



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART III

PROVISIONS RELATING TO STAGE CARRIAGE SERVICES

Road service licences

30 Road services licences required for operation of stage carriage services

- (1) Subject to section 39 of this Act and to the provisions of section 23 of the Transport (London) Act 1969 as to London bus services, a stage carriage service shall not be provided except under a road service licence granted in accordance with the following provisions of this Part of this Act
- (2) The authority having power to grant a road service licence in respect of a stage carriage service is the traffic commissioners for any traffic area in which the service is proposed to be provided, not being an area in which passengers will be neither taken up nor set down in the course of the service; and a road service licence authorises the holder to provide the service specified in the licence in the area of the traffic commissioners by whom it was granted and in any other traffic area in which passengers are neither taken up nor set down in the course of the service.
- (3) Where a stage carriage service is proposed to be provided on a route running through more than one traffic area, a separate road service licence is required for each traffic area in which passengers will be either taken up or set down in the course of the service.
- (4) Subject to subsection (5) below and to section 35(2) of this Act, a road service licence granted by the traffic commissioners for any traffic area shall be of no effect at any time at which the holder does not also hold a PSV operator's licence granted by the commissioners for that or any other traffic area, not being a licence which is at that time of no effect by reason of its suspension.
- (5) Subsection (4) above does not apply—
 - (a) to a road service licence held by a local education authority or, in Scotland, an education authority;

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- (b) to a road service licence granted in respect of a community bus service within the meaning of section 45 of this Act.
- (6) Subject to section 68(3) of this Act, if a stage carriage service is provided in contravention of subsection (1) above, the operator of the service shall be liable on summary conviction to a fine not exceeding £200.
- (7) Subject to section 68(3) of this Act, if a condition attached under section 32 or 33 of this Act to a road service licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding £200.
- (8) A road service licence is required for a stage carriage service notwithstanding that the provision of such a service is authorised under Part V of the Road Traffic Act 1930 or by a special Act or an order having the force of an Act.

31 Grant of road service licences

- (1) An application for a road service licence shall be made in such form as the traffic commissioners may require, and an applicant shall give the commissioners such information as they may reasonably require for disposing of the application.
- (2) Where an application is made for the grant of a road service licence, the traffic commissioners—
 - (a) shall grant the licence unless they are satisfied that to do so would be against the interests of the public; and
 - (b) if they grant the licence, shall do so in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public.
- (3) In considering under subsection (2) above whether the grant of a licence would be against the interests of the public, or the extent to which the grant of a licence in accordance with the application would be against those interests, the traffic commissioners shall in particular have regard to—
 - (a) the transport requirements of the area as a whole (including so much as is relevant not only of the commissioners' own traffic area but also of adjoining traffic areas) and of particular communities in the area ;
 - (b) any transport policies or plans which have been made by the local authorities concerned and have been drawn to the commissioners' attention by those authorities; and
 - (c) any objections or other representations made to the commissioners in the prescribed manner which in their opinion are relevant.
- (4) In subsection (3) above " the local authorities concerned " means—
 - (a) in Greater London, the Greater London Council;
 - (b) elsewhere in England and Wales, county councils ; and
 - (c) in Scotland, regional and islands councils.
- (5) The traffic commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to the chief officer of police of every police district in which any such service is to be provided and to each of the following councils in whose area any such service is to be provided, that is to say—
 - (a) the Greater London Council, any London borough council and the Common Council of the City of London;

- (b) any county council or district council in England or Wales; and
- (c) any regional, islands or district council in Scotland.

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

- (1) Subject to subsection (2) below and to any regulations, traffic commissioners granting a road service licence may attach to the licence such conditions as they think fit having regard to the interests of the public, and in particular to the matters mentioned in section 31(3)(a) to (c) of this Act, and may in particular attach thereto such conditions as they think fit (having regard as aforesaid) for securing—
 - (a) that suitable routes are used in providing any service which may be provided under the licence;
 - (b) that copies of the timetable and fare-table are carried and are available for inspection in vehicles used on any such service;
 - (c) that passengers are not taken up or are not set down except at specified points, or are not taken up or are not set down between specified points ;and generally for securing the safety and convenience of the public, including persons who are disabled.
- (2) No such condition as to fares as is mentioned in section 33(1) of this Act shall be attached under this section to a road service licence.
- (3) The traffic commissioners by whom a road service licence was granted may at any time while it is in force vary the licence by—
 - (a) altering, in such manner as they think fit having regard to the interests of the public, any condition attached to the licence ; or
 - (b) removing any condition attached to the licence, if they think fit having regard to those interests; or
 - (c) attaching to the licence any such condition or additional condition as they think fit having regard to those interests.
- (4) Where the holder of such a licence makes an application to the traffic commissioners requesting them to exercise then-powers under subsection (3) above, the commissioners shall exercise those powers in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public.
- (5) Compliance with any condition attached to a road service licence under this section may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied—
 - (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered; and
 - (b) that such a dispensation would not be against the interests of the public.

33 Attachment to road service licences of conditions as to fares

- (1) Subject to subsection (3) below and to any regulations, traffic commissioners may (whether at the time when the licence is granted or at any time thereafter, and whether or not in response to any particulars received by them under this Part of this Act) attach to a road service licence granted by them conditions or additional conditions as

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- to the fares, or the minimum or maximum fares, which may be charged for services provided under the licence.
- (2) Subject to subsection (3) below, the traffic commissioners by whom a road service licence was granted may at any time while it is in force vary the licence by—
- (a) altering in such manner as they think fit any condition as to fares attached under subsection (1) above to the licence;
 - (b) removing any condition as to fares so attached to the licence.
- (3) The traffic commissioners shall not exercise their powers under subsection (1) above or their powers of alteration under subsection (2) above in any particular case unless satisfied that the proposed exercise of those powers in that case is essential in the interests of the public—
- (a) to protect the public from unreasonable use by the holder of the licence of his position as such; or
 - (b) to regulate the terms of competition between stage carriage services on any route or routes.
- (4) Where the holder of a road service licence makes an application to the traffic commissioners requesting them to exercise their powers (whether of alteration or removal) under subsection (2) above, the commissioners—
- (a) shall remove all the conditions attached under subsection (1) above to the licence except to the extent that they are satisfied that it is essential in the interests of the public to maintain them, with or without alteration, for one or both of the purposes mentioned in paragraphs (a) and (b) of subsection (3) above; and
 - (b) shall not exercise their powers of alteration under subsection (2) above unless satisfied that the proposed exercise of those powers is consistent with their reasons for not removing all the conditions attached under subsection (1) above to the licence.
- (5) Compliance with any condition attached to a road service licence under subsection (1) above may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied—
- (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered; and
 - (b) that such a dispensation would not be against the interests of the public.
- (6) Where it is proposed to make any change in the fares charged for any service provided under a road service licence, it shall be the duty of the holder of the licence to supply to the traffic commissioners, not later than the prescribed time before the date of the proposed change, the prescribed particulars of the proposed change.
- (7) Subject to section 68(1) of this Act, a person who fails to supply within the prescribed time any particulars which he is required to supply under subsection (6) above shall be liable on summary conviction to a fine not exceeding £200.
- (8) A person who in purporting to comply with subsection (6) above supplies any particulars which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding £500.

34 Grant of road service licences for services on routes not otherwise served

- (1) If, in the case of any application for a road service licence, the traffic commissioners are satisfied that there are no other transport facilities available to meet the reasonable needs of the route on which the service which the applicant proposes to provide under the licence would operate—
 - (a) the commissioners shall grant the applicant a road service licence in respect of that route and shall do so in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public; and
 - (b) in relation to the application and to the licence granted on it, sections 31 and 32 of this Act shall have effect as if section 31(2) to (4) and, in section 32(1), the words " and in particular to the matters mentioned in section 31(3)(a) to (c) of this Act" were omitted.
- (2) Every road service licence granted in pursuance of this section shall include a statement that it is so granted.
- (3) No appeal shall lie under section 50 of this Act from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

35 Grant of road service licences for certain excursions or tours

- (1) If, in the case of any application for a road service licence, the traffic commissioners are satisfied that the service which the applicant proposes to provide under the licence (" the proposed service ") would be an excursion or tour and are also satisfied either—
 - (a) that the proposed service would not compete directly with—
 - (i) any other service for which a road service licence has been granted, not being an excursion or tour, or
 - (ii) any London bus service within the meaning of section 23 of the Transport (London) Act 1969; or
 - (iii) any service being provided by means of one or more tramcars; or
 - (b) that the proposed service would operate only to enable passengers to attend special events,the commissioners shall grant the applicant a road service licence in accordance with the application and, in relation to the application and to the licence granted on it, sections 31(2) to (4), 32 and 33 of this Act shall not apply.
- (2) Section 30(4) of this Act does not prevent a road service licence granted in pursuance of this section from having effect for the purposes of the provision of a service by means of a vehicle whose operator holds a PSV operator's licence granted by the traffic commissioners for any traffic area, not being a licence which is for the time being of no effect by reason of its suspension.
- (3) Every road service licence granted in pursuance of this section shall include a statement that it is so granted.
- (4) No appeal shall lie under section 50 of this Act from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

36 Revocation and suspension of road service licences

- (1) Subject to subsection (2) below, a road service licence may be revoked or suspended by the traffic commissioners who granted the licence on the ground that there has been a contravention of any condition attached to it.
- (2) The traffic commissioners shall not revoke or suspend a road service licence unless, owing to the frequency of the breach of conditions, or to the breach having been committed intentionally, or to the danger to the public involved in the breach, the commissioners are satisfied that the licence should be revoked or suspended.
- (3) On revoking or suspending a road service licence the traffic commissioners shall send notice thereof—
 - (a) to the chief officer of police of every police district in which the service to which the licence relates was provided ; and
 - (b) to each of the councils mentioned in section 31(5)(a) to (c) of this Act in whose area that service was provided.
- (4) A road service licence suspended under this section shall during the time of suspension be of no effect.

37 Duration of road service licences

- (1) Regulations shall specify the dates in the year on which road service licences are to expire.
- (2) Subject to subsection (3) below, a road service licence shall, unless previously revoked, continue in force up to and including that one of the dates so specified which occurs next before the expiration of five years from the date on which the licence is expressed to take effect unless at the time of the granting of the licence the traffic commissioners for special reasons determine that it shall continue in force only up to and including an earlier date (being one of those so specified), in which case it shall, unless previously revoked, continue in force only up to and including that date.
- (3) If, on the date on which a road service licence is due to expire, proceedings are pending before the traffic commissioners on an application for the grant of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 36 of this Act.
- (4) Nothing in this section shall prevent—
 - (a) the grant of a road service licence in respect of a service limited to one or more particular periods or occasions; or
 - (b) the attachment to a road service licence of a condition that the service shall be so limited.

Trial areas

38 Designation of trial areas

- (1) For the purposes of this Part of this Act, a trial area is any area in Great Britain (outside Greater London) for the time being designated in accordance with the following provisions of this section as an area in which road service licences are not required for stage carriage services.

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- (2) The Secretary of State may, if he thinks fit, make an order in this section referred to as a " designation order ") so designating any area consisting of the whole or part of the area of a local authority, but shall not make such an order in respect of any area except on an application made to him by the local authority concerned.
- (3) An application for a designation order shall specify the area which the local authority concerned wishes to be designated by the order; and the area designated by such an order as originally made—
 - (a) shall not include any area outside the area specified in the application on which the order is made; and
 - (b) shall not consist of less than the whole of the area so specified unless the reduction is made with the consent of the local authority concerned.
- (4) Subject to subsection (5) below, the Secretary of State may by order vary or revoke a designation order but shall not do so except on an application made to him by the local authority concerned; and the Secretary of State—
 - (a) on an application for an order varying a designation order, may at his discretion refuse the application or make the order applied for either with or without modifications; and
 - (b) on an application for an order revoking a designation order, may at his discretion refuse the application or make the order applied for.
- (5) A designation order—
 - (a) shall not be revoked before the end of the period specified in the order, as originally made, as the minimum period for which the order is to be in force, being a period of not less than two and not more than five years beginning with the day on which it comes into force;
 - (b) shall not before the end of that period be varied so as to exclude from the area designated by it any part of the area originally so designated; and
 - (c) shall at no time be varied so as to include in the area designated by it any area outside the area originally so designated.
- (6) The preceding provisions of this section have effect subject to the provisions of Schedule 4 to this Act (which relate to the making of applications for, and the variation and revocation of, designation orders).
- (7) Any order under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) In this section and Schedule 4 to this Act—
 - " designation order " has the meaning given by subsection (2) above (but does not include an order under this section altering the area designated by a designation order);
 - " local authority " means, for England and Wales, a county council and, for Scotland, a regional or islands council;
 - " the local authority concerned ", in relation to any area designated or proposed to be designated under this section, means the local authority whose area is or contains that area.

39 Stage carriage services in trial areas

- (1) A road service licence is not required for the provision of a stage carriage service within a trial area.
- (2) Where a stage carriage service operates partly within one or more trial areas and partly not within a trial area—
 - (a) a road service licence is not required in respect of so much of the service as operates not within a trial area but within a traffic area in which (except in any trial area) passengers are neither taken up nor set down in the course of the service; and
 - (b) any conditions attached to a road service licence under which any part of that service is provided shall not apply in relation to so much of the service as operates within any trial area.
- (3) So much of subsection (3) of section 1 of the Road Traffic Regulation Act 1967 as provides that no prohibition or restriction on waiting imposed by a traffic regulation order under that section shall apply to a stage carriage shall not operate within a trial area.

40 Duty to publish particulars of stage carriage services in trial areas

- (1) This section applies to any stage carriage service which operates wholly within a trial area; but where a stage carriage service operates only partly within a trial area, so much of it as operates within that area shall for the purposes of this section be treated as a separate stage carriage service to which this section applies.
- (2) Before—
 - (a) starting to provide a new service to which this section applies; or
 - (b) making, otherwise than temporarily, any changes in a service to which this section applies; or
 - (c) discontinuing a service to which this section applies,the operator of the service shall—
 - (i) give to the local authority concerned, and to every district council in whose area passengers will be or are taken up or set down in the course of the service in question (including, in a case within paragraph (b) above, the service as proposed to be changed), a notice giving the prescribed information about the new service, the changes or the discontinuance, as the case may be; and
 - (ii) publish in a local newspaper circulating in the locality served or to be served by the service a notice giving the prescribed information about the new service, the changes or the discontinuance, as the case may be.
- (3) Subject to subsection (4) below, any notice required by subsection (2) above shall be given or published not later than the prescribed time before the operator does as mentioned in subsection (2)(a), (b) or (c), as the case may be.
- (4) Where the operator of a service to which this section applies does as mentioned in subsection (2)(a), (b) or (c) above in consequence of unforeseen circumstances making it impracticable for him to give or, as the case may be, publish in accordance with subsection (3) above a notice required by subsection (2), subsection (3) shall not apply to that notice, but instead the notice in question shall be given or, as the case may be, published (with any necessary modifications) as soon as is practicable.

- (5) If, at the time when any area becomes a trial area, there is being provided under a road service licence a stage carriage service which operates wholly or partly within that area, that service shall for the purposes of subsection (1) above be treated as one which operates wholly or, as the case may be, partly within a trial area.
- (6) Subject to section 68(1) of this Act, a person who fails to give or publish as required by this section any notice which this section requires him to give or publish shall be liable on summary conviction to a fine not exceeding £200.
- (7) Where more than one person falls to be regarded as the operator of a service to which this section applies, the requirements of this section are complied with if the requisite notices are given and published by any of those persons.
- (8) In this section—
 - " the local authority concerned " has the meaning given by section 38(8) of this Act;
 - " operator " includes a prospective operator.

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

- (1) Subject to subsection (3) below, the duties of public passenger transport operators under the provisions mentioned in subsection (2) below, being duties to co-operate with and afford information to one another, shall not apply in relation to a service so far as it is provided within a trial area.
- (2) The provisions referred to in subsection (1) above are—
 - (a) section 24(2) and (3) of the Transport Act 1968 (services in passenger transport areas);
 - (b) section 1(1)(c) of the Transport Act 1978 (services in England and Wales outside passenger transport areas); and
 - (c) section 151(1)(b) of the Local Government (Scotland) Act 1973 (services in Scotland outside passenger transport areas).
- (3) Subsection (1) above shall not affect the duties of public passenger transport operators to co-operate with or afford information to—
 - (a) a Passenger Transport Executive;
 - (b) a county council; or
 - (c) a regional or islands council,for the purpose of the discharge by any such Executive or council of its function of co-ordinating passenger transport services.
- (4) In this section " public passenger transport operators " means persons providing public passenger transport services within the meaning of section 1(2) of the Transport Act 1978.