



# Public Passenger Vehicles Act 1981

## 1981 CHAPTER 14

An Act to consolidate certain enactments relating to public passenger vehicles.  
[15th April 1981]

### Modifications etc. (not altering text)

- C1** Act modified in part by virtue of S.I. 1980/1460, **regs. 4–6** (as amended by S.I. 1981/462, **regs. 2–4**) and **Interpretation Act 1978** (c. 30, SIF 115:1), **ss. 17(2)(a)**, 23(3)
- C2** Act modified by S.I. 1984/748, **regs. 4(2), 5(2), 6(2), 7(2), 9(2), 10(2), 11(2), 12(2)**, **Sch. 2**
- C3** Act excluded (E.W.) by **London Regional Transport Act 1984** (c. 32, SIF 126), **s. 44(1)**
- C4** Act excluded (E.W.) by **Transport Act 1985** (c. 67, SIF 126), **s. 11(1)(a)**
- C5** Act amended by S.I. 1986/1628, **reg. 5(2)(3)**
- C6** Act: definition applied (E.W.) by **Water Industry Act 1991** (c. 56, SIF 130 ), **ss. 76(5)(a)**, 223(2) (with **ss. 82(3), 186(1), 222(1)**, **Sch. 13 paras.1, 2**, **Sch. 14 para. 6**)
- C7** Definition of "PSV testing station" applied (1.7.1992) by **Road Traffic Act 1988** (c. 52, SIF 107:1), **s. 69A** (as substituted (1.7.1992) by **Road Traffic Act 1991** (c. 40, SIF 107:1), **s.12**; S.I. 1992/1286, **art. 2**,Sch.)  
Act: modified (28.1.2000) by S.I. 1999/3413, **reg. 10(2)**
- C8** Act modified (16.8.2006) by **The Dover Harbour Revision Order 2006** (S.I. 2006/2167), **arts. 1(1), 27**
- C9** Act: transfer of functions (1.9.2009) by **The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009** (S.I. 2009/1885), **arts. 1(1), 2(3)**

### Commencement Information

- I1** Act not in force at date of Royal Assent see s. 89(2); Act wholly in force at 30.10.1981

## PART I

### PRELIMINARY

### Modifications etc. (not altering text)

- C10** Pt. I (ss. 1–5) amended by **Road Traffic Act 1988** (c. 52, SIF 107:1), **s. 187(3)**

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*Changes to legislation:* Public Passenger Vehicles Act 1981 is up to date with all changes known to be in force on or before 27 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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### *Definition and classification of public service vehicles*

#### **1 Definition of “public service vehicle”.**

- (1) Subject to the provisions of this section, in this Act “public service vehicle” means a motor vehicle (other than a tramcar) which—
  - (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
  - (b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.
- (2) For the purposes of subsection (1) above a vehicle “is used” as mentioned in paragraph (a) or (b) of that subsection if it is being so used or if it has been used as mentioned in that paragraph and that use has not been permanently discontinued.
- (3) A vehicle carrying passengers at separate fares in the course of a business of carrying passengers, but doing so in circumstances in which the conditions set out in Part I, . . . <sup>F1</sup> or III of Schedule 1 to this Act are fulfilled, shall be treated as not being a public service vehicle unless it is adapted to carry more than eight passengers.
- (4) For the purposes of this section a journey made by a vehicle in the course of which one or more passengers are carried at separate fares shall not be treated as made in the course of a business of carrying passengers if—
  - (a) the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey; and
  - (b) the arrangements for the payment of fares by the passenger or passengers so carried were made before the journey began;
 and for the purposes of paragraph (a) above the running costs of a vehicle for a journey shall be taken to include an appropriate amount in respect of depreciation and general wear.
- (5) For the purposes of this section, . . . <sup>F2</sup> and Schedule 1 to this Act—
  - (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;
  - (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
  - (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person’s being given a right to be carried, whether for one or more journeys and whether or not the right is exercised.
- (6) Where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of subsection (5) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator’s control, part of that journey may be made by road.

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### Textual Amendments

- F1** “II” repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)  
**F2** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

### Modifications etc. (not altering text)

- C11** [S. 1](#) applied (4.1.1995) by [1980 c. 45, s. 69\(1\)](#) (as amended (4.1.1995) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 119\(36\)\(a\)](#); [S.I. 1994/2850, art. 3\(c\)](#))  
**C12** [S. 1](#) modified (14.3.2002) by [S.I. 2002/412, art. 2\(4\)](#) (with [art. 38](#))  
**C13** [S. 1\(2\)](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 12\(8\)](#)  
**C14** [S. 1\(5\)](#) applied by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 137\(3\)](#)  
**C15** [S. 1\(5\)\(b\)\(c\)\(6\)](#) applied by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 2\(5\)](#)

2 ..... <sup>F3</sup>

### Textual Amendments

- F3** [S. 2](#) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

## *Traffic Areas and Traffic commissioners*

### 3 Traffic areas.

- (1) For the purposes of this Act Great Britain shall be divided into the Metropolitan, Northern, Yorkshire, North-Western, West Midland, East Midland, Eastern, South Wales, Western, South-Eastern and Scottish Traffic Areas.
- (2) The Secretary of State may from time to time by order vary the provisions of this Act constituting traffic areas, either by altering the limits of an existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.

[<sup>F4</sup>(2A) The power to make an order under subsection (2) above includes power to make—

- (a) such incidental, consequential, supplemental or transitional provision, and  
 (b) such savings,

as the Secretary of State may consider necessary or expedient for the purpose of, or in consequence of, or for giving full effect to, any order under that subsection for varying the number or limits of traffic areas in England and Wales.

(2B) The power conferred by subsection (2A) above includes power to amend or modify any provision of this Act or any other enactment (whenever passed or made) for the purpose of making any such provision or savings.

(2C) The powers conferred by subsections (2A) and (2B) above are without prejudice to what may be done under subsection (3) below.]

(3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions—

- (a) as to the effect of licences previously issued, and consents previously given, by the traffic [<sup>F5</sup>commissioner] for any traffic area abolished or otherwise affected;

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- (b) as to the effect of applications for licences or consents previously made to any such traffic [<sup>F5</sup>commissioner], as to the traffic [<sup>F5</sup>commissioner] to whom applications relating to any such area may be made between the date of the order and the date as from which the abolition of, or other change in, the area is to have effect, and as to the traffic [<sup>F5</sup>commissioner] by whom and the places at which any such application may be heard, either before or after the last mentioned date;
- (c) as to the continuance of appeals pending against decisions of the traffic [<sup>F5</sup>commissioner] for any traffic area abolished or otherwise affected; and
- (d) as to the recovery of any sums due, at the date as from which a traffic area is abolished, to the traffic [<sup>F5</sup>commissioner] for that area,
- as appear to the Secretary of State to be necessary or expedient in consequence of the variations of areas to be affected by the order.
- (4) The power to make orders conferred by this section shall be exercisable by statutory instrument which shall be laid before Parliament after being made, and an order under this section shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

#### Textual Amendments

- F4** S. 3(2A)-(2C) inserted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 1**, 134(1)(c)(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F5** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(2)**

#### [<sup>F6</sup>4 Traffic commissioners.

- (1) There shall be a commissioner for each traffic area constituted for the purposes of this Act.
- (2) The commissioner for each traffic area shall be appointed by the Secretary of State and shall be known as the traffic commissioner for the area.
- (3) The traffic commissioner for a traffic area shall be responsible for issuing licences under this Act and shall have such other functions as are given to him by, or in pursuance of, this Act or any other enactment.
- (4) Any person appointed to be the traffic commissioner for a traffic area shall—
- act under [<sup>F7</sup>the general directions of, and shall have regard to any guidance given by, the senior traffic commissioner]; and
  - vacate his office on attaining the age of sixty-five, or on such later date before he attains the age of sixty-six as the Secretary of State may at any time direct, but otherwise hold office during Her Majesty's pleasure.
- (5) Where the Secretary of State proposes to appoint a person to be the traffic commissioner for a traffic area he shall, before making the appointment, require that person to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers or goods by road within Great Britain.
- (6) Schedule 2 to this Act shall have effect with respect to traffic commissioners.]

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#### Textual Amendments

- F6** Ss. 4, 5 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 3\(2\)](#)
- F7** Words in s. 4(4)(a) substituted (4.3.2009) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 3\(2\)\(a\)](#), 134(4); [S.I. 2009/107](#), [art. 3](#), [Sch. 3](#)

### [<sup>F8</sup>4A Appointment of senior traffic commissioner

- (1) One of the traffic commissioners shall be appointed by the Secretary of State to be the senior traffic commissioner.
- (2) The senior traffic commissioner shall have such functions as may be conferred or imposed by or under any of the following enactments—
  - (a) section 4B below (deployment of traffic commissioners),
  - (b) section 4C below (guidance and general directions),
 or any other provision of this Act or any other enactment.
- (3) The senior traffic commissioner—
  - (a) shall hold office for such period as the Secretary of State specifies when making the appointment; but
  - (b) ceases to hold that office on ceasing to hold office as a traffic commissioner.
- (4) A traffic commissioner who has been the senior traffic commissioner is eligible for re-appointment as the senior traffic commissioner.
- (5) In the case of illness, incapacity or absence of the senior traffic commissioner, the Secretary of State may appoint another traffic commissioner to act as deputy for the senior traffic commissioner.
- (6) Where the office of senior traffic commissioner becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as senior traffic commissioner pending the appointment of a new senior traffic commissioner.
- (7) Any person appointed under subsection (6) above shall—
  - (a) hold office for such period as the Secretary of State specifies when making the appointment; and
  - (b) during that period be treated for all purposes as the senior traffic commissioner.

#### Textual Amendments

- F8** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 3\(1\)](#), 134(4); [S.I. 2009/107](#), [art. 3](#), [Sch. 3](#); [S.I. 2013/685](#), [art. 3\(1\)\(2\)\(b\)](#)

### 4B Power of senior traffic commissioner to deploy other commissioners

- (1) In this section—
  - (a) subsections (2) to (4) confer powers on the senior traffic commissioner in relation to traffic commissioners and deputy traffic commissioners for England and Wales; and

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- (b) subsections (5) to (7) confer powers on the senior traffic commissioner in relation to the Scottish traffic commissioner and any deputy traffic commissioners for the Scottish traffic area.
- (2) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of the functions of traffic commissioner for England and Wales as the senior traffic commissioner may determine—
- (a) in relation to such matters relating to England and Wales, or
  - (b) as respects Scotland, in relation to such reserved matters,
- as the senior traffic commissioner may determine.
- (3) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of those functions as the senior traffic commissioner may determine at such places—
- (a) in England and Wales, or
  - (b) in the case of functions which relate to reserved matters and are exercisable in relation to Scotland, in Scotland,
- as the senior traffic commissioner may determine.
- (4) Subsections (2) and (3) above also apply in relation to a deputy traffic commissioner for England and Wales as they apply in relation to a traffic commissioner for England and Wales, construing the references to functions accordingly.
- (5) The senior traffic commissioner may require the Scottish traffic commissioner to carry out as respects England and Wales such of the functions exercisable by the Scottish traffic commissioner in relation to reserved matters by virtue of section 4(3B)(b) of this Act as the senior traffic commissioner may determine.
- (6) The senior traffic commissioner may require the Scottish traffic commissioner to carry out such of those functions as the senior traffic commissioner may determine at such places in England and Wales as the senior traffic commissioner may determine.
- (7) Subsections (5) and (6) above also apply in relation to a deputy traffic commissioner for the Scottish Traffic Area as they apply in relation to the Scottish traffic commissioner, construing the references to functions accordingly.
- (8) In this section—
- “deputy traffic commissioner for the Scottish Traffic Area” means any person appointed under paragraph 3 or 4 of Schedule 2 to this Act to act as deputy in the case of the Scottish traffic commissioner;
- “reserved matters” means reserved matters within the meaning of the Scotland Act 1998.

#### Textual Amendments

- F8** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 3\(1\)](#), 134(4); [S.I. 2009/107](#), [art. 3](#), [Sch. 3](#); [S.I. 2013/685](#), [art. 3\(1\)\(2\)\(b\)](#)

#### 4C Power of senior traffic commissioner to give guidance and directions

- (1) The senior traffic commissioner may give to the traffic commissioners—

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- (a) guidance, or
- (b) general directions,

as to the exercise of their functions under any enactment.

This subsection is subject, in relation to Scotland, to subsection (5) below.

- (2) The guidance that may be given under subsection (1)(a) above includes guidance as to—
- (a) the meaning and operation of any enactment or instrument relevant to the functions of traffic commissioners;
  - (b) the circumstances in which, and the manner in which, a traffic commissioner should exercise any power to impose any sanction or penalty;
  - (c) matters which a traffic commissioner should or should not take into account when exercising any particular function.
- (3) The directions that may be given under subsection (1)(b) above include directions as to—
- (a) the circumstances in which, and the manner in which, officers or servants of a traffic commissioner may exercise any function for or on behalf of the traffic commissioner, and any conditions which such officers or servants must meet before they may do so;
  - (b) the information which a traffic commissioner must ask to be supplied in connection with the exercise of any particular function, and the steps which must be taken to verify the accuracy of any information so supplied;
  - (c) the procedure to be adopted in conducting inquiries under section 54 of this Act, section 35 of the Goods Vehicles (Licensing of Operators) Act 1995 or any other enactment;
  - (d) the manner in which a traffic commissioner must or may publish his decisions;
  - (e) circumstances in which a traffic commissioner must consult some, or all, of the other traffic commissioners before exercising any particular function.
- (4) The senior traffic commissioner must consult each of the following persons before giving any guidance or directions under subsection (1) above—
- (a) the Secretary of State;
  - (b) the Scottish Ministers, if the senior traffic commissioner considers it appropriate;
  - (c) the Welsh Ministers, if the senior traffic commissioner considers it appropriate;
  - (d) such of the other traffic commissioners as the senior traffic commissioner considers appropriate;
  - (e) such organisations representative of the interests of local government, of London government, of Integrated Transport Authorities<sup>[F5]</sup>, of combined authorities] and of Passenger Transport Executives as the senior traffic commissioner considers appropriate;
  - (f) such organisations representative of the interests of users of public passenger transport services as the senior traffic commissioner considers appropriate;
  - (g) such organisations representative of passenger transport operators, and of road haulage operators, as the senior traffic commissioner considers appropriate;
- and such other persons as the senior traffic commissioner considers appropriate.

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- (5) The only guidance or directions under this section which the senior traffic commissioner may give to the Scottish traffic commissioner are guidance or directions as to the exercise of functions that relate to reserved matters within the meaning of the Scotland Act 1998.

#### Textual Amendments

- F8** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(1)**, 134(4); S.I. 2009/107, art. 3, **Sch. 3**; S.I. 2013/685, **art. 3(1)(2)(b)**
- F9** Words in s. 4C(4)(e) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 54**; S.I. 2009/3318, art. 2(c)

#### 4D Guidance to senior traffic commissioner by Secretary of State

- (1) The Secretary of State may give the senior traffic commissioner guidance as to the exercise of any of the senior traffic commissioner's functions.
- (2) The senior traffic commissioner must have regard to any guidance given under subsection (1) above.]

#### Textual Amendments

- F8** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(1)**, 134(4); S.I. 2009/107, art. 3, **Sch. 3**; S.I. 2013/685, **art. 3(1)(2)(b)**

#### [<sup>F105</sup> Publication of information by traffic commissioners.

- (1) Every traffic commissioner shall publish, in such form and at such times as may be prescribed, such information with respect to the exercise, or proposed exercise, of any of his functions under this Act or the Transport Act 1985 as may be prescribed.
- (2) Where the traffic commissioner for a traffic area publishes information under this section he shall—
- (a) send a copy of the publication—
    - (i) to every chief officer of police, Passenger Transport Executive and local authority whose area falls partly or wholly within that traffic area; and
    - (ii) where that traffic area falls wholly or partly within London, to [<sup>F11</sup>Transport for London]; and
  - (b) make a copy of it available (by post if required and on payment of such fee as may be prescribed) to anyone who asks for one.
- (3) In this section “local authority” means—
- (a) in England and Wales, the council of any non-metropolitan county, any district or London borough or the Common Council of the City of London; and
  - (b) in Scotland, any [<sup>F12</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.]]



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### Textual Amendments

- F10** Ss. 4, 5 substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(2\)](#)
- F11** Words in s. 5(2)(a)(ii) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\), art. 1\(1\), Sch. 1 para. 8](#)
- F12** Words in s. 5(3)(b) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\), Sch. 13 para. 121\(2\)](#) (with s. 128(8)); [S.I. 1996/323, art. 4](#)

## PART II

### GENERAL PROVISIONS RELATING TO PUBLIC SERVICE VEHICLES

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

- C16** [Pt. II](#) (ss. 6–29) amended by [Road Traffic Act 1988 \(c. 52, SIF 107:1\), s. 187\(3\)](#)

#### *Fitness of public service vehicles*

### 6 Certificate of initial fitness (or equivalent) required for use as public service vehicles.

- (1) [<sup>F13</sup>Subject to subsection (1ZA) below,] A public service vehicle adapted to carry more than eight passengers shall not be used on a road unless—
- (a) [<sup>F14</sup>an examiner appointed under section 66A of the Road Traffic Act 1988][<sup>F15</sup>or an authorised inspector] has issued a certificate (in this Act referred to as a “certificate of initial fitness”) that the prescribed conditions as to fitness are fulfilled in respect of the vehicle; or
  - (b) a certificate under section 10 of this Act has been issued in respect of the vehicle; or
- [<sup>F16</sup>(d) one of the following certificates has effect with respect to the vehicle—
- (i) an EC certificate of conformity;
  - (ii) a national small series certificate of conformity;
  - (iii) an individual approval certificate.]

[<sup>F17</sup>(1ZA) In the case of a public service vehicle to which subsection (1ZB) below applies, subsection (1) above has effect as if paragraphs (a) and (b) of that subsection were omitted.

(1ZB) This subsection applies to any public service vehicle which, by virtue of regulation 6 of the Approval Regulations, may not—

    - (a) be granted a first licence under section 21 of the Vehicle Excise and Registration Act 1994, or
    - (b) be registered before the issue of a first licence under that section,

unless one of the certificates mentioned in paragraph (d) of subsection (1) above has effect with respect to the vehicle.]

[<sup>F18</sup>(1A) Without prejudice to the powers of the Secretary of State under section 7 of this Act in relation to the exercise by certifying officers of their functions, regulations may make provision with respect to the examination of vehicles for the purposes of subsection (1)

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(a) above by or under the direction of authorised inspectors and the issue or refusal of certificates of initial fitness by such inspectors on any such examinations.]

(2) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [F19]level 4 on the standard scale].

[F20(3) In this section—

“Approval Regulations” means the Road Vehicles (Approval) Regulations 2009;

“EC certificate of conformity”, “national small series certificate of conformity” and “individual approval certificate” have the meaning given by regulation 3(1) of the Approval Regulations.]

**Textual Amendments**

- F13 Words in s. 6(1) inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818), regs. 1, **2(2)(a)**
- F14 Words in s. 6(1)(a) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para.14**; S.I. 1992/1286, **art. 2**,Sch.
- F15 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(3)(d)**, 76(2)
- F16 S. 6(1)(d) substituted for s. 6(1)(c) (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818), regs. 1, **2(2)(b)**
- F17 S. 6(1ZA)(1ZB) inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818), regs. 1, **2(3)**
- F18 S. 6(1A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(8)**, 76(2)
- F19 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. **46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. **289G**
- F20 S. 6(3) inserted (29.4.2009) by The Road Vehicles (Approval) (Consequential Amendments) Regulations 2009 (S.I. 2009/818), regs. 1, **2(4)**

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

- C17 S. 6(1A) extended (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(11)(b)**, 76(2)

F217 .....

**Textual Amendments**

- F21 S. 7 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), ss. 9(1), 83, **Sch. 8**; S.I. 1992/1286, **art. 2**, **Sch.**, Appendix

**8 Powers of, and facilities for, inspection of public service vehicles.**

—(1)

F22 .....

F22(1A) .....

F22(2) .....

*Status: Point in time view as at 22/04/2011. This version of this Act contains provisions that are prospective.*

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- (3) The Secretary of State may—
- (a) provide and maintain stations where inspections of public service vehicles<sup>F23</sup> . . . may be carried out;
  - (b) designate premises as stations where such inspections may be carried out; and
  - (c) provide and maintain apparatus for the carrying out of such inspections;
- and in this Act “official PSV testing station” means a station provided, or any premises for the time being designated, under this subsection.

**Textual Amendments**

**F22** S. 8(1)-(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 170:1), ss. 11, 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

**F23** Words in s. 8(3) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

**F24**g . . . . .

**Textual Amendments**

**F24** S. 9 repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 170:1), ss. 12, 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

**[<sup>F25</sup>9A Extension of sections 8 and 9 to certain passenger vehicles other than public service vehicles.**

- (1) Section 8 of this Act shall apply,<sup>F26</sup> . . . , to any motor vehicle (other than a tramcar) which is adapted to carry more than eight passengers but is not a public service vehicle as it applies to a public service vehicle.

<sup>F27</sup>(2) . . . . .]

**Textual Amendments**

**F25** S. 9A inserted by Transport Act 1985 (c. 67, SIF 126), s. 333

**F26** Words in s. 9A(1) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

**F27** S. 9A(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

**10 Approval of type vehicle and effect thereof.**

- (1) Where the Secretary of State is satisfied in respect of one vehicle of a particular type that the prescribed conditions as to fitness are fulfilled in respect of the vehicle he may, on payment of the prescribed fee, approve the vehicle as a type vehicle.
- (2) Where a type vehicle has been approved under this section and a declaration in the prescribed form has been made by a person authorised by the Secretary of State in that behalf that any other vehicle conforms in design, construction and equipment with the

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type vehicle, [<sup>F28</sup>an examiner appointed under section 66A of the Road Traffic Act 1988] may, after examining if he thinks fit that other vehicle, issue a certificate in the prescribed form that the vehicle conforms to the type vehicle.

- (3) The Secretary of State may at any time withdraw his approval of a type vehicle and thereafter no certificate that any other vehicle conforms to the type vehicle shall be issued; but as regards any such certificate previously issued, the withdrawal of the approval shall not affect the operation of that certificate for the purposes of section 6 of this Act.

#### Textual Amendments

**F28** Words in s. 10(2) substituted (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, Sch. 4 para.15; S.I. 1992/1286, art. 2, Sch.

## 11 Modification of section 6 in relation to experimental vehicles.

- (1) Where it appears to the Secretary of State expedient to do so for the purpose of the making of tests or trials of a vehicle or its equipment, he may by order made in respect of that vehicle for the purposes of section 6 of this Act dispense with such of the prescribed conditions as to fitness referred to in subsection (1)(a) of that section as are specified in the order.
- (2) While such an order is in force in respect of a vehicle, section 6 of this Act shall have effect in relation to the vehicle as if the prescribed conditions as to fitness referred to in subsection (1)(a) of that section did not include such of those conditions as are dispensed with by the order.
- (3) An order under this section shall specify the period for which it is to continue in force, and may contain, or authorise the imposition of, requirements, restrictions or prohibitions relating to the construction, equipment or use of the vehicle to which the order relates.
- (4) Where an order under this section in respect of a vehicle is revoked or otherwise ceases to have effect, any certificate of initial fitness issued under section 6 of this Act in respect of the vehicle while the order was in force shall, for the purposes of that section as regards any use of the vehicle after the order has ceased to have effect, be deemed never to have been issued.

### *Public service vehicle operators' licences*

## 12 PSV operators' licences.

- [<sup>F29</sup>(1) A public service vehicle shall not be used on a road for carrying passengers for hire or reward except under a PSV operator's licence granted in accordance with the following provisions of this Part of this Act.]
- (2) The authority having power to grant a PSV operator's licence is the traffic [<sup>F30</sup>commissioner] for any traffic area in which, if the licence is granted, there will be one or more operating centres of vehicles used under the licence; and, subject to the provisions of this Part of this Act, a PSV operator's licence authorises the holder to use anywhere in Great Britain vehicles which have their operating centre in the area of the traffic [<sup>F30</sup>commissioner] by whom the licence was granted.

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- (3) A person may hold two or more PSV operators' licences each granted by the traffic [<sup>F30</sup>commissioner] for [<sup>F31</sup>a different area], but shall not at the same time hold more than one such licence granted by the [<sup>F30</sup>commissioner] for the same area.
- (4) An application for a PSV operator's licence shall be made in such a form as the traffic [<sup>F32</sup>commissioner] may require, and an applicant shall give the [<sup>F32</sup>commissioner] such information as [<sup>F33</sup>he] may reasonably require for disposing of the application.
- (5) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [<sup>F34</sup>level 4 on the standard scale].

#### Textual Amendments

- F29** S. 12(1) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 1 (3)**, Sch. 1 para. 4
- F30** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(4)(a)**
- F31** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(4)(b)**
- F32** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(4)(a)**
- F33** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 para. 4(4)(c)**
- F34** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

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

- C18** S. 12 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 12(13)**
- C19** S. 12(1) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 18**
- C20** S. 12(3) excluded by [S.I. 1983/1714](#), **art. 17(1)** (which S.I. is revoked (1.6.1991) by [S.I. 1991/288](#), **art. 2**)
- C21** S. 12(3) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**

### [<sup>F35</sup>12A Detention of certain PSVs used without PSV operators' licences

Schedule 2A (which relates to the detention, removal and disposal of PSVs which are adapted to carry more than 8 passengers and in respect of which it appears that section 12(1) is contravened) shall have effect. .]

#### Textual Amendments

- F35** S. 12A inserted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 47(1), 134(1)(c)**; [S.I. 2009/107](#), art. 2(1), Sch. 1 Pt. 1

### [<sup>F36</sup>12B Power to stop

- (1) Subsection (2) applies if it appears to a stopping officer that a vehicle is being used in circumstances such that a PSV operator's licence could be required.
- (2) The officer may direct the driver to stop the vehicle for the purpose of enabling checks to be carried out to establish whether the use of the vehicle is in contravention of section 12(1) or 18(1).
- (3) In this section a "stopping officer" means an officer appointed under section 66B of the Road Traffic Act 1988.]

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### Textual Amendments

**F36** S. 12B inserted (30.3.2011) by [The Road Vehicles \(Powers to Stop\) Regulations 2011 \(S.I. 2011/996\)](#), regs. 1, 5(2)

## 13 Classification of licences.

- (1) A PSV operator's licence may be either a standard licence or a restricted licence.
- (2) A standard licence authorises the use of any description of public service vehicle and may authorise use either—
  - (a) on both national and international operations; or
  - (b) on national operations only.
- (3) A restricted licence authorises the use (whether on national or international operations) of—
  - (a) public service vehicles not adapted to carry more than eight passengers; and
  - (b) public service vehicles not adapted to carry more than sixteen passengers when used—
    - (i) otherwise than in the course of a business of carrying passengers; or
    - (ii) by a person whose main occupation is not the operation of public service vehicles adapted to carry more than eight passengers.
- (4) For the purposes of subsection (3)(b)(i) above, a vehicle used for carrying passengers by a local or public authority shall not be regarded as used in the course of a business of carrying passengers unless it is used by the public service vehicle undertaking of that authority.

## 14 Grant of licences.

- (1) An application for a standard licence shall not be granted unless the traffic [<sup>F37</sup> commissioner][<sup>F38</sup> is] satisfied that the applicant meets the following requirements, namely—
  - (a) the requirement to be of good repute;
  - (b) the requirement to be of appropriate financial standing; and
  - (c) the requirement as to professional competence;
 and an application for a restricted licence shall not be granted unless the traffic [<sup>F37</sup> commissioner][<sup>F38</sup> is] satisfied that the applicant meets the requirements to be of good repute and of appropriate financial standing.
- (2) The provisions of Schedule 3 to this Act shall have effect for supplementing the provisions of subsection (1) above, and for modifying the operation of that subsection in the case of persons engaged in road passenger transport before 1st January 1978.
- (3) Notwithstanding that it appears to the traffic [<sup>F39</sup> commissioner] on an application for a standard or restricted licence that the requirements mentioned in subsection (1) above are met, the application shall not be granted unless the [<sup>F39</sup> commissioner][<sup>F40</sup> is] further satisfied—
  - (a) that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition the vehicles proposed to be used under the licence; and

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- (b) that there will be adequate arrangements for securing compliance with the requirements of the law relating to the driving and operation of those vehicles.

[<sup>F41</sup>(3A) In considering on an application for a PSV operator’s licence whether the requirements mentioned in subsection (3) above are satisfied, the traffic commissioner may take into account any undertakings given by the applicant (or procured by him to be given) for the purposes of the application and may assume that those undertakings will be fulfilled.]

- (4) If on an application for a PSV operator’s licence the traffic [<sup>F42</sup>commissioner][<sup>F43</sup>determines] that the relevant requirements mentioned in subsection (1) above and the further requirements mentioned in subsection (3) above are satisfied [<sup>F43</sup>he] shall, subject to [<sup>F44</sup>section 16] of this Act, grant the licence in accordance with the application.

[<sup>F45</sup>(5) In any case where the traffic commissioner grants an application for a PSV operator’s licence, any undertakings taken into account by him under subsection (3A) above that he considers to be material to the granting of the application shall be recorded in the licence issued to the applicant.]

#### Textual Amendments

- F37** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(5)(a)**  
**F38** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(5)(b)**  
**F39** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(5)(a)**  
**F40** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(5)(b)**  
**F41** S. 14(3A) inserted (1.1.1996) by [1994 c. 40, s. 59\(2\)](#); [S.I. 1995/2835, art. 2](#)  
**F42** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(5)(a)**  
**F43** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(5)(c)**  
**F44** Words in s. 14(4) substituted (1.1.1996) by [1994 c. 40 s. 68, Sch. 14 para. 2](#); [S.I. 1995/2835, art. 2](#)  
**F45** S. 14(5) inserted (1.1.1996) by [1994 c. 40, s. 59\(3\)](#); [S.I. 1995/2835, art. 2](#)

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

- C22** S. 14(1) amended by [S.I. 1986/1628, reg. 5\(1\)](#), **Sch.**  
**C23** S. 14(4) excluded (3.1.1995) by [1985 c. 67, s. 28\(2\)](#) (as amended by [1994 c. 40, s. 67\(2\)](#); [S.I. 1994/3188, art. 3](#))

#### [<sup>F46</sup>14A Objections to application for PSV operator’s licence.

- (1) Where an application is made for the grant of a PSV operator’s licence under this Act, any chief officer of police or local authority may object to the grant of the licence on the ground that one or more of the requirements mentioned in section 14(1) and (3) of this Act are not satisfied in relation to the application.
- (2) An objection under this section shall be made within the prescribed time and in the prescribed manner and shall contain particulars of the ground on which it is made.

[ Where the traffic commissioner considers there to be exceptional circumstances that  
<sup>F47</sup>(2A) justify his doing so, he may direct that an objection be treated for the purposes of this Part of this Act as duly made under this section, notwithstanding that it was not made within the prescribed time or in the prescribed manner.]]

<sup>F48</sup>(3) . . . . .

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- (4) In this section “local authority” means—
- (a) in England and Wales, the council of a county, district or London borough or the Common Council of the City of London or a Passenger Transport Executive; and
  - (b) in Scotland, a [<sup>F49</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].
- (5) This section does not apply in relation to any application for a special licence (within the meaning of section 12 of the Transport Act 1985).

#### Textual Amendments

- F46** S. 14A inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 25
- F47** S. 14A(2A) inserted (1.4.1995) by [1994 c. 40, s. 60](#); [S.I. 1994/3188](#), art. 4
- F48** S. 14A(3) repealed (3.1.1995) by [1994 c. 40](#) ss. 68, 81, Sch. 14 para. 3, Sch. 17; [S.I. 1994/3188](#), art. 3
- F49** Words in s. 14A(4)(b) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 121\(3\)](#) (with s. 128(8)); [S.I. 1996/323](#), art. 2

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

- C24** S. 14A excluded by [S.I. 1986/1794](#), art. 4

## 15 Duration of licences.

- (1) There shall be specified in every PSV operator’s licence the date on which the licence is to come into force .
- [<sup>F50</sup>(2) Subject to its revocation or other termination under any provision of this Act or another statutory provision, a PSV operator’s licence shall continue in force indefinitely.
- (3) If the holder of a PSV operator’s licence requests the traffic commissioner by whom it was granted to terminate it at any time, the commissioner shall, subject to subsection (4) below, comply with the request.
- (4) The traffic commissioner may refuse to comply with the request if he is considering taking action in respect of the licence under section 17(1) or (2) of this Act.]

#### Textual Amendments

- F50** S. 15(2)-(4) substituted (1.1.1996) for words from “and the date on which it is to expire” to the end by [1994 c. 40, s. 61](#), [S.I. 1995/2835](#), art. 2

## 16 Conditions attached to licences.

- (1) [<sup>F51</sup>Subject to subsection (1A) below and section 12(7) of the Transport Act 1985][<sup>F52</sup>A traffic commissioner] on granting a PSV operator’s licence shall attach to it one or more conditions specifying the maximum number of vehicles (being vehicles having their operating centre in the area of [<sup>F52</sup>that commissioner]) which the holder of the licence may at any one time use under the licence.



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- [<sup>F53</sup>(1A) In the case of a restricted licence, the number specified as the maximum in any condition imposed under subsection (1) above shall not, except in any prescribed case or class of case, exceed two.]
- (2) Conditions attached under subsection (1) above to a PSV operator's licence may specify different maximum numbers for different descriptions of vehicle.
- (3) [<sup>F54</sup>A traffic commissioner] may (whether at the time when the licence is granted or at any time thereafter) attach to a PSV operator's licence granted by [<sup>F55</sup>him] such conditions or additional conditions as [<sup>F54</sup>he thinks] fit for restricting or regulating the use of vehicles under the licence, being conditions of any prescribed description.
- (4) Without prejudice to the generality of the power to prescribe descriptions of conditions for the purposes of subsection (3) above, the descriptions which may be so prescribed include conditions for regulating the places at which vehicles being used under a PSV operator's licence may stop to take up or set down passengers.
- (5) The traffic [<sup>F56</sup>commissioner] by whom a PSV operator's licence was granted may at any time while it is in force vary the licence by—
- (a) altering in such manner as [<sup>F57</sup>he thinks] fit any condition attached under subsection (3) above to the licence; or
- (b) removing any condition so attached to the licence.
- (6) On the application of the holder of a PSV operator's licence, the traffic [<sup>F58</sup>commissioner] by whom the licence was granted may at any time while it is in force—
- (a) vary the conditions attached under subsection (1) above to the licence; <sup>F59</sup> . . .
- (b) exercise [<sup>F58</sup>his] powers (whether of alteration or removal) under subsection (5) above; [<sup>F60</sup>or
- (c) vary or remove any undertaking recorded in the licence;]
- and a person making an application under this subsection shall give to the traffic [<sup>F58</sup>commissioner] such information as [<sup>F58</sup>he] may reasonably require for the discharge of [<sup>F58</sup>his] duties in relation to the application.
- [<sup>F61</sup>(6A) In considering whether to grant an application under subsection (6) above, the traffic commissioner may take into account any undertakings given by the applicant (or procured by him to be given) for the purposes of the application, and may assume that those undertakings will be fulfilled.
- (6B) In any case where the traffic commissioner grants an application under subsection (6) above, any undertakings taken into account by him under subsection (6A) above that he considers to be material to the granting of the application shall be recorded in the licence as varied.]
- (7) Subject to section 68(3) of this Act, if a condition attached to a PSV operator's licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding [<sup>F62</sup>level 3 on the standard scale].
- (8) Compliance with any condition attached to a PSV operator's licence . . . <sup>F63</sup>[<sup>F64</sup>(other than a condition so attached under subsection (1A) above)] may be temporarily dispensed with by the traffic [<sup>F65</sup>commissioner] by whom the licence was granted if [<sup>F66</sup>he is] satisfied 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.

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- (9) It is hereby declared that the conditions attached under subsection (1) [<sup>F67</sup>or (1A)] above to a PSV operator's licence granted by the traffic [<sup>F68</sup>commissioner] for any area do not affect the use by the holder of the licence of a vehicle—
- (a) under a PSV operator's licence granted to him by the traffic [<sup>F68</sup>commissioner] for another area; or
  - (b) in circumstances such that another person falls to be treated as the operator of the vehicle (for example, by virtue of regulations under section 81(1)(a) of this Act).

#### Textual Amendments

- F51** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(2\), Sch. 7 para. 21\(4\)](#)
- F52** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(a\)](#)
- F53** S. 16(1A) inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(1\)\(a\)](#)
- F54** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(b\)](#)
- F55** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(b\)](#)
- F56** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(c\)](#)
- F57** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(c\)](#)
- F58** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(d\)](#)
- F59** Word “or” in s. 16(6) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 4, [Sch. 17; S.I. 1995/2835, art. 2](#)
- F60** S. 16(6)(c) and the word “or” immediately preceding it inserted (1.1.1996) by 1994 c. 40, [s. 59\(4\)](#); S.I. 1995/2835, [art. 2](#)
- F61** S. 16(6A)(6B) inserted (1.1.1996) by 1994 c. 40, [s. 59\(5\)](#); S.I. 1995/2835, [art. 2](#)
- F62** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)
- F63** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\), Sch. 8](#)
- F64** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(1\)\(b\)](#)
- F65** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(e\)](#)
- F66** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(e\)](#)
- F67** Words inserted by [Transport Act 1985 \(c. 67, SIF 67\), s. 24\(1\)\(c\)](#)
- F68** Word substituted by [Transport Act 1985 \(c. 67, SIF 67\), s. 3\(5\), Sch. 2 Pt. II para. 4\(7\)\(f\)](#)

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

- C25** S. 16 amended by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(4\)](#)
- C26** S. 16(1A) excluded by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(13\)\(a\)](#)
- C27** S. 16(1A) excluded (1.1.1996) by S.I. 1995/2908, [reg. 25](#)
- C28** S. 16(2) excluded by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(13\)\(a\)](#)
- C29** S. 16(5) amended by [Transport Act 1985 \(c. 67, SIF 126\), s. 27\(4\)](#)

#### [<sup>F69</sup>16A Conditions as to matters required to be notified.

- (1) On issuing a standard licence, a traffic commissioner shall attach to it the following conditions, namely—
- (a) a condition requiring the licence-holder to inform the commissioner of any event which could affect the fulfilment by the licence-holder of any of the requirements of section 14(1) of this Act, and to do so within 28 days of the event; and
  - (b) a condition requiring the licence-holder to inform the commissioner of any event which could affect the fulfilment by a relevant transport manager of the

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requirements mentioned in section 14(1)(a) or (c) of this Act, and to do so within 28 days of the event coming to the licence-holder's knowledge.

- (2) In subsection (1)(b) above the reference to a “relevant transport manager” is a reference to any transport manager employed by the licence-holder who is relied on by the licence-holder to fulfil the requirements of section 14(1)(c) of this Act.
- (3) Any person who contravenes any condition attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

#### Textual Amendments

**F69** S. 16A and sidenote inserted (1.10.1999) by S.I. 1999/2431, reg. 5

### 17 Revocation, suspension etc. of licences.

- (1) The traffic [<sup>F70</sup>commissioner] by whom a standard licence was granted shall revoke the licence if it appears to [<sup>F70</sup>him] at any time that the holder no longer satisfies the requirement to be of good repute, the requirement to be of appropriate financial standing or the requirement as to professional competence.
- (2) Without prejudice to subsection (1) above, the traffic [<sup>F71</sup>commissioner] by whom a PSV operator's licence was granted may, on any of the grounds specified in subsection (3) below, at any time—
  - (a) revoke the licence;
  - (b) suspend the licence for such period as [<sup>F72</sup>he directs]. . . ;
  - <sup>F73</sup>(c) . . . . .
  - (d) vary any condition attached under subsection (1) of section 16 of this Act to the licence, or attach to the licence (whether in addition to or in place of any existing condition so attached to it) any such condition as is mentioned in that subsection.
- (3) The grounds for action under subsection (2) above are—
  - (a) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for a variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of <sup>F74</sup>. . . expectation which has not been fulfilled;
  - <sup>F75</sup>(aa) that any undertaking recorded in the licence has not been fulfilled;]
  - (b) that there has been a contravention of any condition attached to the licence;
  - (c) that a prohibition under <sup>F76</sup>[<sup>M1</sup>section 69 of the Road Traffic Act 1988] has been imposed with respect to a vehicle owned or operated by the holder of the licence, or that the holder of the licence has been convicted of an offence under [section 71(1)(a) or (b) of that Act arising out of the contravention of such a prohibition];
  - (d) in the case of a restricted licence, that the holder no longer satisfies the requirement to be of good repute or the requirement to be of appropriate financial standing;

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- (e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence.
- [<sup>F77</sup>(f) the licence is one in relation to which a direction given by a traffic commissioner under section 28(4) of the Transport Act 1985 (power when disqualifying a former licence holder to direct that certain other PSV operators' licences should be liable to be revoked, suspended, etc.) has effect]
- (4) [<sup>F78</sup>A traffic commissioner] shall not take any action under subsection (1) or (2) above in respect of any licence without first holding [<sup>F79</sup>an inquiry] if the holder of the licence requests [<sup>F80</sup>him] to do so.
- (5) Where [<sup>F81</sup>a traffic commissioner decides] to revoke a licence under this section, [<sup>F82</sup>he] may direct that the revocation shall not take effect for such period as appears to [<sup>F82</sup>him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.
- [<sup>F83</sup>(5A) Where a licence is suspended under this section, it remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.
- (5B) A traffic commissioner who has suspended a licence under this section may at any time—
- (a) cancel the suspension; or
  - (b) with the consent of the holder of the licence, vary the period for which it is suspended.]
- (6) The provisions of Schedule 3 to this Act shall apply for the purposes of subsections (1) and (3)(d) above as they apply for the purposes of section 14(1) of this Act.

#### Textual Amendments

- F70** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(a)**
- F71** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(b)**
- F72** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(b)**
- F73** S. 17(2)(c) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 5(2)(a), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F74** Words in s. 17(3)(a) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 5(2)(a), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F75** S. 17(3)(aa) inserted (1.1.1996) by 1994 c. 40, s. 59(6); S.I. 1995/2835, **art. 2**
- F76** Words in s. 17(3)(c) substituted (3.1.1995) by 1994 c. 40, s. 68, **Sch. 14**, para. 5(2)(b); S.I. 1994/3188, **art. 3**
- F77** S. 17(3)(f) added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(5)**
- F78** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
- F79** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(6)**
- F80** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
- F81** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**
- F82** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**
- F83** S. 17(5A)(5B) inserted (3.1.1995) by 1994 c. 40, s. 62(3); S.I. 1994/3188, **art. 3**

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

- C30** S. 17(1) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
- C31** S. 17(2) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 28(4)

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**C32** S. 17(3)(d) excluded by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(13\)\(a\)](#)

#### Marginal Citations

**M1** [1988 c. 52.](#)

### [<sup>F84</sup>17A Assessors to assist traffic commissioners.

- (1) In considering any financial question which appears to him to arise in relation to the exercise of his functions under section 14, 16 or 17 of this Act, a traffic commissioner may be assisted by an assessor drawn from a panel of persons appointed by the Secretary of State for the purposes of this section.
- (2) A traffic commissioner shall pay to any such assessor, in respect of his services, such remuneration as may be determined by the Secretary of State with the consent of the Treasury.]

#### Textual Amendments

**F84** S. 17A inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 5](#)

### 18 Duty to exhibit operator's disc.

- (1) Where a vehicle is being used in circumstances such that a PSV operator's licence is required, there shall be fixed and exhibited on the vehicle in the prescribed manner an operator's disc issued under this section showing particulars of the operator of the vehicle and of the PSV operator's licence under which the vehicle is being used.
- [<sup>F85</sup>(2) A traffic commissioner on granting a PSV operator's licence shall supply the person to whom the licence is granted—
  - (a) with a number of operators' discs equal to the maximum number of vehicles that he may use under the licence in accordance with the condition or conditions attached to the licence under section 16(1) of this Act; or
  - (b) with such lesser number of operators' discs as he may request.
- (2A) Where, in the case of any PSV operator's licence, the maximum number referred to in subsection (2)(a) above is increased on the variation of one or more of the conditions there referred to, the traffic commissioner on making the variation shall supply the holder of the licence—
  - (a) with such number of additional operators' discs as will bring the total number of operators' discs held by him in respect of the licence to that maximum number, or
  - (b) with such lesser number of additional operators' discs as he may request.
- (2B) Where the number of operators' discs currently held in respect of a PSV operator's licence is less than the maximum number referred to in subsection (2)(a) above, the traffic commissioner by whom the licence was granted shall on the application of the holder of the licence supply him with such number of additional operators' discs as is mentioned in subsection (2A)(a) or (b) above.
- (2C) Where, in accordance with regulations under subsection (3)(aa) below, all the operators' discs held in respect of a PSV operator's licence expire at the same time, the traffic commissioner by whom the licence was granted shall supply the holder of

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the licence with a number of new operators' discs equal to the number of discs that have expired.]

- (3) Regulations may make provision—
- (a) as to the form of operators' discs and the particulars to be shown on them;
  - [<sup>F86</sup>(aa) as to the expiry of operators' discs;]
  - (b) with respect to the custody and production of operators' discs;
  - (c) for the issue of new operators' discs in place of those lost, destroyed or defaced;
  - (d) for the return of operators' discs [<sup>F87</sup>on their expiry or otherwise ceasing to have effect,] on the revocation or [<sup>F88</sup>on termination] of a PSV operator's licence or in the event of a variation of one or more conditions attached to a licence under section 16(1) of this Act having the effect of reducing the maximum number of vehicles which may be used under the licence.
  - [<sup>F89</sup>(e) for the voluntary return of operators' discs by the holder of a PSV operator's licence.]
- (4) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [<sup>F90</sup>level 3 on the standard scale].

#### Textual Amendments

- F85** S. 18(2)(2A)(2B)(2C) substituted for s. 18(2) (1.1.1996) by 1994 c. 40, s. 63(2); S.I. 1995/2835, art. 2
- F86** S. 18(3)(aa) inserted (1.1.1996) by 1994 c. 40, s. 63(3)(a); S.I. 1995/2835, art. 2
- F87** Words in s. 18(3)(d) inserted (1.1.1996) by 1994 c. 40, s. 68, Sch. 14 para. 6; S.I. 1995/2835, art. 2
- F88** Words in s. 18(3)(d) substituted (1.1.1996) by 1994 c. 40, s. 68, Sch. 14 para. 6; S.I. 1995/2835, art. 2
- F89** S. 18(3)(e) added (1.1.1996) by 1994 c. 40, s. 63(3)(b); S.I. 1995/2835, art. 2
- F90** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

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

- C33** S. 18 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C34** S. 18(1) amended by S.I. 1986/1628, reg. 5(1), Sch.

## 19 Duty to inform traffic commissioners of relevant convictions etc.

- (1) A person who has applied for a PSV operator's licence shall forthwith notify the traffic [<sup>F91</sup>commissioner] to whom the application was made if, in the interval between the making of the application and the date on which it is disposed of, a relevant conviction occurs of the applicant, or any employee or agent of his, or of any person proposed to be engaged as transport manager whose repute and competence are relied on in connection with the application.
- (2) It shall be the duty of the holder of a PSV operator's licence to give notice in writing to the traffic [<sup>F92</sup>commissioner] by whom the licence was granted of—
- (a) any relevant conviction of the holder; and
  - (b) any relevant conviction of any officer, employee or agent of the holder for an offence committed in the course of the holder's road passenger transport business,

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and to do so within 28 days of the conviction in the case of a conviction of the holder or his transport manager and within 28 days of the conviction coming to the holder's knowledge in any other case.

[<sup>F93</sup>(2A) For the purposes of subsections (1) and (2) above the issue to a person of a fixed penalty notice or conditional offer under Part 3 of the Road Traffic Offenders Act 1988 in respect of an offence prescribed for the purposes of this Act is to be treated as if it were a relevant conviction of him.]

(3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—

- (a) the bankruptcy or liquidation of the holder, or the sequestration of his estate [<sup>F94</sup> or [<sup>F95</sup>the entry into administration of] the holder] or the appointment of a receiver, manager or trustee of his road passenger transport business; or
- (b) any change in the identity of the transport manager of the holder's road passenger transport business,

to give notice in writing of that event to the traffic [<sup>F96</sup>commissioner] by whom the licence was granted.

(4) [<sup>F97</sup>A traffic commissioner] on granting or varying a PSV operator's licence, or at any time thereafter, may require the holder of the licence to inform [<sup>F98</sup>him] forthwith or within a time specified by [<sup>F98</sup>him] of any material change specified by [<sup>F98</sup>him] in any of [<sup>F97</sup>the holder's] circumstances which were relevant to the grant or variation of the licence.

(5) Subject to section 68(1) of this Act, a person who fails to comply with subsection (1), (2) or (3) above or with any requirement under subsection (4) above shall be liable on summary conviction to a fine not exceeding [<sup>F99</sup>level 3 on the standard scale].

#### Textual Amendments

- F91** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F92** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F93** S. 19(2A) inserted (31.3.2009) by Road Safety Act 2006 (c. 49), **ss. 7(2), 61(1)(10)** (with s. 61(3)); S.I. 2008/3164, art. 3(c)
- F94** Words inserted by Insolvency Act 1985 (c. 65, SIF 66), s. 235, Sch. 8 para. 34, **Sch. 9 para. 11(2)**
- F95** Words in s. 19(3)(a) substituted (15.9.2003) by The Enterprise Act 2002 (Insolvency) Order 2003 (S.I. 2003/2096), art. 1(1), **Sch. para. 4** (with art. 6)
- F96** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F97** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
- F98** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
- F99** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

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

- C35** S. 19 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C36** S. 19(1) amended by S.I. 1986/1628, reg. 5(1), **Sch.**
- C37** S. 19(2) amended by S.I. 1986/1628, reg. 5(1), **Sch.**
- C38** S. 19(3) amended by S.I. 1986/1628, reg. 5(1), **Sch.**

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**20 Duty to give traffic commissioners information about vehicles.**

- (1) It shall be the duty of the holder of a PSV operator’s licence, on the happening to any public service vehicle owned by him of any failure or damage of a nature calculated to affect the safety of occupants of the public service vehicle or of persons using the road, to report the matter as soon as is practicable [F100to the [F101Secretary of State]] [F100; in accordance with regulations made by virtue of subsection (2A) below].
- (2) It shall be the duty of the holder of a PSV operator’s licence, on any alteration otherwise than by replacement of parts being made in the structure or fixed equipment of any public service vehicle owned by him, to give notice of the alteration as soon as is practicable [F100to the [F101Secretary of State]] [F100; in accordance with regulations made by virtue of subsection (2A) below].

[F102(2A) Regulations may make provision—

- (a) for any report or notice required under subsection (1) or (2) above to be made or given to the Secretary of State or to the prescribed testing authority;
  - (b) for requiring a public service vehicle to be submitted for examination in the event of any such failure or damage as is mentioned in subsection (1) above or any such alteration as is mentioned in subsection (2) above; and
  - (c) for the examinations to be carried out under the regulations and, in particular, for authorising any such examination to be carried out by or under the direction of a [F103an examiner appointed under section 66A of the Road Traffic Act 1988] or an authorised inspector.]
- (3) The traffic [F104commissioner] by whom a PSV operator’s licence was granted may—
- (a) require the holder of the licence to supply [F104him] forthwith or within a specified time with such information as [F104he] may reasonably require about the public service vehicles owned by [F105the holder] and normally kept at an operating centre within the area of [F105that commissioner], and to keep up to date information supplied by [F105the holder] under this paragraph; or
  - (b) require the holder or former holder of the licence to supply [F104him] forthwith or within a specified time with such information as [F104he] may reasonably require about the public service vehicles owned by [F105the holder or former holder] at any material time specified by [F104him] which were at that time normally kept at an operating centre within the area of [F105that commissioner].

In this subsection “material time” means a time when the PSV operator’s licence in question was in force.

- (4) Subject to section 68(1) of this Act, a person who fails to comply with the provisions of subsection (1) or (2) above or with any requirement under subsection (3) above shall be liable on summary conviction to a fine not exceeding [F106level 3 on the standard scale].
- (5) A person who in purporting to comply with any requirement under subsection (3) above supplies any information which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding [F107level 4 on the standard scale].

[F108(6) .....



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### Textual Amendments

- F100** By [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(9)(a)**, 76(2) a (*prosp.*) substitution of the words “in accordance with regulations made by virtue of subsection (2A) below” is made in place of the original words “to the traffic commissioners who granted the licence”
- F101** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 29**
- F102** S. 20(2A) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(9)(b)**, 76(2)
- F103** Words in s. 20(2A) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, **Sch. 4 para. 19(4)**; S.I. 1992/1286, art. 2, **Sch.**
- F104** Word substituted as provided by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F105** Words substituted as provided by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F106** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F107** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F108** S. 20(6) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 170:1\)](#), s. 83, **Sch.8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix

### Modifications etc. (not altering text)

- C39** S. 20 excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 12(13)(a)**
- C40** S. 20(2A) extended (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(11)(b)**, 76(2)

## 21 Certificates of qualification.

- (1) A person who wishes to do either of the following things in another member State or in Northern Ireland, namely to carry on a road passenger transport business or to be the transport manager of such a business, may apply—
- if he holds a standard licence, to the traffic [<sup>F109</sup>commissioner] by whom that licence was granted or, if he holds more than one, by whom the last such licence was granted;
  - in any other case, to the traffic [<sup>F109</sup>commissioner] for any traffic area, for a certificate as to his repute and professional competence and, where relevant, his financial standing.
- (2) A person applying for a certificate under subsection (1) above shall give to the traffic [<sup>F109</sup>commissioner] such information as [<sup>F109</sup>he] may reasonably require for the discharge of [<sup>F109</sup>his] duties in relation to the application.
- (3) The traffic [<sup>F109</sup>commissioner] to whom an application under subsection (1) above is made shall certify such matters relating to the applicant as—
- [<sup>F110</sup>he is satisfied he] may properly certify, and
  - appear to [<sup>F110</sup>the commissioner] to be of assistance to the applicant in satisfying the requirements of the law of the other member State in which he wishes to carry on business or to work or, as the case may be, the requirements of the law of Northern Ireland.

### Textual Amendments

- F109** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(12)(a)**

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**F110** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(12)(c)**

### *Drivers' licences*

#### [<sup>F111</sup>22 Drivers' licences.

- (1) A person—
- (a) shall not drive a public service vehicle on a road unless he is licensed for the purpose under this section; and
  - (b) shall not employ a person who is not so licensed for the purpose to drive a public service vehicle on a road.

Notwithstanding section 1(1) of this Act, in this section and in sections 23 to 26 of this Act “public service vehicle” shall be construed as meaning [<sup>F112</sup>a public service vehicle being used on a road for carrying passengers for hire or reward.]

- (2) The authority having power to grant under this section a licence to a person to drive a public service vehicle shall be— [<sup>F113</sup>the traffic commissioner for the traffic area in which that person resides at the time when he applies for a licence].
- (3) A person shall be disqualified for obtaining a licence to drive a public service vehicle unless he fulfils such conditions as may be prescribed.
- (4) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.
- (5) A licence to drive a public service vehicle may at any time be suspended or revoked by the authority by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence; and a licence suspended under this subsection shall during the time of suspension be of no effect.
- (6) A licence to drive a public service vehicle shall, unless previously revoked, continue in force for five years from the date on which it is expressed to take effect.
- (7) Without prejudice to section 23(3) of this Act if, on the date on which an application is made for a licence to drive a public service vehicle, the applicant is the holder of such a licence, the existing licence shall, notwithstanding anything in subsection (6) above, continue in force until the application is disposed of.
- (8) A licence granted under this section to a person resident in any traffic area shall be valid in every other traffic area.
- (9) Subject to section 68(1) and (3) of this Act, a person who contravenes subsection (1) (a) or (b) above shall be liable on summary conviction to a fine not exceeding [<sup>F114</sup>level 4 on the standard scale].

#### **Textual Amendments**

- F111** S. 22 repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), ss. 1(1)(2)(7), 16, **Sch. 6**
- F112** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), **Sch. 1 para. 5**
- F113** Words substituted by virtue of [Transport Act 1985 \(c. 67, SIF 126\)](#), **Sch. 7 para. 21(7)**
- F114** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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

- C41** S. 22 excluded (up to 1.4.1991:see S.I. 1990/2610, art. 2, Sch. para. (10)) by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a) as partly repealed by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6
- C42** S. 22 excluded by Transport Act 1985 (c. 67, SIF 126), s. 18
- C43** S. 22(1) excluded by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 1(6), Sch. 1 Pt. II para. 10(1)

#### [<sup>F115</sup>23 Appeals to courts of summary jurisdiction in connection with driver's licences.

- (1) A person who, being the holder of or an applicant for a licence to drive a public service vehicle, feels aggrieved by the refusal or failure of [<sup>F116</sup>a traffic commissioner] . . . [<sup>F117</sup> to grant, or by the suspension or revocation of, such a licence, or by any limitation imposed thereon, may by notice in writing to the [<sup>F118</sup>commissioner] . . . [<sup>F117</sup>, require [<sup>F118</sup>him] . . . [<sup>F117</sup> to reconsider the matter and shall on the reconsideration be entitled to be heard either personally or by his representative.
- (2) A person who is so aggrieved or who is dissatisfied with the decision of the [<sup>F119</sup>commissioner] . . . [<sup>F120</sup> on the reconsideration of the matter may appeal—
- (a) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,
- (b) if he resides in Scotland, to the sheriff within whose jurisdiction he resides, and on any such appeal the court or sheriff may make such order as it or he thinks fit and any order so made shall be binding on the [<sup>F119</sup>commissioner] . . . [<sup>F120</sup>.
- (3) Where the applicant for a licence to drive a public service vehicle, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall, notwithstanding anything in section 22(6) of this Act, continue in force until the appeal has been disposed of.

#### Textual Amendments

- F115** S. 23 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:), s. 16, Sch. 6
- F116** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(13)(a)
- F117** Words repealed by S.I. 1984/31, art. 5(c)(i)
- F118** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(13)(a)
- F119** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(13)(b)
- F120** Words repealed by S.I. 1984/31, art. 5(c)(ii)

#### [<sup>F121</sup>23A Northern Ireland drivers' licences.

- (1) A licensing authority may, notwithstanding any driving test condition imposed by regulations, grant a licence to an applicant to drive a public service vehicle of any type if the authority is satisfied that the applicant has, within the period of five years ending on the date of the coming into force of the licence, held a licence granted under the law of Northern Ireland to drive a public service vehicle of that type.
- (2) In this section—

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“driving test condition”, in relation to an applicant for a licence to drive a public service vehicle of any type, means a condition as to the provision of facilities for, or the passing of, a practical test of his ability to drive a public service vehicle of that type;

“licencing authority” shall be construed in accordance with section 22(2) of this Act.]

#### Textual Amendments

**F121** S. 23A inserted by Road Traffic (Driving Licences) Act 1983 (c. 43, SIF 107:1), s. 3 and repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, Sch. 6

*Regulation of conduct etc. of drivers, inspectors, conductors and passengers*

## 24 Regulation of conduct of drivers, inspectors and conductors.

- (1) Regulations may make provision for regulating the conduct, when acting as such, of—
  - (a) [<sup>F122</sup>persons licensed to act as] drivers of public service vehicles, and
  - (b) inspectors and conductors of such vehicles; [<sup>F123</sup>and
  - (c) drivers, inspectors and conductors of tramcars].
- (2) Subject to section 68(1) of this Act, if a person to whom regulations having effect by virtue of this section apply contravenes, or fails to comply with, any of the provisions of the regulations, he shall be liable on summary conviction to a fine not exceeding [<sup>F124</sup>level 2 on the standard scale] and, in the case of an offence by a person acting as driver [<sup>F125</sup>of a public service vehicle], the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon [<sup>F126</sup>the counterpart of] the licence granted to that person under [<sup>F127</sup>Part III of the Road Traffic Act 1988][<sup>F128</sup>or, as the case may be, the counterpart (if any) of his Community licence (within the meaning of that Part)][<sup>F129</sup>or, if he is not the holder of a licence (within the meaning of Part 3 of the Road Traffic Act 1988), on his driving record (within the meaning of section 97A of the Road Traffic Offenders Act 1988)].
- (3) The person who has the custody of [<sup>F130</sup>any counterpart of a licence which is to be endorsed under subsection (2) above] shall, if so required by the convicting court, produce [<sup>F131</sup>it and the licence] within a reasonable time for the purpose of endorsement, and, subject to section 68(1) of this Act, if he fails to do so, shall be liable on summary conviction to a fine not exceeding [<sup>F132</sup>level 3 on the standard scale].
- (4) In this section and in section 25 of this Act “inspector”, in relation to a public service vehicle, means a person authorised to act as an inspector by the holder of the PSV operator’s licence under which the vehicle is being used.
- [<sup>F133</sup>(5) Notwithstanding section 1(1) of this Act, in this section and in sections 25 and 26 of this Act “public service vehicle” shall be construed as meaning a public service vehicle being used on a road for carrying passengers for hire or reward.]

#### Textual Amendments

**F122** Words repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), ss. 7, 16, Sch. 3 para. 2(a), Sch. 6

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- F123** S. 24(1)(c) and word 'and' preceding it added (31.1.1993) by Transport and Works Act 1992 (c. 42), s. **61(2)(a)**; S.I. 1992/3144, art. 3, **Sch.**
- F124** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. **46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. **289G**
- F125** Words in s. 24(2) inserted (31.1.1993) by Transport and Works Act 1992 (c. 42), s. **61(2)(b)**; S.I. 1992/3144, art. 3, **Sch.**
- F126** Words inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 2(b)(i)** (as substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(2)(a)**)
- F127** Words substituted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 2(b)(ii)** (as substituted by S.I. 1990/144, regs. 2(3), 3, **Sch. 3 para. 3(2)(a)**)
- F128** Words in s. 24(2) inserted (1.1.1997) by S.I. 1996/1974, reg. 5, **Sch. 4 para. 4**
- F129** Words in s. 24(2) inserted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 1(2)**; S.I. 2008/3164, art. 4(b)
- F130** Words in s. 24(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 1(3)(a)**; S.I. 2008/3164, art. 4(b)
- F131** Words in s. 24(3) substituted (1.4.2009) by Road Safety Act 2006 (c. 49), s. 61(1)(10), **Sch. 2 para. 1(3)(b)**; S.I. 2008/3164, art. 4(b)
- F132** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. **46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. **289G**
- F133** S. 24(5) inserted (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 7, **Sch. 3 para. 2(c)**

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

- C44** S. 24 applied (with modifications) (21.7.1994) by 1994 c. xv, s. **63(1)**

## 25 Regulation of conduct of passengers.

- (1) Regulations may make provision generally as to the conduct of passengers on public service vehicles [<sup>F134</sup>or tramcars] and in particular (but without prejudice to the generality of the foregoing provision) for—
- (a) authorising the removal from a public service vehicle [<sup>F134</sup>or tramcar] of a person infringing the regulations by the driver, inspector or conductor of the vehicle or on the request of the driver, inspector or conductor by a police constable;
  - (b) requiring a passenger in a public service vehicle [<sup>F134</sup>or tramcar] who is reasonably suspected by the driver, inspector or conductor thereof of contravening the regulations to give his name and address to the driver, inspector or conductor on demand;
  - (c) requiring a passenger to declare, if so requested by the driver, inspector or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of that journey and to accept any ticket provided therefor;
  - (d) requiring, on demand being made for the purpose by the driver, inspector or conductor, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;
  - (e) requiring a passenger, if so requested by the driver, inspector or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

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- (f) requiring the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.
- (2) ..... <sup>F135</sup>
- (3) Subject to section 68(1) of this Act, if a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding [<sup>F136</sup>level 3 on the standard scale].
- (4) In the application of this section to Scotland, subsection (1)(b) shall have effect as if after the word “address” there were inserted the words “to a police constable or”

#### Textual Amendments

**F134** Words in s. 25(1) inserted (31.1.1993) by Transport and Works Act 1992 (c. 42), s. 61(3); S.I. 1992/3144, art. 3, Sch.

**F135** S. 25(2) repealed by Police and Criminal Evidence Act 1984 (c. 60, SIF 95), s. 119, Sch. 7 Pt. I

**F136** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

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

**C45** S. 25 applied (with modifications) (21.7.1994) by 1994 c. xv, s. 63(1)

**C46** S. 25 applied (with modifications) (1.7.1994) S.I. 1994/1761, art. 25(1)

**C47** S. 25 applied (21.7.1994) by 1994 c. xi, s. 47(1)

**C48** S. 25(3) restricted (21.7.1994) by 1994 c. xv, s. 55(1)(2)(b)

S. 25(3) restricted (3.7.2000) by 1999 c. 29, s. 245, Sch. 17, para. 8(1)(2)(3)(c)(4) (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), Sch. Pt. 3

## 26 Control of number of passengers.

- (1) Regulations may make provision with respect to public service vehicles for—
- the determination by or under the regulations of the number of the seated passengers and standing passengers respectively for whom a vehicle is constructed or adapted and fit to carry;
  - the determination by or under the regulations of the number of such passengers respectively who may be carried in a vehicle;
  - the marks to be carried on a vehicle showing those numbers and the manner in which those marks are to be carried.
- (2) Subject to section 68(1) and (3) of this Act, if a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding [<sup>F137</sup>level 2 on the standard scale].

#### Textual Amendments

**F137** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), ss. 39, 46, Sch. 2 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

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

**C49** S. 26 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)

**C50** S. 25 applied (with modifications) (21.7.1994) by 1994 c. xv, s. 63(1)

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*Supplementary provisions*

F138 **27** .....

**Textual Amendments**

F138 S. 27 repealed (3.1.1995) by 1994 c. 40 ss. 64, 81, Sch. 17; S.I. 1994/3188, art. 3

**28** ..... F139

**Textual Amendments**

F139 S. 28 repealed by Transport Act 1985 (c. 67, SIF 126), s. 32(a), Sch. 8

**29 Avoidance of contracts so far as restrictive of liability in respect of death of or injury to passengers in public service vehicles.**

A contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of a person in respect of a claim which may be made against him in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

**PART III**

**30–41** ..... F140

**Textual Amendments**

F140 Pt. III (ss. 30–41) repealed and superseded by Transport Act 1985 (c. 67, SIF 126), ss. 1, 6–9, 34–46, 139(3), Sch. 8

**PART IV**

**42–45** ..... F141

**Textual Amendments**

F141 Ss. 42–45 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

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### *Fare-paying passengers on school buses*

#### **46 Fare-paying passengers on school buses.**

- (1) Subject to subsection (2) below, a <sup>F142</sup>local authority] may—
- (a) use a school bus, when it is being used to provide free school transport, to carry as fare-paying passengers persons other than those for whom the free school transport is provided;
  - (b) use a school bus belonging to the authority, when it is not being used to provide free school transport, to provide a local . . . <sup>F143</sup> service;

and sections 6, 8, 9, <sup>F144</sup>and 12(1)] of this Act shall not apply to a school bus belonging to a <sup>F142</sup>local authority] in the course of its use by the authority in accordance with this subsection.

- (2) Subsection (1) above does not affect the duties of a <sup>F142</sup>local authority] in relation to the provision of free school transport or authorise a <sup>F142</sup>local 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—

<sup>F145</sup>“free school transport” means transport provided by a <sup>F142</sup>local authority] free of charge—

- (a) in pursuance of arrangements under <sup>F146</sup> section 508B(1), section 508C(1), section 508F(1), <sup>F147</sup>section 509(1) or (1A)] or section 509AA(7)(b) or (9)(a) of the Education Act 1996,

- (aa) <sup>F148</sup>in pursuance of arrangements made by the authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes),<sup>F149</sup>or]

- (ab) <sup>F150</sup>in pursuance of arrangements under sections 3 or 4 of the Learner Travel (Wales) Measure 2008, or]

- (b) otherwise, in the exercise of any function of the authority, for the purpose of facilitating the attendance of persons receiving education or training at any premises;]

<sup>F151</sup>“local authority” has the meaning given by section 579(1) of the Education Act 1996;]

. . . . . <sup>F152</sup>

“school bus”, in relation to a <sup>F142</sup>local 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 <sup>F142</sup>local authority] there shall be substituted references to an education authority;
- (b) in subsection (2) above for “maintained by” there shall be substituted “under the management of”; and
- (c) in subsection (3) above for the definition of “free school transport” there shall be substituted—

““free school transport” means transport between a pupil’s home and place of education provided in pursuance of arrangements under subsection (1)(a) of section 51 of the Education (Scotland) Act 1980 (pupils for whom such transport facilities are necessary) or in



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pursuance of subsection (2) of that section (other pupils allowed to use vacant seats free of charge)”.

**Textual Amendments**

- F142 Words in s. 46 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 32(2)**
- F143 Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), **Sch. 1 para. 6(a)**, Sch. 8
- F144 Words substituted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 7, **Sch. 3 para. 3**
- F145 Words in s. 46(3) substituted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 4** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F146 Words in s. 46(3) inserted (1.9.2007 for specified purposes) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 10 para. 1(a)**; S.I. 2007/1801, art. 4(l)
- F147 Words in s. 46(3) repealed (E.W.) (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 1(a)**, **Sch. 2**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F148 Words in s. 46(3) inserted (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 10 para. 1(b)**; S.I. 2007/1801, art. 4(l)
- F149 Word in s. 46(3) repealed (E.W.) (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 1(b)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F150 Words in s. 46(3) inserted (E.W.) (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 1(c)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F151 Words in s. 46(3) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 32(3)**
- F152 Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), **Sch. 1 para. 6(b)**, Sch. 8

47, 48. .... F153

**Textual Amendments**

- F153 Ss. 47, 48 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 32(b), 139(3), Sch. 8

49 ..... F154

**Textual Amendments**

- F154 S. 49 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

[<sup>F155</sup>49A **Review of decisions.**

- (1) Subject to subsection (2) below, a traffic commissioner may review and, if he thinks fit, vary or revoke any decision of his—
  - (a) to grant or refuse an application for a PSV operator’s licence; or
  - (b) to grant or refuse an application for the variation of a PSV operator’s licence,if he is satisfied that a procedural requirement imposed by or under this Act has not been complied with in relation to the decision.

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- (2) A traffic commissioner may only review a decision under subsection (1) above—
- (a) if, within such period after taking the decision as may be prescribed, he has given notice to the applicant or (as the case may be) the licence-holder that he intends to review the decision;
  - (b) if, within that period, a person who appears to him to have an interest in the decision has requested him to review it; or
  - (c) where neither paragraph (a) nor paragraph (b) above applies, if he considers there to be exceptional circumstances that justify the review.
- (3) Regulations may make provision as to the manner in which notices under subsection (2)(a) above are to be or may be served, including provision as to the circumstances in which and time at which any such notice is to be treated as having been duly served (whether or not it has in fact been served).
- (4) The variation or revocation of a decision under this section shall not make unlawful anything done in reliance on the decision before the variation or revocation takes effect.]

#### Textual Amendments

**F155** S. 49A inserted (1.1.1996) by 1994 c. 40, s. 65(1); S.I. 1995/2835, art. 2

## PART V

### MISCELLANEOUS AND SUPPLEMENTARY

#### *Appeals to the Secretary of State*

#### **[<sup>F157</sup>50 Appeals to the [<sup>F156</sup>Upper Tribunal].**

- (1) An applicant for the grant of a PSV operator's licence under this Act may appeal to the [<sup>F158</sup>Upper Tribunal] against any decision of the traffic commissioner—
- (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.
- <sup>F159</sup>(2) .....
- (3) Where an application for a PSV operator's licence is granted under this Act and a person who duly made an objection to the grant under section 14A of this Act is aggrieved by the grant of the licence he may appeal to the [<sup>F160</sup>Upper Tribunal].
- (4) The holder of a PSV operator's licence may appeal to the [<sup>F160</sup>Upper Tribunal] against any decision of the traffic commissioner—
- (a) to refuse his application for the variation or removal of any condition attached to the licence [<sup>F161</sup>or any undertaking recorded in it];
  - (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on his application; or
  - (c) to revoke or suspend the licence <sup>F162</sup>... .

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- [ A person who—
- <sup>F163</sup>(4A) (a) within the prescribed period has made an application for a review under section 49A of this Act; and
- (b) has been certified by the traffic commissioner as a person such as is mentioned in subsection (2)(b) of that section,
- may appeal to the [<sup>F160</sup>Upper Tribunal] against the refusal of the application.]
- (5) Where—
- (a) the holder of a PSV operator’s licence in respect of which an order or direction has been made or given under section 28 of the Transport Act 1985 (power to disqualify PSV operators); or
- (b) any person in respect of whom any such order or direction has been made or given;
- is aggrieved by the order or direction he may appeal to the [<sup>F160</sup>Upper Tribunal].
- [ A person aggrieved by the refusal of the prescribed testing authority to approve a
- <sup>F164</sup>(5A) vehicle as a type vehicle under section 10 of this Act or by the withdrawal by that authority under that section of such approval may appeal to the Secretary of State]
- (6) The traffic commissioner—
- (a) making any such decision with respect to a licence as is mentioned in subsection (4)(b) or (c) above;
- (b) making any such order or giving any such direction as is mentioned in subsection (5) above;
- may, if the holder of the licence or any such person as is mentioned in subsection (5)(b) above so requests, direct that his decision shall not have effect until the expiration of the period within which an appeal against it may be made to the [<sup>F160</sup>Upper Tribunal] and, if an appeal is made, until it is disposed of.
- [ A person aggrieved by the refusal of a certifying officer or public service vehicle
- <sup>F165</sup>(6A) examiner or by the refusal of an authorised inspector to remove a prohibition under section 9(1) of this Act may appeal to the Secretary of State.
- (6B) On any appeal under subsection (5A), (6) or (6A) above the Secretary of State shall cause an examination of the vehicle concerned to be made by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.]
- (7) Where a traffic commissioner has given a direction under subsection (6) above he may withdraw it at any time.
- (8) If the traffic commissioner refuses to give a direction under subsection (6) above or withdraws such a direction, the person requesting it may apply for such a direction [<sup>F166</sup>to the Upper Tribunal]<sup>F167</sup>... .
- (9) This section does not apply in relation to conditions attached to a PSV operator’s licence under section 8 of the Transport Act 1985 (enforcement of traffic regulation conditions).]

#### Textual Amendments

**F156** Words in Sch. 2A para. 12 cross-heading substituted (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 4(a)**

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- F157** S. 50 substituted by Transport Act 1985 (c. 67, SIF 126), s. 31
- F158** Words in s. 50(1) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 2(a)**
- F159** S. 50(2) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 7(1), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F160** Words in s. 50(3)-(6) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 2(a)**
- F161** Words in s. 50(4)(a) added (1.1.1996) by 1994 c. 40, s. 68, **Sch. 14 para. 7(2)(a)**; S.I. 1995/2835, **art. 2**
- F162** Words in s. 50(4)(c) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 7(2)(b), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F163** s. 50(4A) inserted (1.1.1996) by 1994 c. 40, s. 65(2); S.I. 1995/2835, **art. 2**
- F164** S. 50(5A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 21(4)(a)**, 76(2)
- F165** S. 50(6A)(6B) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 21(4)(b)**, 76(2)
- F166** Words in s. 50(8) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 2(b)(i)**
- F167** Words in s. 50(8) omitted (1.9.2009) by virtue of The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 2(b)(ii)**

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

- C51** S. 50(5) amended by S.I. 1983/1714, **art. 10(4)** (which S.I. is revoked (1.6.1991) by S.I. 1991/288, **art. 2**)

#### [<sup>F168</sup>51 Appeals to the Secretary of State.

- (1) 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 [<sup>F169</sup>an examiner]] to issue such a certificate.
- <sup>F170</sup>(2) . . . . .
- (3) 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 such appeals.
- (4) 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 [<sup>F171</sup>the examiner] for giving effect to his decision; and it shall be the duty of [<sup>F171</sup>the examiner] to comply with any such directions.

#### Textual Amendments

- F168** S. 51 substituted by Transport Act 1985 (c. 67, SIF 126), s. 31
- F169** Words in s. 51(1) substituted (1.7.1992) by virtue of Road Traffic Act 1991 (c. 40, SIF 170:1), s. 48, **Sch. 4 para. 16(2)**; S.I. 1992/1286, **art. 2**, Sch.
- F170** S. 51(2) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 170:1), s. 83, **Sch. 8**; S.I. 1992/1286, **art. 2**, **Sch.**, Appendix
- F171** Words in s. 51(4) substituted (1.7.1992) by virtue of Road Traffic Act 1991 (c. 40, SIF 107:1), s. 48, **Sch. 4 para. 16(3)**; S.I. 1992/1286, **art. 2**, Sch.

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## 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 [<sup>F172</sup>commissioner] for each traffic area in respect of—
    - (i) applications for, and the grant of, PSV operators' licences . . . <sup>F173</sup>;
    - [<sup>F174</sup>(ia) applications under section 16(6) of this Act and the grant of such applications;
    - (ib) the continuation in force of PSV operators' licences;]
    - [<sup>F175</sup>(ii) applications for certificates of initial fitness under section 6 of this Act which are required by regulations to be made to the commissioners and the issue of certificates on such applications;]
    - (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;
  - [<sup>F176</sup>(b) by the traffic [<sup>F172</sup>commissioner] for each traffic area . . . <sup>F177</sup>; in respect of—
    - (i) applications for, and the issue of, licences to drive public service vehicles; and
    - (ii) the provision by the traffic [<sup>F172</sup>commissioner] . . . <sup>F177</sup> 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.]
- (2) [<sup>F178</sup>A traffic commissioner] . . . <sup>F179</sup> 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;
  - [<sup>F180</sup>(b) the grant of any PSV operator's licence or of any application under section 16(6) of this Act;
  - (bb) the issue of any certificate, disc or other document referred to in subsection (1) above; or]
  - [<sup>F181</sup>(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.
- [<sup>F182</sup>(2A) If, in the case of any application for a PSV operator's licence, any fee or instalment of a fee in respect of the application, the grant of the licence or the issue of operators' discs under section 18(2) of this Act is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time;
  - (b) any decision made on the application ceases to have effect at that time; and
  - (c) any licence granted in pursuance of such a decision terminates at that time.
- (2B) If, in the case of any application under section 16(6) of this Act, any fee or instalment of a fee in respect of the application, the grant of the application or the issue of operators' discs under section 18(2A) of this Act is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time;

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- (b) any decision made on the application, and any variation effected in pursuance of such a decision, ceases to have effect at that time.
- (2C) If, in the case of any PSV operator’s licence, any fee or instalment of a fee in respect of—
  - (a) the continuation in force of the licence; or
  - (b) the issue of operators’ discs under section 18(2C) of this Act,
 is not duly paid by the prescribed time, the licence terminates at that time.
- (2D) If any fee or instalment of a fee in respect of any operators’ discs that have been issued under section 18 of this Act is not duly paid by the prescribed time, the discs cease to have effect at that time.
- (2E) The traffic commissioner by whom a PSV operator’s licence was granted may, if he considers there to be exceptional circumstances that justify his doing so in any case where subsection (2A), (2B), (2C) or (2D) above has applied, direct that as from the time mentioned in that subsection its effect in that case be disregarded.
- (2F) Where the traffic commissioner has given a direction under subsection (2E) above in respect of a PSV operator’s licence in a case where subsection (2A) or (2C) above has applied, it shall not for the purposes of section 20(1) or (2) of this Act be regarded as having been practicable for the licence-holder to—
  - (a) report any matter to the Secretary of State; or
  - (b) give him notice of any alteration,
 during the period beginning with the time mentioned in subsection (2A) or (2C) and ending when the direction came into force.]
- (3) Any fees received by [<sup>F183</sup>a traffic commissioner] by virtue of this section . . . <sup>F184</sup> shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (4) . . . . . <sup>F185</sup>

**Textual Amendments**

**F172** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(a)**

**F173** Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 7, **Sch. 8**

**F174** S. 52(1)(a)(ia)(ib) inserted (1.1.1996) by 1994 c. 40, s. 66(2); S.I. 1995/2835, **art. 2**

**F175** S. 52(1)(a)(ii) substituted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 74(1), **Sch. 5 para. 22**

**F176** S. 52(1)(b) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

**F177** Words repealed by S.I. 1984/31, **art. 5(d)(i)**

**F178** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(b)**

**F179** Words repealed by S.I. 1984/31, **art. 5(d)(ii)**

**F180** S. 52(2)(b)(bb) substituted for s. 52(2)(b) (1.1.1996) by 1994 c. 40, s. 66(3); S.I. 1995/2835, **art. 2**

**F181** S. 52(2)(c) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

**F182** S. 52(2A)-(2F) inserted (1.1.1996) by 1994 c. 40, s. 66(4); S.I. 1995/2835, **art. 2**

**F183** Words substituted by virtue of Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(c)**

**F184** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

**F185** S. 52(4) repealed by S.I. 1984/31, **art. 5(d)(iii)**

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

**C52** S. 52(1) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 126(1)**

**C53** S. 52(2) extended (with modifications) by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 126(2)**

**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 . . . <sup>F186</sup> traffic commissioners, <sup>F187</sup> . . . , and any other officer or servant appointed by the Secretary of State for the purposes of Part I, [<sup>F188</sup> or II] . . . <sup>F189</sup> of this Act, including any expenses incurred in connection with the employment of police officers as <sup>F187</sup> . . . vehicle examiners.

(2) . . . . . <sup>F190</sup>

**Textual Amendments**

**F186** Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F187** Words in s. 53(1) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40 SIF 107:1), s. 83, Sch. 8; [S.I. 1992/1286, art. 2, Sch.](#), Appendix

**F188** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), **Sch. 1 para. 8**

**F189** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F190** [S. 53\(2\)](#) repealed by [S.I. 1984/31, art. 5\(c\)](#)

*Provisions relating to traffic commissioners etc.*

**[<sup>F191</sup>54 Inquiries held by traffic commissioners.**

(1) A traffic commissioner may, at such places as appear to him to be convenient, hold such inquiries as he thinks fit in connection with the exercise of his functions.

(2) Where, as respects the proposed exercise of his powers on any occasion, a traffic commissioner receives a request for an inquiry from two or more persons he may hold a single inquiry in response to those requests.

(3) Subject to any provision made by regulations, any inquiry held under this section shall be public.

(4) Where a traffic commissioner proposes to hold an inquiry for the purpose of considering any application or proposal, he shall publish notice of the inquiry in the prescribed manner.

(5) Where a traffic commissioner holds an inquiry he may, in such circumstances as may be prescribed and subject to any provision made under subsection (6) below, make such order as he thinks fit as to the payment, by such party to the inquiry as he thinks fit, of costs incurred by him or by the Secretary of State in connection with the holding of the inquiry.

(6) Regulations may make provision, in relation to orders under subsection (5) above, as to—

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- (a) the method of calculating the amount of any costs incurred as mentioned in that subsection; and
  - (b) the maximum amount which may be ordered to be paid under such an order.
- (7) Any amount so ordered to be paid by any person may be recoverable from him—
- (a) in England and Wales, as a debt due to the Crown; or
  - (b) in Scotland, by the Secretary of State.
- (8) Information with respect to any particular trade or business which is given at any such inquiry while admission to the inquiry is restricted in accordance with regulations shall not be disclosed, so long as that trade or business continues to be carried on, except—
- (a) with the consent of the person for the time being carrying it on;
  - (b) for the purpose of the discharge by any person of his functions under any enactment mentioned in subsection (9) below; or
  - (c) with a view to the institution of, or otherwise for the purposes of, any legal proceedings pursuant to or arising out of any such enactment (including proceedings before the [<sup>F192</sup>Upper Tribunal]);
- and any person who discloses any information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) The enactments referred to in subsection (8)(b) and (c) above are—
- (a) sections 12 to 21 of this Act; and
  - (b) sections 24 to 28 of the Transport Act 1985.
- (10) The Secretary of State may by order made by statutory instrument amend subsection (9) above by adding a reference to an enactment or by removing any such reference; and any statutory instrument made in exercise of the power conferred by this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F191** S. 54 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 4

**F192** Words in s. 54(8)(c) substituted (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 3**

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

**C54** S. 54(8) disclosure powers extended (14.12.2001) by [2001 c. 24, ss. 17, 127\(2\)\(a\)](#), **Sch. 4 Pt. I para. 18**

## 55 Annual report of traffic commissioners and metropolitan police commissioner.

The traffic [<sup>F193</sup>commissioner] for each traffic area shall make an annual report to the Secretary of State on [<sup>F193</sup>his] proceedings containing particulars with respect to such matters as the Secretary of State may direct . . . <sup>F194</sup>.

#### Textual Amendments

**F193** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(15)**

**F194** Words repealed by [S.I. 1984/31](#), art. 5(f)



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## 56 Records of licences.

- (1) The traffic [<sup>F195</sup>commissioner] for each traffic area . . . <sup>F196</sup> shall keep a record in such form and containing such particulars as may be prescribed of all licences granted by . . . <sup>F197</sup> him under this Act [<sup>F198</sup> and shall allow the record to be inspected at all reasonable times by members of the public].
- (2) . . . . . <sup>F199</sup>
- (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.

### Textual Amendments

**F195** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(16\)](#)

**F196** Words repealed by [S.I. 1984/31, art. 5\(g\)\(i\)](#)

**F197** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\), ss. 3\(5\), 139\(3\), Sch. 2 Pt. II para. 4\(16\), Sch. 8](#)

**F198** Words added by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(2\), Sch. 7 para. 21\(8\)](#)

**F199** S. 56(2) repealed by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(3\), Sch. 8](#)

### Modifications etc. (not altering text)

**C55** S. 56 extended by [Transport Act 1985 \(c. 67, SIF 126\), s. 126\(3\)](#)

## [<sup>F200</sup>56A Correction of errors.

Where it appears to the traffic commissioner for a traffic area that a document purporting to record, or issued in consequence of, a decision taken in the exercise of his functions contains a clerical error, he may issue a corrected document or a notice in writing that the document is to have effect with such corrections as are stated in the notice.]

### Textual Amendments

**F200** S. 56A inserted (1.1.1996) by [1994 c. 40, s. 65\(3\); S.I. 1995/2835, art. 2](#)

*Supplementary provisions as to licences etc.*

## 57 Death, bankruptcy etc. of licence holder.

- (1) A PSV operator's licence <sup>F201</sup>... is not assignable or, subject to the following provisions of this section, transmissible on death or in any other way.
- (2) A PSV operator's licence <sup>F201</sup>... held by an individual terminates if he—
  - (a) dies, or
  - (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated, or

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- (c) [F202 becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to use a vehicle under the licence, or], in Scotland, becomes incapable of managing his own affairs.
- (3) In relation to a PSV operator's licence F201 ... 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 [F203 commissioner] by whom a PSV operator's licence F201 ... was granted may—
- 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 [F203 commissioner] that there are special circumstances, eighteen months, and
  - 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 [F203 commissioner] may impose.

#### Textual Amendments

**F201** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), Sch. 1 para. 9, **Sch. 8**

**F202** Words in s. 57(2)(c) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 26** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

**F203** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(17)**

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

**C56** S. 57 extended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 44(2)

S. 57 applied (3.7.2000) by 1999 c. 29, s. 194(1)(2)(a), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

**C57** S. 57(2) amended by S.I. 1986/1628, reg. 5(1), **Sch.**

## 58 Partnerships 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 . . . F204 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.

#### Textual Amendments

**F204** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), Sch. 1 para. 9, **Sch. 8**

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

**C58** S. 58(1) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 132

**C59** S. 58(2) extended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 44(2)

S. 58(2) applied (3.7.2000) by 1999 c. 29, s. 194(1)(2)(b), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

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## Regulations

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

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 operator’s licences, . . . <sup>F205</sup>[<sup>F206</sup>or licences to drive public service vehicles],
- (b) applications or proposals for the variation of conditions attached to PSV operators’ licences . . . <sup>F207</sup>,
- (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.

#### Textual Amendments

**F205** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 10\(a\)](#), Sch. 8

**F206** Words repealed (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 16, [Sch. 6](#)

**F207** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), [Sch. 1 para. 10\(b\)](#), Sch. 8

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

**C60** S. 59 extended (E.W.) by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 44\(2\)](#)

### 60 General power to make regulations for purposes of Act.

- (1) The Secretary of State may make regulations . . . <sup>F208</sup> 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) . . . . . <sup>F209</sup>
  - [<sup>F210</sup>(e) the fees to be payable under this Act, the persons liable to pay them, and the repayment (or partial repayment), in prescribed circumstances, of fees paid under this Act;]
  - (f) the documents, plates and marks to be carried by [<sup>F211</sup> and the information to be displayed in or on] public service vehicles and the manner in which they are to be carried [<sup>F212</sup>or it is to be displayed];
  - (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 [<sup>F213</sup>traffic

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commissioners] . . . <sup>F214</sup>, 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<sup>F215</sup>[or tramcars];
- (k) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle<sup>F216</sup>[or tramcar]] 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;

.....<sup>F217</sup>

<sup>F218</sup>(1A) Regulations made under any provision of this Act may make different provision for different cases to which the regulations apply, and may in particular—

- (a) make different provision as respects different areas; and
- (b) make different provision as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.]

<sup>F219</sup>(1B) Regulations made under any provision of this Act and applying to tramcars may amend or exclude any provision of an Act or instrument of local application whose subject-matter is the same as that of the regulations.]

(2) In this Act “prescribed” means prescribed by regulations and “regulations” means regulations made <sup>F220</sup>by the Secretary of State].

(3) .....<sup>F221</sup>

#### Textual Amendments

**F208** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 134(2)(a)**, 139(3), Sch. 8

**F209** S. 60(1)(d) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F210** S. 60(1)(e) substituted (1.1.1996) by 1994 c. 40, **s. 66(5)**; S.I. 1995/2835, **art. 2**

**F211** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(9)**

**F212** Words added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(9)**

**F213** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(18)**

**F214** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F215** Words in s. 60(1)(j) added (31.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), **s. 61(5)(a)**; S.I. 1992/3144, **art. 3, Sch.**

**F216** Words in s. 60(1)(k) inserted (31.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), **s. 61(5)(b)**; S.I. 1992/3144, **art. 3, Sch.**

**F217** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 134(2)(a)**, 139(3), Sch. 8

**F218** S. 60(1A) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(2)(b)**

**F219** S. 60(1B) inserted (31.1.1993) by [Transport and Works Act 1992 \(c. 42\)](#), **s. 61(6)**; S.I. 1992/3144, **art. 3, Sch.**

**F220** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(2)(c)**

**F221** S. 60(3) repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **ss. 134(2)(d)**, 139(3), Sch. 8

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

- C61 S. 60 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(1)**
- C62 S. 60 extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 134(3)**
- C63 S. 60: transfer of functions (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\)](#), arts. 1(1), 2, **Sch.** (with art. 4)
- C64 Ss. 60, 61 modified by [Transport Act 1985 \(c. 67\)](#), **ss. 134(1)-(3), 135(1)** (as amended (26.11.2008 for specified purposes, 6.4.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 60(5), 134(1)(c)(4)**; S.I. 2009/107, art. 4(1), **Sch. 4 Pt. 1**)
- C65 S. 60(1)(j) applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 63(1)**
- C66 S. 60(1)(k) applied (with modifications) (1.7.1994) by S.I. 1994/1761, **art. 25(1)**
- C67 S. 60(1)(k) applied (21.7.1994) by 1994 c. xi, **s. 47(1)**
- C68 S. 60(1)(k) applied (with modifications) (21.7.1994) by 1994 c. xv, **s. 63(1)**

**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.
- (2) Before making any regulations under . . . <sup>F222</sup> this Act the Secretary of State shall consult with such representative organisations as he thinks fit.

**Textual Amendments**

- F222 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 135(1), 139(3), **Sch. 8**

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

- C64 Ss. 60, 61 modified by [Transport Act 1985 \(c. 67\)](#), **ss. 134(1)-(3), 135(1)** (as amended (26.11.2008 for specified purposes, 6.4.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 60(5), 134(1)(c)(4)**; S.I. 2009/107, art. 4(1), **Sch. 4 Pt. 1**)
- C69 S. 61 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 135(1)**
- C70 S. 61: transfer of functions (1.10.2007) by [The Scotland Act 1998 \(Cross-Border Public Authorities\) \(Traffic Commissioner for the Scottish Traffic Area\) Order 2007 \(S.I. 2007/2139\)](#), arts. 1(1), 2, **Sch.** (with art. 4)

*Provisions relating to Metropolitan Traffic Area*

**62** . . . . . F223

**Textual Amendments**

- F223 S. 62 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**63** . . . . . F224

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#### Textual Amendments

**F224** S. 63 repealed by S.I. 1984/31, art. 5(h)

### 64 Exclusion of certain enactments as respects Metropolitan Traffic Area.

- (1) As respects the Metropolitan Traffic Area, the <sup>M2</sup>Metropolitan Public Carriage Act 1869 and the <sup>M3</sup>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 <sup>M4</sup>Town Police Clauses Act 1847 any powers with respect to public service vehicles or the licensing thereof or of their drivers or conductors.

#### Marginal Citations

**M2** 1869 c. 115.  
**M3** 1907 c. 55.  
**M4** 1847 c. 89.

#### *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 . . . <sup>F225</sup> of this Act;
  - [<sup>F226</sup>(ea) a control document issued under Article 6 of Council Regulation (EC) No. 12/98 of 11 December 1997;]
  - (b) a certificate of initial fitness under section 6 of this Act;
  - [<sup>F227</sup>(bb) a notice removing a prohibition under section 9 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;
  - <sup>F228</sup>(f) . . . . .
- (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—

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[<sup>F229</sup>“forges” means makes a false document or other thing in order that it may be used as genuine.]

<sup>F230</sup> . . .

<sup>F231</sup>(4) . . . . .

**Textual Amendments**

- F225** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F226** S. 65(1)(ea) inserted (28.1.2000) by [S.I. 1999/3413](#), **reg. 10(3)**
- F227** S. 65(1)(bb) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 23(4)**, 76(2)
- F228** S. 65(1)(f) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, **Sch. 8**; [S.I. 1992/1286](#), art. 2(2), **Sch.**, Appendix
- F229** Definition substituted by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 12
- F230** Definition of 'statutory maximum' in s. 65(3) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XIV** Group 2
- F231** S. 65(4) repealed (5.11.1993) by [1993 c. 50](#), s. 1(1), **Sch. 1 Pt. XIV** Group 2

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

- C71** S. 65 extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(1)
- C72** S. 65(1)(a) extended by [S.I. 1984/748](#), **reg. 21**

**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 . . . <sup>F232</sup> 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; <sup>F233</sup> . . .

[<sup>F234</sup>or;

- (f) obtaining the issue of a control document under article 6 of Council Regulation (EC) No. 12/98 of 11 December 1997;]
- (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 [<sup>F235</sup>level 4 on the standard scale].

**Textual Amendments**

- F232** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**
- F233** Word in s. 66(d) omitted (28.1.2000) by virtue of [S.I. 1999/3413](#), **reg. 10(3)**
- F234** S. 65(f) and the word “or” preceding it inserted (28.1.2000) by [S.I. 1999/3413](#), **reg. 10(4)**
- F235** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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

- C73** S. 66 extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 127(2)**  
**C74** S. 66(a) extended by [S.I. 1984/748](#), **reg. 21**

PROSPECTIVE

#### [<sup>F236</sup>66A Issue of false documents.

- (1) If a person issues
- (a) a certificate of initial fitness under section 6 of this Act; [<sup>F237</sup>or
  - (b) a notice removing a prohibition under section 9(1) of this Act;]
- which he knows to be false in a material particular, he shall be liable on summary conviction to a fine not exceeding [<sup>F238</sup>level 4 on the standard scale].
- (2) If a constable, [<sup>F239</sup>an examiner appointed under section 66A of the Road Traffic Act 1988] or an authorised inspector has reasonable cause to believe that a document produced to him or carried on a vehicle by its driver is a document in relation to which an offence has been committed under this section, he may seize the document.
- (3) The power to seize a document under subsection (2) above includes power to detach a document carried on a vehicle from the vehicle.

#### Textual Amendments

- F236** S. 66A inserted (prosp.) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 24(4), 76(2)**  
**F237** S. 66A(1)(b) and the word "or" directly preceding it repealed (prosp.) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **ss. 83, 84, Sch. 8**  
**F238** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**  
**F239** Words in s. 66A(2) substituted (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), **s. 48, Sch. 4 para. 22(3)**; [S.I. 1992/1286](#), **art. 2, Sch.**

#### 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 ( . . . <sup>F240</sup>) and contravention thereof, or failure 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 [<sup>F241</sup>level 2 on the standard scale].

#### Textual Amendments

- F240** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 139(3), Sch. 8**  
**F241** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 39, 46, Sch. 2** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**

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

- C75** S. 67 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 127(3)**



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## 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), . . . <sup>F242</sup>, 67 and 70(3); <sup>F243</sup> . . .
  - <sup>F244</sup>(b) . . . . .
- (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), <sup>F245</sup> . . . , 12(5), 16(7), 18(4), 26(2), [<sup>F246</sup> and 27(2)]; <sup>F247</sup> . . .
  - <sup>F248</sup>(b) . . . . .

### Textual Amendments

- F242** “33(7), 40(6)” repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F243** Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F244** S. 68(2)(b) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F245** S. 68(4): reference to s. 9(9)(b) repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix
- F246** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 11**
- F247** Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F248** S. 68(4)(b) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**

### Modifications etc. (not altering text)

- C76** S. 68(3) extended by Transport Act 1985 (c. 67, SIF 126), s. 127(4)

## 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 . . . <sup>F249</sup> 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 [<sup>F250</sup>a traffic commissioner], 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.
- <sup>F251</sup>(3) . . . . .

### Textual Amendments

- F249** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

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**F250** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(19)**  
**F251** [S. 69\(3\)](#) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), **Sch. 1 Pt. 14**

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

**C77** [S. 69](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **127(5)(6)**

**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 . . . <sup>F252</sup> 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 [<sup>F253</sup>level 3 on the standard scale].
- (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 [<sup>F253</sup>level 3 on the standard scale].

**Textual Amendments**

**F252** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**  
**F253** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **ss. 289F, 289G**

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

**C78** [S. 70](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **127(5)(6)**

**71 Evidence by certificate.**

- (1) In any proceedings in England or Wales for an offence under Part II . . . <sup>F254</sup> 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.

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- (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.

#### Textual Amendments

**F254** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

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

**C79** [S. 71](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

## 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 . . . <sup>F255</sup> 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 <sup>M5</sup>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.

#### Textual Amendments

**F255** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

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

**C80** [S. 72](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

#### Marginal Citations

**M5** 1949 c. 101.

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### 73 Time within which summary proceedings for certain offences may 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 . . . <sup>F256</sup> 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.

#### Textual Amendments

F256 Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

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

C81 [S. 74](#) extended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(5)(6)

### 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).

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

C82 [S. 75](#) amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 127(7)

### *Inquiries*

### <sup>F257</sup>76 General power to hold inquiries.

.....

*Status:* Point in time view as at 22/04/2011. This version of this Act contains provisions that are prospective.

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#### Textual Amendments

**F257** S. 76 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 8, [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

### **F258** 77 **General provisions as to inquiries.**

#### Textual Amendments

**F258** S. 77 repealed (7.6.2005) by [Inquiries Act 2005 \(c. 12\)](#), s. 51(1), Sch. 2 para. 8, [Sch. 3](#) (with ss. 44, 50); [S.I. 2005/1432](#), art. 2

#### *Supplementary provisions*

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

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

- (a) a local Act (including an Act confirming a provisional order) passed before the commencement of subsection (2) of section 43 of the <sup>M6</sup>Transport Act 1980; or
- (b) an instrument made before the commencement of that subsection under any such local Act,

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

#### Marginal Citations

**M6** [1980 c. 34](#).

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

At any time when a vehicle would apart from section [<sup>F259</sup>1(4)] of this Act be a public service vehicle, it shall continue to be treated as such for the purposes only of provisions contained in a local Act, in [<sup>F260</sup>sections 10 to 23 of the Civic Government (Scotland) Act 1982][<sup>F261</sup>, in the Private Hire Vehicles (London) Act 1998] or in Part II of the <sup>M7</sup>Local Government (Miscellaneous Provisions) Act 1976, which regulate the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and exclude public service vehicles from the scope of that regulation.

#### Extent Information

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

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#### Textual Amendments

- F259** Words in s. 79 substituted (E.W.) (1.7.2001) by [2000 c. 38, s. 265\(1\)](#); [S.I. 2001/1498, art. 3](#)  
**F260** Words substituted by Civic Government (Scotland) Act 1982 (c. 45 SIF 81:2), s. 137(3), Sch. 3 para. 5  
**F261** Words in s. 79 inserted (8.6.2004) by [Private Hire Vehicles \(London\) Act 1998 \(c. 34\), s. 40\(2\), Sch. 1 para. 2](#) (with s. 29); [S.I. 2004/241, art. 2\(2\)](#)

#### Marginal Citations

- M7** [1976 c. 57.](#)

### [<sup>F262</sup>79A Small PSVs subject to regulation as private hire vehicles.

- (1) If a small bus is being provided for hire with the services of a driver for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of—
  - (a) Part II of the <sup>M8</sup>Local Government (Miscellaneous Provisions) Act 1976, or
  - (b) any local Act applying in any area in England and Wales which regulates the use of private hire vehicles provided for hire with the services of a driver for the purpose of carrying passengers and excludes public service vehicles from the scope of that regulation.
- (2) If a small bus is being made available with a driver to the public for hire for the purpose of carrying passengers otherwise than at separate fares, it is not to be regarded as a public service vehicle for the purpose of the <sup>M9</sup>Private Hire Vehicles (London) Act 1998.
- (3) But subsection (1) or (2) does not apply where the vehicle is being so provided or made available in the course of a business of carrying passengers by motor vehicles all but a small part of which involves the operation of large buses.
- (4) In this section—
 

“small bus” means a public service vehicle within paragraph (b) of subsection (1) of section 1 of this Act; and

“large buses” means public service vehicles within paragraph (a) of that subsection.

#### Textual Amendments

- F262** S. 79A inserted (E.W.) (1.7.2001) by [2000 c. 38, s. 265\(2\)](#); [S.I. 2001/1498, art. 3](#)

#### Marginal Citations

- M8** [1976 c. 57.](#)  
**M9** [1998 c. 34.](#)

### 80 Construction of references to traffic areas. ]

- (1) References in this Act to a traffic area constituted for the purposes thereof by a particular designation are references to the area described by that designation [<sup>F263</sup>in article 4 of, and Schedule 1 to, the Traffic Areas (Reorganisation) Order 1990].
- (2) Subsection (1) above has effect subject to the powers of the Secretary of State under section 3 of this Act to vary the provisions of this Act constituting traffic areas; . . . <sup>F264</sup>

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(3) ..... F265

**Textual Amendments**

- F262 S. 79A inserted (E.W.) (1.7.2001) by 2000 c. 38, s. 265(2); S.I. 2001/1498, art. 3
- F263 Words in s. 80(1) substituted (1.6.1991) by S.I. 1991/288, arts. 5(1), 6(1), 9(1)
- F264 Words repealed by S.I. 1983/1714, art. 5(1)(b)
- F265 S. 80(3)(4) repealed by S.I. 1983/1714, art. 5(1)(c)

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

- C83 S. 80 applied by Transport Act 1985 (c. 67, SIF 126), s. 137(1)

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

(1) For the purposes of this Act—

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

(2) ..... F266

**Textual Amendments**

- F266 S. 81(2) repealed by Transport Act 1985 (c. 67, SIF 126), s. 1(3), Sch. 1 para. 12, Sch. 8

**82 General interpretation provisions.**

(1) In this Act, unless the context otherwise requires—

“certificate of initial fitness” has the meaning given by section 6.

F267 .....

F268 .....

“company” means a body corporate;

F269 .....

“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;

F269 .....

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F269

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

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

“local authority” means—

- (a) in relation to England and Wales, any local authority within the meaning of the <sup>M10</sup>Local Government Act 1972;
- (b) in relation to Scotland, a [<sup>F270</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994];

[<sup>F271</sup>“local service” has the same meaning as in the Transport Act 1985;]

“magistrates’ court” [<sup>F272</sup>has the same meaning] as in the <sup>M11</sup>Magistrates’ Courts Act 1980;

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

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

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

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

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

“operator” has the meaning given by section 81;

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

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

[<sup>F273</sup>“prescribed testing authority” means such person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act as may be prescribed]

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

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

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

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

“road” means any highway and any other road to which the public has access, and includes bridges over which a road passes [<sup>F274</sup>except that in Scotland it has the same meaning as in the Roads (Scotland) Act 1984];

F275

F276



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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 <sup>M12</sup>Interpretation Act 1978;

[<sup>F277</sup>“traffic commissioner” means the person appointed to be the commissioner for a traffic area constituted for the purposes of this Act;]

“tramcar” includes any carriage used on any road by virtue of an order made under the <sup>M13</sup>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;

<sup>F278</sup>  
.....

[<sup>F279</sup>(1A) References in any provision of this Act to an authorised inspector are references to an authorised inspector under section 8 of the Transport Act 1982 and, where the function to which that provision relates is one of those specified in section 9 of that Act (testing and surveillance functions), are limited to an authorised inspector authorised under section 8 to exercise that function.]

(2) Any reference in this Act to [<sup>F280</sup>an EU] instrument or to a particular provision of such an instrument—

- (a) is a reference to that instrument or provision as amended from time to time, and
- (b) if that instrument or provision is replaced, with or without modification, shall be construed as a reference to the instrument or provision replacing it.

[<sup>F281</sup>(3) In this Act—

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

#### Textual Amendments

- F267** S. 82(1): definition repealed (1.7.1992) by Road Traffic Act 1991 (c. 40, SIF 107:1), s. 83, **Sch. 8**; S.I. 1992/1286, art. 2, **Sch.**, Appendix
- F268** Definition repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F269** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F270** S. 82(1): words in definition of “local authority” inserted (S.) (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 121(4)** (with s.128(8)); S.I. 1996/323, art. 2
- F271** Definition inserted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 13**
- F272** Words in definition of “magistrates court” substituted (27.9.1999) by 1999 c. 22, ss. 76, 108(3)(c), **Sch. 10 para. 37** (with Sch. 14 para. 7(2))
- F273** Definition inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), **Sch. 5 para. 23(a)**
- F274** Words added (S.) by Roads (Scotland) Act 1984 (c. 54, SIF 108), s. 128(1), **Sch. 9 para. 83**
- F275** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F276** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**

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- F277** Definition inserted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(20)**
- F278** Definition repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 13, **Sch. 8**
- F279** S. 82(1A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), **Sch. 5 para. 23(b)**
- F280** Words in Act substituted (22.4.2011) by The Treaty of Lisbon (Changes in Terminology) Order 2011 (S.I. 2011/1043), arts. 2, 3, 6 (with art. 3(2)(3), 4(2), 6(3)(4)(5))
- F281** S. 82(3) added (1.4.1996) by 1994 c. 19, s. 22(1), **Sch. 7 Pt. II para. 36** (ss. 54(5)(7), 55(5)); S.I. 1996/396, art. 3, **Sch. 1**

**Marginal Citations**

- M10** 1972 c. 70.
- M11** 1980 c. 43.
- M12** 1978 c. 30.
- M13** 1896 c. 48.

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

- (1) A provision of an Act other than this Act or of an instrument having effect under an enactment not repealed by this Act which (however expressed) defines “public service vehicle”, . . . <sup>F282</sup> by reference to the <sup>M14</sup>Road Traffic Act 1930 or the <sup>M15</sup>Road Traffic Act 1960 shall have effect as if it provided that that expression should be construed in like manner as if it were contained in this Act.
- (2) . . . . . <sup>F283</sup>

**Textual Amendments**

- F282** Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), **Sch. 1 para. 14(a)**, Sch. 8
- F283** S. 83(2) repealed by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 14(b)**, Sch. 8

**Marginal Citations**

- M14** 1930 c. 43.
- M15** 1960 c. 16.

**84 Protection of public interests.**

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

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

- C84** S. 84 amended (E.W.) by Transport Act 1985 (c. 67, SIF 126), **s. 44(3)**

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**C85** S. 84 amended (3.7.2000) by 1999 c. 29, s. 194(3), (with Sch. 12 para. 9(1)); S.I. 2000/801, art. 2(2)(c), **Sch. Pt. 3**

## 85 Saving for law of nuisance.

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

### Modifications etc. (not altering text)

**C86** S. 85 amended by Transport Act 1985 (c. 67, SIF 126), s. 128

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

The inclusion in this Act of any express saving or amendment shall not be taken as prejudicing the operation of section 16 or 17 of the <sup>M16</sup>Interpretation Act 1978 (which relate to the effect of repeals).

### Marginal Citations

**M16** 1978 c. 30.

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

The Secretary of State may by order made by statutory instrument repeal section 10 of this Act from such day as may be specified in the order, and any such order may include provision, to take effect on that day, for the repeal of sections 6(1)(b), [<sup>F284</sup>51(1)(b)], 65(1)(c) and 66(c) of this Act.

### Textual Amendments

**F284** “51(1)(b)” substituted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 21(11)**

### Modifications etc. (not altering text)

**C87** S. 87 extended (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), **Sch. 5 para. 24**

## 88 Transitional provisions, consequential amendments and repeals.

(1) This Act shall have effect subject to the transitional provisions set out in Schedule 6 to this Act.

<sup>XI</sup>(2) The enactments specified in Schedule 7 to this Act shall have effect subject to the amendments specified in that Schedule, being amendments consequential on the provisions of this Act.

<sup>XI</sup>(3) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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#### Editorial Information

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

### 89 Short title, commencement and extent.

- (1) This Act may be cited as the Public Passenger Vehicles Act 1981.
- (2) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint.
- <sup>F285</sup>(3) .....
- (4) This Act does not extend to Northern Ireland.

#### Subordinate Legislation Made

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

#### Textual Amendments

- F285** S. 89(3) repealed (22.7.2004) by [Statute Law \(Repeals\) Act 2004 \(c. 14\)](#), [Sch. 1 Pt. 14](#)

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## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

#### PUBLIC SERVICE VEHICLES: CONDITIONS AFFECTING STATUS OR CLASSIFICATION

#### PART I

##### SHARING OF TAXIS AND HIRE-CARS

- 1 The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by any person who has made the vehicle available under any arrangement, or by any person who receives any remuneration in respect of the arrangements for the journey.
- 2 (1) The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares, except where the local authorities concerned have approved the arrangements under which the journey is made as designed to meet the social and welfare needs of one or more communities, and their approvals remain in force.  
(2) In relation to a journey the local authorities concerned for the purposes of this paragraph are those in whose area any part of the journey is to be made; and in this sub-paragraph “local authority” means—
  - (a) in relation to England and Wales, [<sup>F286</sup>the council of a county, metropolitan district or London borough and the Common Council of the City of London];
  - (b) in relation to Scotland, a [<sup>F287</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

#### Textual Amendments

**F286** Words substituted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), ss. 1, 2, 8(1), [Sch. 5 para. 3\(7\)](#)

**F287** Words in Sch. 7 para. 2(2)(b) substituted (1.4.1996) by [1994 c. 39, s. 180\(1\)](#), [Sch. 13 para. 121\(5\)](#) (with s. 128(8)); [S.I. 1996/323, art. 2](#)

3 ..... **F288**

#### Textual Amendments

**F288** Sch. 1 para. 3 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

#### PART II

4 ..... **F289**

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### Textual Amendments

**F289** Sch. 1 para. 4 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2)(3), [Sch. 7 para. 21\(12\)](#), [Sch. 8](#)

## PART III

### ALTERNATIVE CONDITIONS AFFECTING STATUS OR CLASSIFICATION

- 5 Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—
- (a) the holder of the PSV operator’s licence under which the vehicle is to be used, if such a licence is in force.
  - (b) the driver or the owner of the vehicle or any person who has made the vehicle available under any arrangement, if no such licence is in force,
- and otherwise than by any person who receives any remuneration in respect of the arrangements.
- 6 The journey must be made without previous advertisement to the public of the arrangements therefor.
- 7 All passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.
- 8 No differentiation of fares for the journey on the basis of distance or of time must be made.

## PART IV

### SUPPLEMENTARY

- 9 For the purposes of paragraphs 2 and 6 above no account shall be taken of any such advertisement as follows, that is to say—
- (a) a notice displayed or announcement made—
    - (i) at or in any place of worship for the information of persons attending that place of worship;
    - (ii) at or in any place of work for the information of persons who work there; or
    - (iii) by any club or other voluntary association at or in any premises occupied or used by the club or association;
  - (b) a notice contained in any periodical published for the information of, and circulating wholly or mainly among—
    - (i) persons who attend or might reasonably be expected to attend a particular place of worship or a place of worship in a particular place; or
    - (ii) persons who work at a particular place of work or at any of two or more particular places of work; or
    - (iii) the members of a club or other voluntary association.

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## [<sup>F290</sup>SCHEDULE 2

### TRAFFIC COMMISSIONERS

#### Textual Amendments

**F290** Sch. 2 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(3), [Sch. 2 Pt. I](#)

#### *Terms of service of traffic commissioners*

- 1 The Secretary of State may remove a traffic commissioner from his office for inability or misbehaviour.
- 2 If a traffic commissioner acquires a financial interest in a transport undertaking which carries passengers or goods by road within Great Britain he shall, within four weeks after so doing, give notice of that acquisition in writing to the Secretary of State specifying the interest so acquired and the Secretary of State, after taking the matter into consideration, may if he thinks fit declare that the traffic commissioner has vacated his office.

#### *Appointment and terms of office of deputies to traffic commissioners*

- 3 In the case of illness, incapacity or absence of a traffic commissioner, the Secretary of State may appoint some other person to act as his deputy.
- 4 If the Secretary of State considers that the duties to be performed by a traffic commissioner, or any deputy appointed under paragraph 3 above to the traffic commissioner, cannot conveniently or efficiently be performed by one person, the Secretary of State may appoint one or more persons to act as deputy to the traffic commissioner.
- 5 A person appointed under paragraph 4 above shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Secretary of State may determine, and shall act for the traffic commissioner whose deputy he is in such matters as the traffic commissioner, or any deputy appointed by reason of the traffic commissioner's illness, incapacity or absence, may from time to time direct or as the Secretary of State may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the traffic commissioner.
- 6 (1) Where the office of traffic commissioner for any traffic area becomes vacant the Secretary of State may, pending the appointment of a new traffic commissioner for that area under section 4 of this Act, appoint a person (whether or not over the age of sixty-five) under this paragraph to act as traffic commissioner for that area for a limited period.  
(2) Any person appointed under sub-paragraph (1) above shall—
  - (a) hold office for such period as the Secretary of State specifies when making the appointment; and
  - (b) during that period be treated for all purposes (except those of paragraph 9 below) as the traffic commissioner for the traffic area in question.

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### *Staff of traffic commissioners*

- 7 Subject to the approval of the Treasury, the Secretary of State may appoint such persons to act as officers and servants of a traffic commissioner as he considers appropriate.

### *Remuneration and pensions*

- 8 [ There shall be paid to a traffic commissioner and deputy traffic commissioner, and to <sup>F291</sup>(1)] the persons acting as officers or servants of a traffic commissioner, such remuneration and allowances as may be determined by the Secretary of State with the consent of the Treasury.
- [ There shall be paid to the senior traffic commissioner such additional remuneration <sup>F292</sup>(2) in respect of the responsibilities of that office as may be so determined.]

#### **Textual Amendments**

**F291** Sch. 2 para. 8(1) renumbered (4.3.2009) by [Local Transport Act 2008 \(c. 26\), ss. 3\(3\), 134\(4\); S.I. 2009/107, art. 3, Sch. 3](#)

**F292** Sch. 2 para. 8(2) inserted (4.3.2009) by [Local Transport Act 2008 \(c. 26\), ss. 3\(3\), 134\(4\); S.I. 2009/107, art. 3, Sch. 3](#)

- 9 The principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act <sup>M17</sup>1972) which is for the time being in force shall apply to persons holding the office of traffic commissioner for each of the traffic areas.]

#### **Marginal Citations**

**M17** 1972 c.11 (101A)

## [<sup>F293</sup>SCHEDULE 2A

### DETENTION OF CERTAIN PSVs USED WITHOUT PSV OPERATORS' LICENCES

#### **Textual Amendments**

**F293** Sch. 2A inserted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\), s. 134\(1\)\(c\)\(4\), Sch. 3; S.I. 2009/107, art. 2\(1\), Sch. 1 Pt. 1](#)

### *Interpretation*

- 1 (1) In this Schedule—
- “authorised person” means—
- (a) an examiner appointed by the Secretary of State under section 66A of the Road Traffic Act 1988, or
  - (b) a person acting under the direction of such an examiner;



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“contents”, in relation to a vehicle, means any goods carried by that vehicle which are not personal effects;

“immobilisation device” means any device or appliance which is an immobilisation device for the purposes of section 104 of the Road Traffic Regulation Act 1984;

“nominated custodian” is to be construed in accordance with paragraph 6(1) below;

“operator”, in relation to a public service vehicle, means—

- (a) the driver, if he owns the vehicle, or
- (b) 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 the work),

but this is subject to any regulations that may be made under sub-paragraph (2)(a) below;

“personal effects” means—

- (a) any personal effects of any individual, and
- (b) any articles being carried by a vehicle for the purpose of their delivery from one person to another.

- (2) Regulations may make provision for any purpose of this Schedule or regulations under it as to—
  - (a) the person who is to be regarded as the “operator” of a public service vehicle in such circumstances as may be specified or described in the regulations;
  - (b) the meaning of “owner” as regards a public service vehicle.
- (3) Regulations made by virtue of sub-paragraph (2)(b) above may, in particular, provide that the owner of a motor vehicle at a particular time is to be taken to be any person in whose name the vehicle is then registered by virtue of the Vehicle Excise and Registration Act 1994.

#### *Detention of property*

- 2 (1) Regulations may provide that where an authorised person has reason to believe that a public service vehicle adapted to carry more than 8 passengers is being, or has been, used on a road in contravention of section 12(1) of this Act, the person may detain the vehicle and its contents.
- (2) Regulations made by virtue of sub-paragraph (1) above may not authorise a person other than a constable in uniform to stop a vehicle on any road.

#### *The vehicle and any other property detained, the passengers, and any personal effects*

- 3 (1) Regulations may, in connection with the detaining of a vehicle by virtue of paragraph 2 above, make provision with respect to any of the following—
  - (a) the vehicle;
  - (b) any other property detained or to be detained by virtue of paragraph 2 above;
  - (c) any passengers who have been travelling on the vehicle;
  - (d) any personal effects remaining on the vehicle.

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- (2) Regulations under this paragraph must include provision requiring passengers who have been travelling on the vehicle to be transported in safety to their destination or to a suitable place from which to continue their journey.

#### *Immobilisation of vehicle*

- 4 (1) Regulations may provide that, before a vehicle is removed by virtue of paragraph 6 below, an authorised person may—
- (a) fix an immobilisation device to the vehicle in the place where the vehicle has been detained, or
  - (b) move the vehicle, or require it to be moved, to a more convenient place and fix an immobilisation device to the vehicle in that other place.
- (2) Regulations may also provide—
- (a) that, on any occasion when an immobilisation device is fixed to a vehicle, the person fixing the device must also fix to the vehicle an immobilisation notice (see sub-paragraph (3) below);
  - (b) that a vehicle to which an immobilisation device has been fixed may only be released from the device by or under the direction of an authorised person; and
  - (c) that an immobilisation notice must not be removed or interfered with except by or on the authority of an authorised person.
- (3) In this paragraph “immobilisation notice” means a notice—
- (a) indicating that an immobilisation device has been fixed to the vehicle,
  - (b) warning that no attempt should be made to drive the vehicle or otherwise put it in motion, and
  - (c) giving such other information as may be prescribed.

#### *Offences relating to immobilisation*

- 5 (1) Regulations may provide that a person—
- (a) who removes or attempts to remove an immobilisation device fixed to a vehicle under regulations made by virtue of paragraph 4(1) above, but
  - (b) who is not authorised to do so in accordance with paragraph 4(2)(b) above, is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) Regulations may provide that a person who removes or interferes with an immobilisation notice in contravention of regulations made by virtue of paragraph 4(2)(c) above is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### *Removal and delivery of property into custody of nominated custodian*

- 6 (1) Regulations may make provision for an authorised person to direct that any property—
- (a) detained by virtue of paragraph 2 above, or
  - (b) consisting of personal effects remaining on a vehicle so detained, be removed and delivered into the custody of a person (the “nominated custodian”) specified in the direction.

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- (2) Regulations may provide that the nominated custodian must be a person who—
  - (a) is identified in accordance with prescribed rules,
  - (b) has made arrangements with the Secretary of State, and
  - (c) has agreed to accept delivery of the property in accordance with those arrangements.
- (3) Arrangements falling within sub-paragraph (2) above may include provision for the payment of a sum to a person into whose custody any property is delivered.
- (4) Regulations may also provide that an authorised person who has given a direction by virtue of sub-paragraph (1) above in respect of a vehicle may allow the driver of the vehicle to deliver persons or property falling within sub-paragraph (5) below to their destination or some other suitable place, before delivering the vehicle into the custody of the nominated custodian.
- (5) The persons and property are—
  - (a) any passengers who have been travelling on the vehicle,
  - (b) any contents of the vehicle,
  - (c) any personal effects remaining on the vehicle.

#### *Informing persons that their property has been detained etc*

- 7 (1) This paragraph applies in relation to any property—
  - (a) which is detained by virtue of paragraph 2 above, or
  - (b) which consists of personal effects that remained on a vehicle so detained.
- (2) Regulations may make provision for informing persons who may be entitled to any such property that it has been so detained or, as the case may be, that it remained on a vehicle so detained.
- (3) The provision that may be made by virtue of sub-paragraph (2) above includes provision requiring—
  - (a) the publication by an authorised person of such notices as may be prescribed, and
  - (b) the giving of notice by an authorised person to such persons as may be prescribed.

#### *Return of vehicle*

- 8 Regulations may make provision authorising a vehicle detained by virtue of paragraph 2 above to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 9 below.

#### *Application to traffic commissioner for return of vehicle*

- 9 (1) Regulations must make provision enabling the owner of a vehicle which has been detained by virtue of paragraph 2 above to apply to the traffic commissioner for the area in which the vehicle was detained for the return of the vehicle.
- (2) Regulations may, in particular,—
  - (a) require notice of an application to be given to the traffic commissioner within such period as may be determined in accordance with the regulations;

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- (b) require notice of an application to be made in such form as may be prescribed.
- (3) Regulations must prescribe the grounds upon which the owner may apply for the return of the vehicle.
- (4) The grounds prescribed under sub-paragraph (3) above must include each of the following—
  - (a) that, at the time the vehicle was detained, the person using the vehicle held a PSV operator's licence (whether or not authorising the use of the vehicle);
  - (b) that, at the time the vehicle was detained, the vehicle was not being, and had not been, used in contravention of section 12(1) of this Act;
  - (c) that, although at the time the vehicle was detained it was being, or had been, used in contravention of section 12(1) of this Act, the owner did not know that it was being, or had been, so used;
  - (d) that, although knowing at the time the vehicle was detained that it was being, or had been, used in contravention of section 12(1) of this Act, the owner—
    - (i) had taken steps with a view to preventing that use, and
    - (ii) has taken steps with a view to preventing any further such use.

*Hearings by traffic commissioner*

- 10 (1) Regulations must make provision—
- (a) enabling the traffic commissioner to hold a hearing before determining an application by virtue of paragraph 9 above;
  - (b) requiring the traffic commissioner to hold a hearing, if requested by a person who claims to be the owner;
  - (c) as to the time within which the hearing must be held; and
  - (d) subject to such provision as may be made by the regulations, for the hearing to be held in public.
- (2) Regulations must also provide that, if no hearing is held, the traffic commissioner must determine the application within a prescribed time after receiving notice of the application.

*Consequences of the traffic commissioner's determination*

- 11 Regulations must provide that—
- (a) if the traffic commissioner determines that one of the grounds prescribed by virtue of paragraph 9(3) above is made out, the traffic commissioner must order the nominated custodian to return the vehicle to the owner; and
  - (b) if the traffic commissioner determines that none of those grounds is made out, the vehicle may be sold or destroyed by the nominated custodian, in such manner as may be prescribed.

*Appeal to [F<sup>156</sup>Upper Tribunal] from traffic commissioner*

- 12 (1) Regulations must provide for an appeal to the [F<sup>294</sup>Upper Tribunal] against the determination of the traffic commissioner.

F<sup>295</sup>(2) .....

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### Textual Amendments

- F294** Words in Sch. 2A para. 12(1) substituted (1.9.2009) by [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 4(a)**
- F295** Sch. 2A para. 12(2) omitted (1.9.2009) by virtue of [The Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), **Sch. 1 para. 4(b)**

### *Sale or destruction of vehicle where no application made under paragraph 9*

- 13 Regulations may provide that, if no application is made to the traffic commissioner in accordance with regulations made by virtue of paragraph 9 above, any vehicle detained by virtue of paragraph 2 above may be sold or destroyed in such manner as may be prescribed.

### *Return or disposal of contents and personal effects*

- 14 (1) Regulations may provide that the nominated custodian may retain custody of any property falling within sub-paragraph (2) below until—
- (a) the property is returned, in accordance with the regulations, to a person who establishes entitlement to it; or
  - (b) the property is sold or destroyed by the nominated custodian in such manner as may be prescribed.
- (2) The property is—
- (a) any property detained by virtue of paragraph 2 above;
  - (b) any personal effects that remained on the vehicle so detained.
- (3) Regulations may also make provision as to—
- (a) the period within which a person who claims to be entitled to the property may make a claim for its return;
  - (b) the requirements to be satisfied by a person who claims to be entitled to the property (including requirements as to the person's entitlement); and
  - (c) the manner in which entitlement is to be determined where there is more than one claim to the property.
- (4) The nominated custodian may not sell or destroy any property unless—
- (a) such steps as may be required by regulations made by virtue of paragraph 7(2) above have been taken and no person has, before the expiry of the period referred to in sub-paragraph (3)(a) above, established an entitlement to the property; or
  - (b) the condition of the property requires it to be disposed of without delay.

### *Custody of property*

- 15 (1) Regulations must provide that while any property is in the custody of a nominated custodian, it is the duty of the nominated custodian to take such steps as are necessary for the safe custody of that property.
- (2) Any such provision is subject to the powers of the nominated custodian to sell or destroy property by virtue of this Schedule.

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### *Proceeds of sale*

- 16 (1) Regulations must provide for the proceeds of sale of any property sold under regulations made by virtue of paragraph 11(b), 13 or 14(1)(b) above—
- (a) to be applied towards meeting expenses incurred by any authorised person in exercising functions by virtue of this Schedule; and
  - (b) in so far as they are not so applied, to be applied in such other manner as may be prescribed.
- (2) Regulations may in particular provide for a sum determined in accordance with the regulations to be paid to a person if—
- (a) the person claims, after the sale of property under regulations made by virtue of paragraph 11(b), 13 or 14(1)(b) above, to be or to have been its owner;
  - (b) the claim is made within a prescribed time of the sale; and
  - (c) any other prescribed conditions are fulfilled.

### *Disputes*

- 17 (1) Regulations may make provision about the proceedings to be followed where a dispute occurs as a result of regulations made by virtue of paragraph 14 or 16 above.
- (2) The provision that may be made by virtue of sub-paragraph (1) above includes provision—
- (a) for an application to be made to a magistrates' court or, in the case of an application made in Scotland, the sheriff;
  - (b) for a court or the sheriff to order a sum to be paid by the Secretary of State.
- (3) Any application made to the sheriff in accordance with regulations made by virtue of sub-paragraph (2)(a) above must be made by way of summary application.

### *Obstruction of authorised person*

- 18 Regulations may provide that a person who intentionally obstructs an authorised person in the exercise of the powers of such a person under regulations made by virtue of this Schedule is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

### *Offences as to securing possession of property*

- 19 (1) Regulations may provide that a person is guilty of an offence if—
- (a) the person makes a declaration with a view to securing the return of a vehicle under regulations made by virtue of paragraph 11 above;
  - (b) the declaration is that the vehicle was not being, or had not been, used in contravention of section 12(1) of this Act; and
  - (c) the declaration is, to the person's knowledge, either false or in any material respect misleading.
- (2) Regulations may provide that a person guilty of such an offence is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; and
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or to both.]

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### SCHEDULE 3

Section 14(2) and 17(6).

#### SUPPLEMENTARY PROVISION AS TO QUALIFICATIONS FOR PSV OPERATOR’S LICENCE

##### *Good repute*

- 1 (1) In determining whether an individual is of good repute, [<sup>F296</sup>a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of his and of his employees and agents;
  - [<sup>F297</sup>(aa) relevant fixed penalty notices issued to him and to his employees and agents;] and
  - (b) such other information as the [<sup>F298</sup>commissioner] may have as to his previous conduct, in whatever capacity, in relation to the operation of vehicles of any description in the course of a business.
- (2) In determining whether a company is of good repute, [<sup>F296</sup>a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of the company and its officers, employees and agents;
  - [<sup>F299</sup>(aa) relevant fixed penalty notices issued to the company's officers, employees and agents;] and
  - (b) such other information as the [<sup>F298</sup>commissioner] may have as to previous conduct of—
    - (i) the company’s officers, employees and agents in relation to the operation of vehicles of any description in the course of any business carried on by the company; and
    - (ii) each of the company’s directors, in whatever capacity, in relation to the operation of vehicles of any description in the course of any other business.
- [<sup>F300</sup>(2A) In sub-paragraphs (1)(aa) and (2)(aa) above “relevant fixed penalty notice” means a fixed penalty notice or conditional offer issued under Part 3 of the Road Traffic Offenders Act 1988 in respect of an offence prescribed for the purposes of this Act.]
- [<sup>F301</sup>(3) A traffic commissioner shall determine that an individual is not of good repute if he has—
- (a) more than one conviction of a serious offence; or
  - (b) been convicted of road transport offences.]

[<sup>F302</sup>(4) For the purposes of sub-paragraph (3)(a) above a serious offence is—

    - (a) an offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard scale or [<sup>F303</sup>a community order requiring the offender to perform unpaid work for more than sixty hours] was imposed; and
    - (b) any corresponding offence under the law of a country or territory outside the United Kingdom for which a corresponding punishment was imposed.

[ For the purposes of sub-paragraph (3)(b) above a road transport offence is—

[<sup>F304</sup>(5) (a) an offence under the law of any part of the United Kingdom relating to road transport including in particular—

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- (i) an offence relating to drivers’ hours of work or rest periods, the weights or dimensions of commercial vehicles, road or vehicle safety or the protection of the environment; and
  - (ii) any other offence concerning professional liability; or
  - (b) any corresponding offence under the law of a country or territory outside the United Kingdom.]
- (6) In sub-paragraph (4)(a) above “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental health and [F305“a community order” means an order under section 177 of the Criminal Justice Act 2003, a community punishment order made before the commencement of that section or a community service order under the Community Service by Offenders (Scotland) Act 1978][F306 or a service community order or overseas community order under the Armed Forces Act 2006].
- (7) In sub-paragraphs (4)(a) and (5)(a) above references to an offence under the law in force in any part of the United Kingdom include a reference to [F307an offence under section 42 of the Armed Forces Act 2006.]
- (8) For the purposes of sub-paragraph (3) above spent convictions shall be disregarded; and a traffic commissioner may also disregard an offence if such time as he considers appropriate has elapsed since the date of the conviction.
- (9) Sub-paragraph (3) above is without prejudice to the power of a traffic commissioner to determine that an individual is not of good repute for reasons other than convictions of the kind there mentioned.
- (10) In this paragraph references to an individual include references to a transport manager as well as to an individual who is an applicant for, or the holder, of, a PSV operator’s licence.]

#### Textual Amendments

- F296** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 21(a)**
- F297** Sch. 3 para. 1(1)(aa) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(3)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F298** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 21(a)**
- F299** Sch. 3 para. 1(2)(aa) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(4)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F300** Sch. 3 para. 1(2A) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(5)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F301** Sch. 3 para. 1(3) substituted (1.10.1999) by [S.I. 1999/2431](#), **reg. 2(1)**
- F302** Sch. 3 para 1(3)–(10) inserted by [S.I. 1990/1851](#), **reg. 2(1)(2)**, **Sch. para. 1**
- F303** Words in Sch. 3 para. 1(4)(a) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 32(2)**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(16\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2; [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10](#), Sch. 14 para. 17; [S.I. 2012/2906](#), art. 2(1))
- F304** Sch. 3 para. 1(5) substituted (1.10.1999) by [S.I. 1999/2431](#), **reg. 2(2)**
- F305** Words in Sch. 3 para. 1(6) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 32(3)**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(16\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4](#), Sch. 26 para. 78, Sch. 28 Pt. 2;



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S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))

**F306** Words in Sch. 3 para. 1(6) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 16 para. 90(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

**F307** Words in Sch. 3 para. 1(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **Armed Forces Act 2006 (c. 52)**, s. 383(2), **Sch. 16 para. 90(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

**C88** Sch. 3 para. 1 amended by S.I. 1986/1628, reg. 5(1), **Sch.**

**C89** Sch. 3 para. 1(7) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by **The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059)**, art. 1(3), **Sch. 1 para. 19**

#### *Appropriate financial standing*

2 <sup>F308</sup>(1) Being of appropriate financial standing in relation to an application for, or holder of, a PSV operator's licence consists in having available sufficient financial resources to ensure the establishment and proper administration of the business carried on, or proposed to be carried on, under the licence.

<sup>F309</sup>(2) An applicant for, or the holder of, <sup>F310</sup>a standard licence] shall not be considered to be of the appropriate financial standing unless he has available to him capital and reserves of an amount equal to or exceeding the aggregate of—

- (a) 9,000 Euro for the first or only vehicle which is to be or is authorised under the licence; and
- (b) 5,000 Euro for each additional vehicle which is to be or is so authorised.]

#### Textual Amendments

**F308** By S.I. 1990/1851, reg. 2, **Sch. para. 2** it is provided (subject to a saving in reg. 2(2) and with application as mentioned in reg. 2(3)) that the existing provisions of para. 2 shall become sub-para. (1) of that para. and that there shall be inserted para 2(2)

**F309** Sch. 3 para. 2(2) substituted (1.10.1999) by S.I. 1999/2431, **reg. 3** (with reg. 6(1)(2))

**F310** Words in Sch. 3 para. 2(2) substituted (1.1.2005) by **The Public Service Vehicle Operators (Qualifications) (Amendment) Regulations 2004 (S.I. 2004/3223)**, regs. 1(2), **2(2)**

#### *Professional competence*

3 References in Part II of this Act to professional competence are to the professional competence of an individual; and a company satisfies the requirement as to professional competence if, and so long as, <sup>F311</sup>it has a transport manager or transport managers of its road transport business who, or each of whom, is of good repute and professionally competent].

#### Textual Amendments

**F311** Words substituted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 3**

*Status: Point in time view as at 22/04/2011. This version of this Act contains provisions that are prospective.*  
**Changes to legislation:** Public Passenger Vehicles Act 1981 is up to date with all changes known to be in force on or before 27 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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

**C90** Sch. 3 para 3 amended by S.I. 1986/1628, reg. 5(1), **Sch.**

- 4 Where an individual is not himself professionally competent, the requirement as to professional competence shall be regarded as satisfied in relation to him if, and so long as, he has a transport manager of his road passenger transport business who is of good repute and professionally competent.
- 5 <sup>F312</sup>(1) Where the holder of a PSV operator’s licence <sup>F313</sup>relies on a single transport manager] to satisfy the requirement as to professional competence and that manager—
- (a) dies or ceases by reason of physical disability or mental disorder to be capable of discharging his duties as transport manager;
  - (b) ceases to work for the business; or
  - (c) ceases to be of good repute,
- the holder shall nevertheless not be treated as failing to satisfy that requirement until the expiry of such period as in the opinion of the relevant traffic <sup>F314</sup>commissioner] is reasonably required for the appointment of a new transport manager.
- <sup>F315</sup>(2) Where the holder of a PSV operator’s licence is a company with two or more transport managers and any of them ceases to be of good repute the company shall nevertheless not be treated as failing to satisfy the requirement as to professional competence until the expiry of such period as in the opinion of the relevant traffic commissioner is reasonably required for his removal or the appointment of a transport manager in his place.]

**Textual Amendments**

**F312** Sub-para. renumbered by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 5**

**F313** Words substituted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 4**

**F314** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 21(b)**

**F315** Sub-para. (2) inserted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 5**

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

**C91** Sch. 3 para 5 amended by S.I. 1986/1628, reg. 5(1), **Sch.**

- 6 <sup>F316</sup>(1) Subject to paragraph 10 below, an individual shall be regarded as professionally competent for the purposes of Part II of this Act if, and only if,—
- <sup>F317</sup>(a) he has demonstrated that he possesses the requisite skills by passing a written examination organised by an approved body and is the holder of a certificate to that effect issued by that body; or]
  - (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this paragraph by the Secretary of State.
- <sup>F318</sup>(2) The written examination mentioned in sub-paragraph (1)(a) may be supplemented by an oral examination organised by the approved body in the form set out in Annex I to Council Directive No.96/26/EC.
- (3) The certificate mentioned in sub-paragraph (1)(a) must take the form of the certificate set out in Annex Ia to that Directive.]

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#### Textual Amendments

**F316** Sch. 3 para. 6 renumbered as Sch. 3 para. 6(1) (1.10.1999) by S.I. 1999/2431, **reg. 4(2)** (with **reg. 6(3)**)

**F317** Sch. 3 para. 6(1)(a) substituted (1.10.1999) by S.I. 1999/2431, **reg. 4(1)** (with **reg. 6(3)**)

**F318** Sch. 3 para. 6(2)(3) inserted (1.10.1999) by S.I. 1999/2431, **reg. 4(2)** (with **reg. 6(3)**)

- 7 In paragraph 6 above “approved body” means—
- (a) a body approved by the Secretary of State for the purposes of that paragraph; or
  - (b) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the <sup>M18</sup>Transport Act (Northern Ireland) 1967; or
  - (c) a body or authority designated by another member State for the purposes of [<sup>F319</sup>Article 3(4) of Council Directive No.96/26/EC];
- and “the requisite skills” means [<sup>F320</sup>knowledge corresponding to the level of training, for either national or international transport operations as the case may be, provided for in Annex I to that Directive in the subjects there listed.]

#### Textual Amendments

**F319** Words in definition of “approved body” substituted (1.10.1999) by S.I. 1999/2431, **reg. 4(3)(a)** (with **reg. 6(3)**)

**F320** Words in definition of “the requisite skills” substituted (1.10.1999) by S.I. 1999/2431, **reg. 4(3)(b)** (with **reg. 6(3)**)

#### Marginal Citations

**M18** 1967 c. 37 (N.I.).

#### *Persons engaged in road passenger transport before 1st January 1978*

- 8 (1) Paragraphs 9 and 10 below apply only to persons applying for, and to holders of, standard licences.
- (2) For the purposes of those paragraphs, an individual or company was authorised to engage in the occupation of road passenger transport operator at any time if, and only if, at that time—
- (a) he was the holder, or one of the joint holders, of a public service vehicle licence under section 127 of the <sup>M19</sup>Road Traffic Act 1960, or the corresponding provision of the law of Northern Ireland, relating to a vehicle adapted to carry more than eight passengers; or
  - (b) he was by virtue of a permit under Regulation 20 of the <sup>M20</sup>Public Service Vehicles (Licences and Certificates) Regulations 1952, or the corresponding provision of the law of Northern Ireland, deemed to be the holder or one of the joint holders of such a licence; or
  - (c) he was so authorised under the law of another member State; or
  - (d) he was the transport manager of a person within paragraph (a), (b) or (c).

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

**C92** Sch. 3 para. 8 amended by [S.I. 1986/1628](#), reg. 5(1), [Sch.](#)

#### Marginal Citations

**M19** 1960 c. 16.

**M20** [S.I. 1952/900](#).

- 9 (1) An individual or company authorised to engage in the occupation of road passenger transport operator at any time before 1st January 1978 shall be deemed until the contrary is proved to satisfy the requirements to be of good repute and appropriate financial standing and, if so authorised before 1st January 1975, also to satisfy the requirement as to professional competence.
- (2) An applicant for a standard licence, or for the variation of such a licence, shall not be obliged to furnish to the traffic [<sup>F321</sup>commissioner] in support of his application information relating to a requirement which is deemed to be satisfied by virtue of sub-paragraph (1) above unless it appears to the [<sup>F321</sup>commissioner] that there are grounds for thinking that the requirement is not in fact satisfied.

#### Textual Amendments

**F321** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 21\(a\)](#)

- 10 For the purpose of Part II of this Act, an individual shall be regarded as professionally competent if he was authorised to engage in the occupation of road passenger transport operator before 1st January 1978 and was so authorised—
- (a) for a period of, or for periods amounting in the aggregate to, two years during the period 1st January 1975 to 31st December 1979; or
  - (b) at any time in the period 1st January 1970 to 31st December 1974.

## SCHEDULES 4, 5

. . . <sup>F322</sup>

#### Textual Amendments

**F322** Schs. 4, 5 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

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**Status:** Point in time view as at 22/04/2011. This version of this Act contains provisions that are prospective.  
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## SCHEDULE 6

Section 88.

### TRANSITIONAL PROVISIONS AND SAVINGS

#### *Periods of time*

- 1 Where a period of time specified in an enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.

#### *Saving for transitional provisions and savings in orders under section 70(5) and (6) of Transport Act 1980*

- 2 Where any provision of the <sup>M21</sup>Transport Act 1980 which is repealed by this Act was brought into force by an order which contains transitional provisions and savings in connection with that provision, an order under section 89(2) of this Act may contain corresponding provisions and savings in connection with any provision of this Act corresponding to the repealed provision.

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**Marginal Citations**

**M21** 1980 c. 34.

#### *Certificates of initial fitness*

- 3 A certificate of fitness issued in respect of a vehicle under section 129 of the <sup>M22</sup>Road Traffic Act 1960 which was in force immediately before the date on which section 17 of the Transport Act 1980 came into force and had effect on and after that date as if it were a certificate of initial fitness shall, notwithstanding the repeal by this Act of subsection (2) of the said section 17, continue to have effect as if it were a certificate of initial fitness issued in respect of the vehicle on that date.

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**Marginal Citations**

**M22** 1960 c. 16.

- 4 For the purposes of subsection (1) of section 6 of this Act, the requirement of paragraph (b) of that subsection shall be treated as complied with if a certificate under section 130 of the Road Traffic Act 1960 was in force in respect of the vehicle concerned immediately before section 17 of the Transport Act 1980 came into force or has since that date been issued in respect of the vehicle.

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X<sup>2</sup>SCHEDULE 7

Section 88.

## CONSEQUENTIAL AMENDMENTS

**Editorial Information**

- X2** The text of Schedules 7, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

*Local Government (Miscellaneous Provisions) Act 1953 (c. 26)*

- 1 In section 4(4) of the Local Government (Miscellaneous Provisions) Act 1953 in the definition of “public service vehicle” for the words from “Part I” to “section 2(1)” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 if in section 1(1) ”.

*Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 (c. 50)*

- 2 In section 7(1) of the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958 in the definition of “public service vehicle” for the words from “Part I” to “section 2(1)” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 if in section 1(1) ”.

*Finance Act 1965 (c. 25)*

- [<sup>F323</sup>3 In section 92 of the Finance Act 1965, in the definition of “operator” in subsection (8), for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.]

**Textual Amendments**

- F323** Sch. 7 para. 3 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3), **Sch. 7**

4–8 ..... <sup>F324</sup>

**Textual Amendments**

- F324** Sch. 7 paras. 4–8 repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 14**

*Transport Act 1968 (c. 73)*

<sup>F325</sup>9 .....

**Textual Amendments**

- F325** Sch. 7 para. 9 repealed (1.1.1996) by [1995 c. 23, s. 60\(2\)](#), **Sch. 8 Pt. I**; (with ss. 54, 55); [S.I. 1995/2181, art. 2](#)

10 In section 159(1) of that Act—

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- (a) in the definition of “bus service” for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ” and for the words “section 3(3)(a) of the Transport Act 1980” there shall be substituted the words “ section 2(3)(a) of the Public Passenger Vehicles Act 1981 ”; and
- (b) in the definition of “express carriage” and “stage carriage” and in the definition of “public service vehicle” for the words “Act of 1960” there shall be substituted the words “ Public Passenger Vehicles Act 1981 ”.

*Transport (London) Act 1969 (c. 35)*

[<sup>F326</sup>11

In section 23 of the Transport (London) Act 1969—

- (a) in subsection (2) for the words “Part III of the Act of 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981. ”;
- (b) in subsection (7) in the definition of “road service licence” for the words “Act of 1960” there shall be substituted the words “ Public Passenger Vehicles Act 1981 ” and for the definition of “service of express carriages” there shall be substituted—

““service express carriages” means an express carriage service within the meaning of the Public Passenger Vehicles Act 1981 or a stage carriage service within the meaning of that Act as to which the condition in section 2(3)(a) of that Act (long journeys only) is satisfied.”]

**Textual Amendments**

**F326** Sch. 7 para. 11 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3), **Sch. 7**

12–15

F327

**Textual Amendments**

**F327** Sch. 7 paras. 12–15 repealed by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

*Road Traffic (Foreign Vehicles) Act 1972 (c. 27)*

16 In section 4(2)(b) of the Road Traffic (Foreign Vehicles) Act 1972 for the words from “section 19(1)” to “section 160(1)(k) of that Act” there shall be substituted the words “ section 12(1) of the Public Passenger Vehicles Act 1981 as modified by regulations for the time being in force under section 60(1)(m) of that Act ”.

17 In section 7(1) of that Act—

<sup>F328</sup>(a) .....

- (b) in the definition of “public service vehicle” for the words “Part III of the Road Traffic Act 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.

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**Textual Amendments**

**F328** Sch. 7 para. 17(a) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8; S.I. 1992/1286, art. 2, Sch.](#), Appendix

18 In Schedule 1 to that Act for the words “Section 16(1) of the Transport Act 1980” there shall be substituted the words “ Section 8(1) of the Public Passneger Vehicles Act 1981 ”.

*Local Government (Miscellaneous Provisions) Act 1976 (c. 57)*

19 In section 63(3)(b) of the Local Government (Miscellaneous Provisions) Act 1976 for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.

20 In section 80(1) of that Act, in the definition of “public service vehicle”, for the words “Part III of the Road Traffic Act 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.

*Energy Act 1976 (c. 76)*

21 In paragraph 1 of Schedule 1 to the Energy Act 1976—  
(a) in sub-paragraph (1)(c) for the words “Part I of the Transport Act 1980” there shall be substituted the words “ Part II or III of the Public Passenger Vehicles Act 1981 ”;  
(b) in sub-paragraph (1)(d) for the words “section 14” there shall be substituted the words “ section 40 ”; and  
(c) in sub-paragraph (2) for the words “section 160 of the Road Traffic Act 1960” there shall be substituted the words “ section 60 of the Public Passenger Vehicles Act 1981 ”.

22 In paragraph 2 of Schedule 1 to that Act for the words “section 144 of the Road Traffic Act 1960” there shall be substituted the words “ section 22 of the Public Passenger Vehicles Act 1981 ”.

*Transport Act 1978 (c. 55)*

23 In section 1(2)(a) of the Transport Act 1978 for the words “the Minibus Act 1977” there shall be substituted the words “ section 42 of the Public Passenger Vehicles Act 1981 ”.

24 ..... **F329**

**Textual Amendments**

**F329** Sch. 7 para. 24 repealed by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), [Sch. 12 Pt. III](#)



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X<sup>3</sup>SCHEDULE 8

Section 88.

## REPEALS

**Editorial Information**

**X3** The text of Schedules 7, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

**C93** Sch. 8 amended by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), s. 39(b)

Chapter	Short title	Extent of repeal
1960 c. 16.	The Road Traffic Act 1960.	Part III. In section 232(1), paragraph (a). Section 239. In section 247(2) the words “except offences under section 148(2)”. Section 252. In section 257(1) the words from “and the expressions” to the end of the subsection. Section 260. In section 263, in subsection (1) the word “III” and subsection (2). In section 265, subsection (1) and in subsection (2) the words from the beginning to “Part III of this Act and”.
1960 c. 63.	The Road Traffic and Roads Improvement Act 1960.	Section 24. The Schedule.
1962 c. 46.	The Transport Act 1962.	In Schedule 2, in Part I the entry relating to section 157 of the Road Traffic Act 1960.
1962 c. 59.	The Road Traffic Act 1962.	In Schedule 4, the amendment of section 130 of the Road Traffic Act 1960.
1968 c. 73.	The Transport Act 1968.	In section 35, subsection (3).

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		In section 130(6), paragraph (c).
		...
		F330
		In Schedule 10, in Part I the entry relating to section 123 of the Road Traffic Act 1960 and in Part II the entry relating to section 123 of the Road Traffic Act 1960.
1969 c. 35.	The Transport (London) Act 1969.	In section 24, subsections (1) to (4).
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, the amendment of section 126 of the Road Traffic Act 1960.
1974 c. 50.	The Road Traffic Act 1974.	In section 10(7) the words “the amendments of Part III of the 1960 Act specified in Schedule 2 to this Act.”  In section 21(1) paragraph (a) and the words “Part I or” and “as the case may require”.  In Schedule 2, paragraph 2.  In Schedule 5, Part I.  In Schedule 6, paragraph 2.
1975 c. 53.	The Public Service Vehicles (Arrest of Offenders) Act 1975.	In section 1 the words from “regulations having effect” to “public service vehicles) or of”.  Section 2(2).
1977 c. 21.	The Passenger Vehicles (Experimental Areas) Act 1977.	The whole Act.
1977 c. 25.	The Minibus Act 1977.	The whole Act.
1978 c. 55.	The Transport Act 1978.	Sections 5 and 7.  In section 24(2), the definition of “the 1960 Act”.  In Schedule 2, paragraph 5.
1980 c. 34.	The Transport Act 1980.	Sections 1 to 31.  In section 32, subsections (1) to (4).  Section 33.

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Section 36.

In section 37, subsection (1)

Sections 38 to 41.

In section 42—

(a) in subsection (2), paragraph (a) and subparagraphs (i), (ii) and (iv) of paragraph (b); and

(b) subsections (3) and (4).

In section 43, subsection (2).

Section 44.

Schedules 1 to 3.

In Schedule 4, the entries relating to sections 144, 146, 147 and 157 of the Road Traffic Act 1960.

In Schedule 5, Part I and in Part II the paragraphs amending the Transport (London) Act 1969, the Road Traffic Act 1974, the Passenger Vehicles (Experimental Areas) Act 1977, the Minibus Act 1977 and the Transport Act 1978.

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#### Textual Amendments

**F330** Words repealed by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), s. 40, [Sch. 12 Pt. III](#)

**Status:**

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