



Transport Act 1980

1980 CHAPTER 34

PART I

PUBLIC SERVICE VEHICLES

Other matters

32 Fare-paying passengers on school buses

- (1) Subject to subsection (2), 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 ; and
 - (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 the following provisions, that is to say section 144 of the 1960 Act (public service vehicle drivers' licences) and sections 16, 17, 18 and 19(1) 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.

- (2) Subsection (1) 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 3 (3) (a) is satisfied ;

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" 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) for " maintained by " there shall be substituted " under the management of "; and
 - (c) in subsection (3) 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 1962 (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)”.
- (5) The repeal by this Act of section 12 of the Education (Miscellaneous Provisions) Act 1953 and section 118(4) of the 1960 Act shall not affect the operation of those provisions in relation to any consent given under the said section 12 which is in force immediately before that repeal takes effect

33 Use of certain vehicles by educational and other bodies

- (1) In subsection (1) of section 1 of the Minibus Act 1977 (exemption of certain vehicles from requirements applicable to public service vehicles) for " vehicle which is adapted to carry more than seven but not more than sixteen passengers " there shall be substituted " small passenger-carrying vehicle " , and after that subsection there shall be inserted the following subsection—
- “(1A) 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, the following provisions shall not apply to the driving or use of the vehicle, namely—
- (a) section 144 of the Road Traffic Act 1960 (public service vehicle drivers' licences);
 - (b) section 23(2) of the Transport (London) Act 1969 and section 4 of the Transport Act 1980 (licensing of stage carriage services); and
 - (c) section 19(1) of the Transport Act 1980 (PSV operators' licences).”.
- (2) In section 1(2) of that Act (persons authorised to grant permits)—
- (a) at the beginning of paragraph (a) (powers of traffic commissioners) there shall be inserted " in the case of small passenger-carrying vehicles, "; and
 - (b) at the beginning of paragraph (b) (power of designated bodies) there shall be inserted " in the case of small or large passenger-carrying vehicles, ".
- (3) After section 1(3) of that Act (designation orders) there shall be inserted the following subsection—
- “(3A) Different provision may be made by orders under subsection (3) above in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.”;

and a designation order made under the said section 1(3) before the commencement of this section shall not apply in relation to large passenger-carrying vehicles.

- (4) In section 3(1) of that Act (power to make regulations), in paragraph (e) (power to prescribe conditions of fitness) for "vehicles" there shall be substituted " small passenger-carrying vehicles ".
- (5) After section 3(1) of that Act there shall be inserted the following subsection—
 - “(1A) 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.”.
- (6) In section 3(2) of that Act (consequences of breach of regulations) for "Section 1(1)" substitute " Subsection (1) or, as the case may be, subsection (1A) of section 1 ".
- (7) In section 4(2) of that Act (interpretation) after paragraph (b) there shall be inserted the following paragraph—
 - “(bb) " small passenger-carrying vehicle " means a vehicle which is adapted to carry more than eight but not more than sixteen passengers, and " large passenger-carrying vehicle " means a vehicle which is adapted to carry more than sixteen passengers ;”.

34 Obligatory test certificates for passenger-carrying vehicles

In section 44 of the Road Traffic Act 1972 (obligatory test certificates), in subsection (4) (excluded classes of vehicles) the following words (which relate to the exclusion of large public service vehicles) shall be omitted—

- (a) the words from " to public service vehicles " to " passengers or "; and
- (b) the words from " but shall apply " onwards.

35 Amendment of Transport (London) Act 1969

After section 23 of the Transport (London) Act 1969 (restrictions on provision of London bus services otherwise than by the London Transport Executive and their subsidiaries) there shall be inserted: —

“23A Right of appeal where Executive refuse to make or vary an agreement authorising a London bus service.

- (1) Where a person other than the Executive or a subsidiary of theirs seeks—
 - (a) an agreement with the Executive under subsection (2) of section 23 of this Act to enable him to provide a London bus service; or
 - (b) an agreement with the Executive to vary the terms of an agreement under that subsection (whenever made) which for the time being subsists between himself and the Executive,then, if the Executive refuse to enter into the agreement sought or fail to enter into it within a reasonable period, that person may appeal to the Minister on the ground of the refusal or failure.
- (2) A person appealing under this section shall give notice of the appeal—
 - (a) to the Council;
 - (b) to the commissioner or commissioners of police concerned; and

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- (c) to any of the councils of the London boroughs or the Common Council within whose area it is proposed to provide a service under the agreement sought by the appellant;
- and the Minister shall not proceed with the appeal unless he is satisfied that such notice has been given.
- (3) In determining an appeal under this section the Minister shall take into account—
- (a) any representations made by the Council; and
 - (b) any representations with respect to relevant road traffic matters made by any of the persons notified as mentioned in paragraph (b) or (c) of subsection (2) of this section.
- (4) 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.
- (5) On such an appeal the Minister may make such order, if any, as he thinks fit requiring the Executive to enter into an agreement with the appellant on such terms as may be specified in the order; and it shall be the duty of the Executive to comply with any such order.
- (6) For the purposes of any reference in this or any other Act to an agreement under subsection (2) of section 23 of this Act any agreement entered into or varied by the Executive in compliance with an order under subsection (5) above shall be taken to be such an agreement.
- (7) In this section—
- " commissioner of police " and " London bus service " have the same meaning as in section 23 of this Act;
- " prescribed " means prescribed by regulations made by the Minister ;
- " relevant road traffic matters ", in relation to an appeal, means the following matters relating to the service proposed to be provided under the agreement sought by the appellant—
- (a) the route of the service and its terminal points;
 - (b) the points at which passengers may or may not be taken up or set down ;
 - (c) the places at which, and streets by the use of which, vehicles used for the service may turn at a terminal point.

23B Further appeals on points of law.

- (1) An appeal lies to the High Court at the instance of any of the persons mentioned in subsection (2) of this section on any point of law arising from a decision of the Minister on an appeal under section 23A of this Act.
- (2) The persons who may appeal against any such decision of the Minister are—
- (a) the person who appealed to the Minister;
 - (b) any person required to be notified of that appeal under subsection (2) of section 23A of this Act; and
 - (c) the Executive.

- (3) If on an appeal under this section the High Court is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Minister 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.”.

36 Abolition of licensing of conductors of public service vehicles

Subsection (1) of section 144 of the 1960 Act (drivers' and conductors' licences) shall cease to have effect so far as it requires a person acting as conductor of a public service vehicle on a road to be licensed for the purpose under that section or prohibits the employment for that purpose of a person not so licensed.

37 Reduction of minimum age for drivers of public service vehicles

- (1) In subsection (3) of section 144 of the 1960 Act (PSV drivers' licences: minimum age and other conditions) for the words from " unless ", in the first place where it occurs, to the end of the subsection there shall be substituted " unless he fulfils such conditions as may be prescribed ".
- (2) Subsection (1) of section 96 of the Road Traffic Act 1972 (minimum ages at which licences may be held for different classes of vehicles) shall have effect as if in the Table in that subsection, in item 6, the age of 18 were substituted for the age of 21 in relation to a large passenger vehicle where—
 - (a) the driver is not engaged in the carriage of passengers and either holds a PSV driver's licence or is acting under the supervision of a person who holds a PSV driver's licence; or
 - (b) the driver holds a PSV driver's licence and is engaged in the carriage of passengers—
 - (i) on a regular service over a route which does not exceed 50 kilometres ;
or
 - (ii) on a national transport operation when the vehicle used is constructed and equipped to carry not more than 15 persons including the driver, and in either case the operator of the vehicle holds a PSV operator's licence granted by the traffic commissioners for any area, not being a licence which is of no effect by reason of its suspension.
- (3) In subsection (2)—

" large passenger vehicle " means a motor vehicle which is constructed solely to carry passengers and their effects and is adapted to carry more than nine persons inclusive of the driver;

" PSV driver's licence " means a licence to drive a public service vehicle granted under section 144 of the 1960 Act.
- (4) The provisions of subsections (2) and (3) may be amended or repealed by regulations under section 96(2) of the Road Traffic Act 1972.

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38 Fees for grant of licences, etc.

For section 159(1) of the 1960 Act (fees for grant or issue of licences) there shall be substituted—

“(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, road service licences and PSV operators' licences;
 - (ii) applications for, and the issue of, certificates of initial fitness under section 17 of the Transport Act 1980 ;
 - (iii) the issue of operators' discs under section 24 of that Act;
 - (iv) applications for, and the issue of, certificates under section 27 of that 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 drive a public service vehicle, being a test which he is by virtue of regulations required to undergo in that connection.

(1A) 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 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 (6) (ii) of that subsection,

until the fee or instalment in question has been paid.”.

39 Arrangements for appointment of traffic commissioners

In section 121 of the 1960 Act (appointment etc. of traffic commissioners), for subsections (4) and (5) (appointments, and constitution of panels of nominees for appointment) there shall be substituted—

“(4) Of the three commissioners—

- (a) one shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners ;

- (b) one shall be appointed by the Minister from a panel of persons nominated by such of the following councils, namely in England and Wales county councils and the Greater London Council and in Scotland regional or islands councils, as are councils whose area is wholly or partly comprised in the traffic area ; and
- (c) the third shall be appointed by the Minister from a panel of persons nominated by such of the following councils, namely in England and Wales district councils, London borough councils and the Common Council of the City of London and in Scotland district councils, as are councils whose area is wholly or partly comprised in the traffic area.

(5) Provision shall be made by regulations as to the arrangements for constituting the panels mentioned in subsection (4) above.”.

40 Increase of penalties

In the case of an offence against any provision of the 1960 Act specified in column 1 of Schedule 4 (of which the general nature is indicated in column 2) the maximum punishment is increased from that now in force (which is indicated in column 3) to that specified in column 4; and for that purpose the provisions of that Act specified in column 1 shall have effect subject to the amendments specified in column 5.

41 Offences by bodies corporate

- (1) Where an offence under this Part or Part III of the 1960 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) 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.

42 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 mentioned in subsection (2) 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) are—
 - (a) sections 7(7), 14(6), 25(5) and 26(4);
 - (b) in the 1960 Act—
 - (i) so much of section 144(8) as relates to contravention of section 144(1) (a);
 - (ii) sections 146(2) and (3), 147(2) and 148(2);
 - (iii) so much of section 232(3) as relates to failure to comply with the requirement of section 232 (2) (b); and
 - (iv) section 239.

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- (3) It shall be a defence for a person charged with an offence under any of the provisions mentioned in subsection (4) 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) are—
- (a) sections 4(6) and (7), 17(3), 18(9)(b), 19(5), 22(7) and 24(4);
 - (b) in the 1960 Act—
 - (i) so much of section 144(8) as relates to contravention of section 144(1)(b) ; and
 - (ii) sections 148(2) and 157(2).

43 Amendments of other Acts

- (1) The provisions of the 1960 Act mentioned in Part I of Schedule 5, and the enactments specified in Part II of that Schedule, shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Part.
- (2) 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 this subsection ; or
 - (b) an instrument made before the commencement of this subsection under any such local Act,
- the Minister 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.

44 Interpretation of Part I

- (1) In this Part, unless the context otherwise requires—
- " the 1960 Act " means the Road Traffic Act 1960;
 - " company " means a body corporate ;
 - " contract carriage " has the meaning given by section 3 ;
 - " 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;
 - " 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 3, and " express carriage service " means a service provided by means of one or more express carriages ;
 - " 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;

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

" official PSV testing station " has the meaning given by section 16(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 subsections (2) and (3);

" 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;

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

" public service vehicle " has the meaning given by section 2;

" relevant conviction " means a conviction (other than a spent conviction) of any offence prescribed for the purposes of this Part, or of 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 20(3);

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

" stage carriage " has the meaning given by section 3, and " stage carriage service " means a service provided by means of one or more stage carriages;

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

" 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 12(1).

(2) For the purposes of this Part—

(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) 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).

(3) For the purposes of this Part 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.

(4) Any reference in this Part to a Community instrument or to a particular provision of such an instrument—

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- (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.