direction, and the Secretary of State shall give his decision on the application within fourteen days.

- (5) A person who has applied for the grant of a PSV operator's licence or a road service licence under this Act, or for the variation or removal of any conditions attached to such a licence, shall, if the traffic commissioners to whom the application was made fail to come to a decision on the application within a reasonable time, have the same right to appeal to the Secretary of State as if the commissioners had decided to refuse the application.
- (6) A person applying for—
- (a) a certificate of initial fitness under section 6 of this Act; or
 - (b) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle,
- may appeal to the Secretary of State against the refusal of a certifying officer to issue such a certificate.
- (7) A person other than the applicant for, or holder of, a road service licence may, if he has standing in the matter in accordance with subsection (8) below, appeal to the Secretary of State against any decision of the traffic commissioners with respect to—
- (a) the grant, revocation or suspension of a road service licence; or
 - (b) the attachment of any condition to a road service licence or the variation or removal of any condition attached to such a licence.
- (8) The persons having standing to appeal under subsection (7) above against a decision of the traffic commissioners with respect to a road service licence are—
- (a) any local authority in whose area the service, or any part of the service, is being or is to be provided under the licence; and
 - (b) any person providing transport facilities along or near the route, or part of the route, of the service which is being or is to be provided under the licence,
- being an authority or person who has made objections or other representations to the traffic commissioners in the course of the proceedings resulting in that decision.
- (9) An appeal under this section must be made within the prescribed time and in the prescribed manner; and provision may be made by regulations as to the procedure to be followed in connection with appeals under this section.
- (10) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against, and may give such directions as he thinks fit to the traffic commissioners or, as the case may be, to the certifying officer for giving effect to his decision; and it shall be the duty of the traffic commissioners or certifying officer to comply with any such directions.

51 Further appeals on points of law

- (1) An appeal lies at the instance of any of the persons mentioned in subsection (2) below on any point of law arising from a decision of the Secretary of State on an appeal from a decision of the traffic commissioners for any area—

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

Financial provisions

52 Fees for grant of licences etc.

- (1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged—
- (a) by the traffic commissioners for each traffic area in respect of—
 - (i) applications for, and the grant of, PSV operators' licences and road service licences;
 - (ii) applications for, and the issue of, certificates of initial fitness under section 6 of this Act;
 - (iii) the issue of operators' discs under section 18 of this Act;
 - (iv) applications for, and the issue of, certificates under section 21 of this Act as to repute, professional competence or financial standing; and
 - (v) applications for, and the issue of, documents required in relation to public service vehicles registered in Great Britain while making journeys to or from places outside Great Britain or in relation to public service vehicles registered outside Great Britain ;
 - (b) by the traffic commissioners for each traffic area and by the commissioner of police for the metropolis in respect of—
 - (i) applications for, and the issue of, licences to drive public service vehicles; and
 - (ii) the provision by the traffic commissioners or the said commissioner of police of facilities for a person to undergo a test of his competence as a driver in connection with an application by him for a licence to

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drive a public service vehicle, being a test which he is by virtue of regulations required to undergo in that connection.

- (2) The traffic commissioners or the said commissioner may, if any fee or instalment of a fee due in respect thereof has not been paid, decline to proceed with—
 - (a) any such application as is mentioned in subsection (1) above;
 - (b) the grant of any licence or the issue of any certificate, disc or other document referred to in that subsection; or
 - (c) the provision of any such facilities as are mentioned in paragraph (b)(ii) of that subsection,
 until the fee or instalment in question has been paid.
- (3) Any fees received by the traffic commissioners by virtue of this section or by virtue of regulations under section 44 of this Act shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (4) Any fees payable by virtue of this section to the commissioner of police of the metropolis shall be paid to the Receiver for the metropolitan police district or a person authorised by him to receive payments or give receipts on his behalf.

53 Payment of expenses

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

Provisions relating to traffic commissioners etc.

54 Procedure of traffic commissioners

- (1) The traffic commissioners may for any purpose, if they so think fit, hold public sittings at such places as appear to them convenient.
- (2) Not less than two commissioners shall be present at the hearing of an opposed application for the grant of a road service licence, and if where such an application is heard by two commissioners only there is a difference of opinion between them, the matter shall be reheard and determined by all the commissioners.
- (3) The traffic commissioners may delegate to any one of their members any of their functions other than those of hearing and determining opposed applications for the grant of road service licences and other than those of advising a local authority on the making of an order under section 15 or 33 of the Road Traffic Regulation Act 1967 or determining the charges referred to in subsection (3) of the said section 33.

- (4) So much of subsection (2) above as requires not less than two commissioners to be present at the hearing of an opposed application for the grant of a road service licence shall not apply—
- (a) to so much of the hearing of any such application as is devoted to determining whether the commissioners are satisfied as mentioned in section 34(1) or 35(1) of this Act; or
 - (b) to the remainder of the hearing of any such application in the case of which the commissioners have determined that they are so satisfied.
- (5) In this section "opposed application" means an application with respect to which an objection has been made and not withdrawn, being an objection to which the traffic commissioners are obliged to have regard by virtue of section 31(3)(c) of this Act.

55 Annual report of traffic commissioners and metropolitan police commissioner

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

56 Records of licences

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

Supplementary provisions as to licences etc.

57 Death, bankruptcy etc. of licence holder

- (1) A PSV operator's licence or road service licence is not assignable or, subject to the following provisions of this section, transmissible on death or in any other way.

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- (2) A PSV operator's licence or road service licence held by an individual terminates if he—
- (a) dies, or
 - (b) is adjudged bankrupt or, in Scotland, has his "estate sequestrated, or
 - (c) becomes a patient within the meaning of Part VIII of the Mental Health Act 1959, or, in Scotland, becomes incapable of managing his own affairs.
- (3) In relation to a PSV operator's licence or road service licence held by an individual or by a company, regulations may specify other events relating to the licence-holder on the occurrence of which the licence is to terminate.
- (4) The traffic commissioners by whom a PSV operator's licence or road service licence was granted may—
- (a) direct that the termination of the licence by subsection (2) above, or under subsection (3) above, be deferred for a period not exceeding twelve months or, if it appears to the commissioners that there are special circumstances, eighteen months, and
 - (b) authorise the business of the licence-holder to be carried on under the licence by some other person during the period of deferment, subject to such conditions as the commissioners may impose.

58 Partnership and related matters

- (1) Provision may be made by regulations for modifying the provisions of this Act, and any other statutory provisions relating to public service vehicles, in their application to the operation of vehicles and the provision of services by persons in partnership.
- (2) A PSV operator's licence or road service licence shall not be granted to an unincorporated body as such or to more than one person jointly except in cases permitted by regulations under this section.

Regulations

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

Subject to the provisions of this Act, provision may be made by regulations as to the procedure on—

- (a) applications for the grant of PSV operators' licences, road service licences or licences to drive public service vehicles,
- (b) applications or proposals for the variation of conditions attached to PSV operators' licences or road service licences,
- (c) the determination of questions in connection with the grant, suspension and revocation of such licences as are mentioned in paragraph (a) and in connection with any such variation as is mentioned in paragraph (b), and
- (d) the surrender of licences,

and those regulations may make provision as to the particulars to be furnished and the persons to whom notices are to be given, the manner in which notices are to be published or served, and the manner in which objections or other representations with respect to the determination of such questions as are mentioned in paragraph (c) may be made.

60 General power to make regulations for purposes of Act

(1) The Secretary of State may make regulations for any purpose for which regulations may be made under this Act and for prescribing anything which may be prescribed under this Act and generally for the purpose of carrying this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

- (a) the forms to be used for the purpose of this Act;
- (b) applications for and issue of licences and of certificates of initial fitness;
- (c) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;
- (d) applications for, and the issue of, the disc or other document required under section 45(2) of this Act in connection with a community bus service;
- (e) the fees to be payable under this Act and the persons liable to pay the same ;
- (f) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;
- (g) the badges to be worn by drivers of public service vehicles;
- (h) the custody, production and cancellation on revocation or expiration of licences and certificates of initial fitness, and the return to the commissioners or, as the case may be, the commissioner of police of the metropolis, of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates ;
- (j) the carriage of luggage and goods on public service vehicles;
- (k) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges made in respect thereof;
- (l) the equipment to be carried by public service vehicles;
- (m) for providing that this Act or, any provision thereof, shall have effect in relation to—
 - (i) public service vehicles registered in Great Britain, while making journeys to or from destinations outside Great Britain ; and
 - (ii) public service vehicles registered outside Great Britain,with such additions, omissions, alterations or other modifications (whether conditional or not) as may be prescribed;

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

(2) In this Act " prescribed " means prescribed by regulations and " regulations " means regulations made under this section.

(3) In subsections (1) and (2) above the references to this Act shall be construed as if sections 42 to 44 and 47 to 49 were not contained therein.

61 Exercise of regulation making powers and parliamentary control thereof

(1) Any power conferred by this Act upon the Secretary of State to make regulations shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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

Provisions relating to Metropolitan Traffic Area

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

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

63 Accounts of metropolitan police commissioner

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

64 Exclusion of certain enactments as respects Metropolitan Traffic Area

- (1) As respects the Metropolitan Traffic Area, the Metropolitan Public Carriage Act 1869 and the London Cab and Stage Carriage Act 1907 shall not apply to a public service vehicle or to the driver or conductor thereof.
- (2) As respects the Metropolitan Traffic Area, no local authority shall exercise under the Town Police Clauses Act 1847 any powers with respect to public service vehicles or the licensing thereof or of their drivers or conductors.

Provisions relating to offences and legal proceedings

65 Forgery and misuse of documents etc.

- (1) This section applies to the following documents and other things, namely—
- (a) a licence under Part II or III of this Act;
 - (b) a certificate of initial fitness under section 6 of this Act;

- (c) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;
 - (d) an operator's disc under section 18 of this Act;
 - (e) a certificate under section 21 of this Act as to the repute, financial standing or professional competence of any person;
 - (f) a document evidencing the appointment of a person as a certifying officer or public service vehicle examiner.
- (2) A person who, with intent to deceive—
- (a) forges or alters, or uses or lends to, or allows to be used by, any other person, a document or other thing to which this section applies, or
 - (b) makes or has in his possession any document or other thing so closely resembling a document or other thing to which this section applies as to be calculated to deceive,
- shall be liable—
- (i) on conviction on indictment, to imprisonment for a term not exceeding two years;
 - (ii) on summary conviction, to a fine not exceeding the statutory maximum.
- (3) In the application of this section to England and Wales—
- " forges " means forges within the meaning of the Forgery Act 1913 ;
 - "statutory maximum" means the prescribed sum within the meaning of section 28 of the Criminal Law Act 1977 (at the passing of this Act £1,000).
- (4) In the application of this section to Scotland—
- "statutory maximum" means the prescribed sum within the meaning of section 289B of the Criminal Procedure (Scotland) Act 1975 (at the passing of this Act £1,000).

66 False statements to obtain licence etc.

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

- (a) obtaining the grant of a licence under Part II or III of this Act to himself or any other person, obtaining the variation of any such licence, preventing the grant or variation of any such licence or procuring the imposition of a condition or limitation in relation to any such licence;
- (b) obtaining the issue of a certificate of initial fitness under section 6 of this Act;
- (c) obtaining the issue of a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;
- (d) obtaining the issue of an operator's disc under section 18 of this Act; or
- (e) obtaining the issue of a certificate under section 21 of this Act as to the repute, financial standing or professional competence of any person ;

shall be liable on summary conviction to a fine not exceeding £500.

67 Penalty for breach of regulations

Subject to section 68(1) of this Act, if a person acts in contravention of, or fails to comply with, any regulations made by the Secretary of State under this Act (other than regulations made under section 44 thereof) and contravention thereof, or failure

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to comply therewith, is not made an offence under any other provision of this Act, he shall for each offence be liable on summary conviction to a fine not exceeding £50.

68 Defences available to persons charged with certain offences

- (1) It shall be a defence for a person charged with an offence under any of the provisions of this Act mentioned in subsection (2) below to prove that there was a reasonable excuse for the act or omission in respect of which he is charged.
- (2) The provisions referred to in subsection (1) above are—
 - (a) sections 19(5), 20(4), 24(2) and (3), 25(3), 26(2), 33(7), 40(6), 67 and 70(3); and
 - (b) so much of section 22(9) as relates to contravention of section 22(1)(a).
- (3) It shall be a defence for a person charged with an offence under any of the provisions of this Act mentioned in subsection (4) below to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of any offence under that provision.
- (4) The provisions referred to in subsection (3) above are—
 - (a) sections 6(2), 9(9)(b), 12(5), 16(7), 18(4), 26(2), 27(2), and 30(6) and (7); and
 - (b) so much of section 22(9) as relates to contravention of section 22(1)(b).

69 Restriction on institution in England and Wales of proceedings under Part II or III

- (1) Subject to the provisions of this section proceedings for an offence under Part II or III of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic commissioners, a chief officer of police, or the council of a county or district.
- (2) Subsection (1) above shall not apply to proceedings for the breach of regulations having effect by virtue of section 25 or 26 of this Act.
- (3) Subsection (1) above shall not prevent the institution by or on behalf of the Secretary of State of proceedings for an offence under section 27 of this Act.

70 Duty to give information as to identity of driver in certain cases

- (1) Where the driver of a vehicle is alleged to be guilty of an offence under Part II or III of this Act—
 - (a) the person keeping the vehicle shall give such information as to the identity of the driver as he may be required to give by or on behalf of a chief officer of police, and
 - (b) any other person shall if required as aforesaid give any information which it is in his power to give and may lead to the identification of the driver.
- (2) A person who fails to comply with the requirement of paragraph (a) of subsection (1) above shall, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence ascertain who the driver of the vehicle was, be liable on summary conviction to a fine not exceeding £50.

- (3) Subject to section 68(1) of this Act, a person who fails to comply with the requirement of paragraph (b) of subsection (1) above shall be liable on summary conviction to a fine not exceeding £50.

71 Evidence by certificate

- (1) In any proceedings in England or Wales for an offence under Part II or III of this Act a certificate in the prescribed form, purporting to be signed by a constable and certifying that the person specified in the certificate stated to the constable—
- (a) that a particular motor vehicle was being driven or used by, or belonged to, that person on a particular occasion ; or
 - (b) that a particular motor vehicle on a particular occasion was used by or belonged to a firm in which that person also stated that he was at the time of the statement a partner; or
 - (c) that a particular motor vehicle on a particular occasion was used by or belonged to a company of which that person also stated that he was at the time of the statement a director, officer or employee,
- shall be admissible as evidence for the purpose of determining by whom the vehicle was being driven or used or to whom it belonged, as the case may be, on that occasion.
- (2) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence except in a case where and to the like extent to which oral evidence to the like effect would have been admissible in those proceedings.
- (3) Nothing in subsection (1) above shall be deemed to make a certificate admissible as evidence in proceedings for an offence—
- (a) unless a copy thereof has, not less than seven days before the hearing or trial, been served in the prescribed manner on the person charged with the offence; or
 - (b) if that person, not later than three days before the hearing or trial or within such further time as the court may in special circumstances allow, serves a notice in the prescribed form and manner on the prosecutor requiring attendance at the trial of the person who signed the certificate.
- (4) In this section "prescribed" means prescribed by rules made by the Secretary of State by statutory instrument.

72 Proof in summary proceedings of identity of driver of vehicle

Where on a summary trial in England or Wales of an information for an offence under Part II or III of this Act—

- (a) it is proved to the satisfaction of the court, on oath or in a manner prescribed by rules made under section 15 of the Justices of the Peace Act 1949, that a requirement under subsection (1) of section 70 of this Act to give information as to the identity of the driver of a particular vehicle on the particular occasion to which the information relates has been served on the accused by post; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver of that vehicle on that occasion,

the court may accept that statement as evidence that the accused was the driver of that vehicle on that occasion.

73 Time within which summary proceedings for certain offences must be commenced

Summary proceedings for an offence under section 65 or 66 of this Act may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge; but no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

For the purposes of this section a certificate signed by or on behalf of the prosecutor and stating the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

74 Offences by companies

- (1) Where an offence under Part II or Part III of this Act committed by a company is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the company, or any person who was purporting to act in any such capacity, he, as well as the company, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a company are managed by its members, subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the company.

75 Destination of fines

There shall be paid into the Consolidated Fund all fines imposed in respect of offences committed in Scotland under the foregoing provisions of this Act or the regulations thereunder, except offences under section 26(2).

Inquiries

76 General power to hold inquiries

Without prejudice to any other provision of this Act, the Secretary of State may hold inquiries for the purposes of this Act except sections 42 to 44 and 47 to 49 thereof.

77 General provisions as to inquiries

- (1) Where under any of the provisions of this Act an inquiry is held by the Secretary of State—
 - (a) notice of the inquiry may be given and published in accordance with Such general or special directions as the Secretary of State may give;
 - (b) the Secretary of State and, if authorised by him, the person appointed to hold the inquiry, may by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce any documents in his possession or power which relate to any matter in question at the inquiry, and are such as would be subject to production in a court of law;

- (c) the person holding the inquiry shall have power to take evidence on oath and for that purpose to administer oaths;
 - (d) the Secretary of State may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding £30 a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and may certify the amount of the costs so incurred, and any amount so certified and directed by the Secretary of State to be paid by any person shall be recoverable from that person, and shall be so recoverable, in England or Wales, either as a debt to the Crown or by the Secretary of State summarily as a civil debt, and in Scotland by the Secretary of State.
- (2) If a person fails without reasonable excuse to comply with any of the provisions of an order under paragraph (b) of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding £200.

Supplementary provisions

78 Power of Secretary of State to modify or revoke restrictions in local Acts

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

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

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

79 Vehicles excluded from regulation as private hire vehicles

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

80 Construction of references to traffic areas

- (1) References in this Act to a traffic area constituted for the purposes thereof by a particular designation are references to the area described by that designation on the signed maps whose boundary is delineated thereon by a red line.
- (2) Subsection (1) above has effect subject to the powers of the Secretary of State under section 3 of this Act to vary the provisions of this Act constituting traffic areas; and if, by virtue of subsection (3) of that section, an order thereunder provides for substituting, for any of the signed maps, maps authenticated as provided by the order and showing the areas to which the order relates as constituted in accordance with the

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provisions of the order, the substituted maps shall be deemed to be included among the signed maps in place of those for which they were substituted.

- (3) In this section " the signed maps " means the maps contained in the three sets of books signed by the Chairman of the Joint Committee of the House of Lords and the House of Commons to which the Bill for the Road Traffic Act 1960 was referred, of which one set was deposited in the Office of the Clerk of the Parliaments, one in the Private Bill Office of the House of Commons and one at the Ministry of Transport.
- (4) The signed maps, and any substituted therefor by virtue of section 3 of this Act, shall be for all purposes conclusive evidence of the extent of the respective areas whose boundaries are delineated thereon; and a copy of any such map purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office shall be of equal validity with the original.

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

- (1) For the purposes of this Act—
- (a) regulations may make provision as to the person who is to be regarded as the operator of a vehicle which is made available by one holder of a PSV operator's licence to another under a hiring arrangement; and
 - (b) where regulations under paragraph (a) above do not apply, the operator of a vehicle is—
 - (i) the driver, if he owns the vehicle; and
 - (ii) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work).
- (2) For the purposes of this Act the operator of a stage or express carriage service is the person, or each of the persons, providing the service; and for those purposes the operator of a vehicle being used as a stage or express carriage shall be taken to be providing the service thereby provided unless he proves that the service is or forms part of a service provided not by himself but by one or more other persons.

82 General interpretation provisions

- (1) In this Act, unless the context otherwise requires—
- " certificate of initial fitness " has the meaning given by section 6.
 - " certifying officer " means an officer appointed under section 7(1);
 - " community bus service " has the meaning given by section 45(8);
 - " company " means a body corporate;
 - " contract carriage " has the meaning given by section 2;
 - " contravention ", in relation to any condition or provision, includes a failure to comply with the condition or provision, and "contravene" shall be construed accordingly;
 - " director ", in relation to a company, includes any person who occupies the position of a director, by whatever name called;
 - " driver ", where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and " drive " shall be construed accordingly;

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" excursion or tour " means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places and back;

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

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

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

" local authority " means—

(a) in relation to England and Wales, any local authority within the meaning of the Local Government Act 1972 ;

(b) in relation to Scotland, a regional, islands or district council;

" magistrates' court " and " petty sessions area " have the same meanings as in the Magistrates' Courts Act 1980 ;

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

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

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

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

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

" operator " has the meaning given by section 81;

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

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

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

" public service vehicle " has the meaning given by section 1;

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

" restricted licence " means such a PSV operator's licence as is mentioned in section 13(3);

" road " means any highway and any other road to which the public has access, and includes bridges over which a road passes;

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

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

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" standard licence " means a PSV operator's licence which is not a restricted licence ;

" statutory provision " means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978 ;

" tramcar " includes any carriage used on any road by virtue of an order made under the Light Railways Act 1896 ;

" transport manager ", in relation to a business, means an individual who, either alone or jointly with one or more other persons, has continuous and effective responsibility for the management of the road passenger transport operations of the business;

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

- (2) Any reference in this Act to a Community instrument or to a particular provision of such an instrument—
- (a) is a reference to that instrument or provision as amended from time to time, and
 - (b) if that instrument or provision is replaced, with or without modification, shall be construed as a reference to the instrument or provision replacing it.

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

- (1) A provision of an Act other than this Act or of an instrument having effect under an enactment not repealed by this Act which (however expressed) defines "public service vehicle ", " stage carriage ", " express carriage " or " contract carriage" by reference to the Road Traffic Act 1930 or the Road Traffic Act 1960 shall have effect as if it provided that that expression should be construed in like manner as if it were contained in this Act.
- (2) References in any enactment to a licensing authority for public service vehicles shall be construed as references to the traffic commissioners for a traffic area constituted for the purposes of this Act.

84 Protection of public interests

- (1) It is hereby declared that nothing in this Act is to be treated as conferring on the holder of a licence granted thereunder any right to the continuance of any benefits arising from, or from a licence granted under, this Act, or from any conditions attached to any such licence.
- (2) In the event of an undertaking by which a service of public service vehicles is provided being purchased compulsorily by a local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

85 Saving for law of nuisance

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

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

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

87 Power of Secretary of State to repeal section 10

The Secretary of State may by order made by statutory instrument repeal section 10 of this Act from such day as may be specified in the order, and any such order may include provision, to take effect on that day, for the repeal of sections 6(1)(b), 50(6)(b), 65(1)(c) and 66(c) of this Act.

88 Transitional provisions, consequential amendments and repeals

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

89 Short title, commencement and extent

- (1) This Act may be cited as the Public Passenger Vehicles Act 1981.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- (3) Section 25(2) of this Act does not extend to Scotland.
- (4) This Act does not extend to Northern Ireland.