



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART II

GENERAL PROVISIONS RELATING TO PUBLIC SERVICE VEHICLES

Modifications etc. (not altering text)

C1 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) A public service vehicle adapted to carry more than eight passengers shall not be used on a road unless—

- (a) a certifying officer [^{F1}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
- (c) there has been issued in respect of the vehicle a certificate under section 47 of the ^{M1}Road Traffic Act 1972 [^{F2}or sections 55 to 58 of the Road Traffic Act 1988] (type approval) of a kind which by virtue of regulations is to be treated as the equivalent of a certificate of initial fitness.

[^{F3}(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) (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.]

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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- (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 [^{F4}level 4 on the standard scale].

Textual Amendments

- F1** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(3)(d)**, 76(2)
F2 Words inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 22**
F3 S. 6(1A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(8)**, 76(2)
F4 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)

- C2** S. 6(1A) extended (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(11)(b)**, 76(2)

Marginal Citations

- M1** 1972 c. 20.

7 Certifying officers and public service vehicle examiners.

- (1) For the purpose of the provisions of this Act with respect to the certification of fitness of vehicles, the Secretary of State may with the approval of the Minister for the Civil Service, appoint such officers (in this Act referred to as “certifying officers”) as he thinks fit, and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of initial fitness and otherwise, as the Minister may require.
- (2) The Secretary of State may, with the approval of the Minister for the Civil Service, appoint as public service vehicle examiners such persons as he considers necessary for the purpose of the inspection of public service vehicles within the several traffic areas and for the purpose of the discharge of such other duties as he considers can conveniently be discharged by persons acting as such examiners, and for that purpose may, with the concurrence of the Secretary of State concerned, make arrangements with any police authority for the appointment of members of their police force for this purpose.
- (3) A certifying officer or public service vehicle examiner shall, in exercising any of the functions of such an officer or examiner, act under the general directions of the Secretary of State.
- (4) There shall be paid to or in respect of certifying officers and public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Secretary of State may, with the consent of the Minister for the Civil Service, determine.

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

- (1) A certifying officer or public service vehicle examiner, on production if so required of his authority—
- (a) may at any time inspect any public service vehicle, and for that purpose—
- (i) may enter the vehicle; and

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- (ii) may detain the vehicle during such time as is required for the inspection;
 - (b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that there is a public service vehicle.
- [^{F5}(1A) for the purposes of subsection (1)(b) above, a vehicle which is used to carry passengers for hire or reward only under a permit granted under section 19 or 22 of the Transport Act 1985 (permits relating to the use of vehicles by educational and other bodies or in providing community bus services) shall be treated as not being a public service vehicle.]
- (2) A person who intentionally obstructs a certifying officer or public service vehicle examiner acting in the exercise of his powers under subsection (1) above shall be liable on summary conviction to a fine not exceeding [^{F6}level 3 on the standard scale].
 - (3) The Secretary of State may—
 - (a) provide and maintain stations where inspections of public service vehicles for the purposes of this Act 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

- F5** S. 8(1A) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), [Sch. 7 para. 21\(2\)](#)
- F6** 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

9 Power to prohibit driving of unfit public service vehicles.

- (1) If on any inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner [^{F7}or an authorised inspector] that owing to any defects therein the vehicle is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road either—
 - (a) absolutely; or
 - (b) for one or more specified purposes; or
 - (c) except for one or more specified purposes.
- (2) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official PSV testing station.
- (3) Where a certifying officer or examiner [^{F8}or authorised inspector] prohibits the driving of a vehicle under subsection (1) above, he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—
 - (a) specifying the defects which occasioned the prohibition;
 - (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question); and

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- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.
- (4) If the person to whom written notice of a prohibition is given under subsection (3) above as being the person in charge of the vehicle at the time of the inspection is not—
- (a) the operator of the vehicle; or
 - (b) if there is no operator at that time, the owner of the vehicle,
- the officer or examiner [^{F8}or authorised inspector] shall as soon as practicable take steps to bring the contents of the notice to the attention of the said operator or owner.
- (5) If, in the opinion of the certifying officer or examiner [^{F9}or authorised inspector] concerned, the defects in the vehicle in question are such that driving it, or driving it for any purpose prohibited by the notice given to the person in charge of it, would involve danger to [^{F10}the driver or to passengers or other members of the public][^{F10}any person], the prohibition under subsection (1) above with respect to the vehicle shall come into force as soon as that notice has been given.
- (6) In any other case a prohibition under subsection (1) above shall come into force at such time not later than ten days from the date of the inspection as seems appropriate to the certifying officer or examiner [^{F11}or authorised inspector] having regard to all the circumstances.
- (7) Where a notice has been given under subsection (3) above, any certifying officer or public service vehicle examiner [^{F12}or an authorised inspector] may—
- (a) grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose or purposes as may be specified in the exemption;
 - (b) by endorsement on the notice vary its terms and, in particular—
 - (i) alter the time at which the prohibition is to come into force, or suspend it if it has come into force; or
 - (ii) cancel a direction under subsection (2) above with which the prohibition was imposed.
- (8) Subject to any subsisting direction under subsection (2) above, a prohibition under subsection (1) above with respect to any vehicle may be removed by any certifying officer or public service vehicle examiner [^{F13}or an authorised inspector] if he is satisfied that the vehicle is fit for service; [^{F14}and a person aggrieved by the refusal of a public service vehicle examiner [^{F15}or certifying officer][^{F13}or an authorised inspector] to remove a prohibition may make an application to the traffic [^{F16}commissioner] for any area to have the vehicle inspected
- (a) [^{F17}in the case of a refusal by a public service vehicle examiner, by a certifying officer; and
 - (b) in the case of a refusal by a certifying officer, by another certifying officer;
- and] where such an application is made, the certifying officer to whom the matter is referred by the [^{F16}commissioner] shall, if he considers that the vehicle is fit for service, remove the prohibition.]
- (9) Except in such cases as may be prescribed, a person who—
- (a) knowingly drives a vehicle in contravention of a prohibition under subsection (1) above; or
 - (b) subject to section 68(3) of this Act, causes or permits a vehicle to be driven in contravention of such a prohibition,

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shall be liable on summary conviction to a fine not exceeding [^{F18}level 5 on the standard scale].

[^{F19}(10) Any removal of a prohibition under subsection (1) above shall be made by notice in writing.]

Textual Amendments

- F7 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3)(e), 76(2)
- F8 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3), 76(2)
- F9 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3), 76(2)
- F10 Words “any person” substituted (*prosp.*) for words beginning “the driver” by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), Sch. 5 para. 21(a)
- F11 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3), 76(2)
- F12 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3)(e), 76(2)
- F13 Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3)(e), 76(2)
- F14 Words repealed (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 21(3), 76(2), Sch. 6
- F15 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 21(3)
- F16 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(3)
- F17 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 21(3)
- F18 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
- F19 S. 9(10) added (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 76(2), Sch. 5 para. 21(b)

[^{F20}9A Extension of sections 8 and 9 to certain passenger vehicles other than public service vehicles.

- (1) Section 8 of this Act shall apply, with the omission of subsection (1)(b), 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.
- (2) Section 9 of this Act shall apply to any such motor vehicle as it applies to a public service vehicle with the omission of subsection (4).]

Textual Amendments

- F20 S. 9A inserted by Transport Act 1985 (c. 67, SIF 126), s. 333

10 Approval of type vehicle and effect thereof.

- (1) Where the Secretary of State [^{F21}or the prescribed testing authority] 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 [^{F22}he][^{F22}the Secretary of State or that authority] 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 [^{F23}or the prescribed testing authority] in that behalf that any other vehicle conforms in design, construction and equipment with the type vehicle, the certifying officer [^{F24}or an authorised inspector] 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.

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- (3) ^{F25}The Secretary of State may at any time withdraw his approval of a type vehicle] ^{F25}Approval of a type vehicle (whether given by the Secretary of State or the prescribed testing authority) may at any time be withdrawn by either of them] 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.
- ^{F26}(4) Regulations may make provision with respect to—
- (a) the examination of vehicles for the purposes of this section by or under the direction of authorised inspectors;
 - (b) the approval of vehicles as type vehicles by the prescribed testing authority on such examinations, or the withdrawal of such approval by that authority on such examinations;
 - (c) the issue or refusal of certificates under subsection (2) above by authorised inspectors; and
 - (d) the authorisation by the prescribed testing authority of persons to make declarations under subsection (2) above.]

Textual Amendments

- F21** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 11(1)(a)**, 76(2)
- F22** Words “the Secretary of State or that authority” substituted (*prosp.*) for “he” by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 11(1)(b)**, 76(2)
- F23** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 11(1)(a)**, 76(2)
- F24** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(3)(f)**, 76(2)
- F25** Words beginning “Approval of a type vehicle” substituted (*prosp.*) for “The Secretary of State” by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 11(1)(c)**, 76(2)
- F26** S. 10(4) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 11(2)**, 76(2)

Modifications etc. (not altering text)

- C3** S. 10(4) extended (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 10(11)(b)**, 76(2)

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.

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- (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.

- [^{F27}(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 [^{F28}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 [^{F28}commissioner] by whom the licence was granted.
- (3) A person may hold two or more PSV operators' licences each granted by the traffic [^{F28}commissioner] for [^{F29}a different area], but shall not at the same time hold more than one such licence granted by the [^{F28}commissioner] for the same area.
- (4) An application for a PSV operator's licence shall be made in such a form as the traffic [^{F30}commissioner] may require, and an applicant shall give the [^{F30}commissioner] such information as [^{F31}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 [^{F32}level 4 on the standard scale].

Textual Amendments

- F27** S. 12(1) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1 (3), Sch. 1 para. 4
- F28** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(4\)\(a\)](#)
- F29** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(4\)\(b\)](#)
- F30** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(4\)\(a\)](#)
- F31** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 para. 4\(4\)\(c\)](#)
- F32** 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)

- C4** S. 12 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 12(13)
- C5** S. 12(1) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 18
- C6** 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](#))
- C7** S. 12(3) amended by [S.I. 1986/1628](#), reg. 5(1), [Sch.](#)

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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 [^{F33}commissioner][^{F34}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 [^{F33}commissioner][^{F34}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 [^{F35}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 [^{F35}commissioner][^{F36}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
 - (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.
- (4) If on an application for a PSV operator's licence the traffic [^{F37}commissioner][^{F38}determines] that the relevant requirements mentioned in subsection (1) above and the further requirements mentioned in subsection (3) above

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are satisfied [^{F38}he] shall, subject to the provisions of sections 15 and 16 of this Act, grant the licence in accordance with the application.

Textual Amendments

- F33** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(a\)](#)
F34 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(b\)](#)
F35 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(a\)](#)
F36 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(5\)\(b\)](#)
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\(5\)\(c\)](#)

Modifications etc. (not altering text)

- C8** [S. 14\(1\)](#) amended by [S.I. 1986/1628, reg. 5\(1\)](#), [Sch.](#)
C9 [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](#))

[^{F39}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.
- (3) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.
- (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 regional or islands council.
- (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

- F39** [S. 14A](#) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 25](#)

Modifications etc. (not altering text)

- C10** [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 and the date on which it is to expire; and, subject to subsection (2) below, the last-mentioned date shall be such as will make the duration of the licence

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such period not exceeding five years as the traffic [^{F40}commissioner] on granting the licence [^{F40}considers] appropriate in the circumstances.

- (2) [^{F41}A traffic commissioner] on granting a PSV operator's licence may direct that the duration of the licence shall be such period not exceeding five years as is in the opinion of the [^{F41}commissioner] desirable in order to arrange a reasonably convenient programme of work for [^{F42}him].
- (3) If, immediately before a PSV operator's licence is due to expire, proceedings are pending before the traffic [^{F43}commissioner] on an application by the holder of that licence for the grant to him of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (4) Where an application is made to the traffic [^{F44}commissioner] by the holder of a PSV operator's licence for the grant to him of a new licence to take effect on the expiry of the existing licence and the traffic [^{F45}commissioner decides] not to grant the new licence, [^{F44}he] may direct that the existing licence continue in force for such period as appears to [^{F44}him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

Textual Amendments

- F40** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(6)(a)**
- F41** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(6)(b)**
- F42** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(6)(b)**
- F43** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(6)(c)**
- F44** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(6)(d)**
- F45** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(6)(d)**

Modifications etc. (not altering text)

- C11** [S. 15](#) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 12(3)**

16 Conditions attached to licences.

- (1) [^{F46}Subject to subsection (1A) below and section 12(7) of the Transport Act 1985][^{F47}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 [^{F47}that commissioner]) which the holder of the licence may at any one time use under the licence.
- [^{F48}(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) [^{F49}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 [^{F50}him] such conditions or additional conditions as [^{F49}he thinks] fit for restricting or regulating the use of vehicles under the licence, being conditions of any prescribed description.

Status: Point in time view as at 01/02/1991. This version of this part contains provisions that are not valid for this point in time.

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- (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 [^{F51}commissioner] by whom a PSV operator's licence was granted may at any time while it is in force vary the licence by—
- altering in such manner as [^{F52}he thinks] fit any condition attached under subsection (3) above to the licence; or
 - removing any condition so attached to the licence.
- (6) On the application of the holder of a PSV operator's licence, the traffic [^{F53}commissioner] by whom the licence was granted may at any time while it is in force—
- vary the conditions attached under subsection (1) above to the licence; or
 - exercise [^{F53}his] powers (whether of alteration or removal) under subsection (5) above;
- and a person making an application under this subsection shall give to the traffic [^{F53}commissioner] such information as [^{F53}he] may reasonably require for the discharge of [^{F53}his] duties in relation to the application.
- (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 [^{F54}level 3 on the standard scale].
- (8) Compliance with any condition attached to a PSV operator's licence . . . [^{F55}other than a condition so attached under subsection (1A) above] may be temporarily dispensed with by the traffic [^{F57}commissioner] by whom the licence was granted if [^{F58}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.
- (9) It is hereby declared that the conditions attached under subsection (1) [^{F59}or (1A)] above to a PSV operator's licence granted by the traffic [^{F60}commissioner] for any area do not affect the use by the holder of the licence of a vehicle—
- under a PSV operator's licence granted to him by the traffic [^{F60}commissioner] for another area; or
 - 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

- F46** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 139\(2\)](#), [Sch. 7 para. 21\(4\)](#)
- F47** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(a\)](#)
- F48** [S. 16\(1A\)](#) inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(1\)\(a\)](#)
- F49** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(b\)](#)
- F50** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(b\)](#)
- F51** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(c\)](#)
- F52** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(c\)](#)
- F53** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\)](#), [Sch. 2 Pt. II para. 4\(7\)\(d\)](#)

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- F54** 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
- F55** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8
- F56** Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 24(1)(b)
- F57** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(7)(e)
- F58** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(7)(e)
- F59** Words inserted by Transport Act 1985 (c. 67, SIF 67), s. 24(1)(c)
- F60** 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)

- C12** S. 16 amended by Transport Act 1985 (c. 67, SIF 126), s. 12(4)
- C13** S. 16(1A) excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C14** S. 16(2) excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C15** S. 16(5) amended by Transport Act 1985 (c. 67, SIF 126), s. 27(4)

VALID FROM 10/01/1999

[^{F61}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 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

- F61** S. 16A and sidenote inserted (1.10.1999) by S.I. 1999/2431, reg. 5

17 Revocation, suspension etc. of licences.

- (1) The traffic [^{F62}commissioner] by whom a standard licence was granted shall revoke the licence if it appears to [^{F62}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.

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- (2) Without prejudice to subsection (1) above, the traffic [F63 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 [F64 he directs] (during which time it shall be of no effect);
 - (c) curtail the period of validity of the licence;
 - (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 intention or expectation which has not been fulfilled;
 - (b) that there has been a contravention of any condition attached to the licence;
 - (c) that a prohibition under section 9 of this Act 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 subsection (9) of that section;
 - (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;
 - (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.
 - [F65 (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) [F66 A traffic commissioner] shall not take any action under subsection (1) or (2) above in respect of any licence without first holding [F67 an inquiry] if the holder of the licence requests [F68 him] to do so.
- (5) Where [F69 a traffic commissioner decides] to revoke a licence under this section, [F70 he] may direct that the revocation shall not take effect for such period as appears to [F70 him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.
- (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

- F62** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(8)(a)
F63 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(8)(b)
F64 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(8)(b)
F65 S. 17(3)(f) added by Transport Act 1985 (c. 67, SIF 126), s. 139(2), Sch. 7 para. 21(5)

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- F66** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
F67 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(6)**
F68 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
F69 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**
F70 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**

Modifications etc. (not altering text)

- C16** S. 17(1) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
C17 S. 17(2) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 28(4)
C18 S. 17(3)(d) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 12(13)(a)

[^{F71}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

- F71** 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.
- (2) [^{F72}A traffic commissioner] on granting a PSV operator's licence shall supply the person to whom the licence is granted with a number of operators' discs equal to the maximum number of vehicles which he may use under the licence in accordance with the condition or conditions attached to the licence under section 16(1) [^{F73}or (1A)] of this Act; and if [^{F74}(in the case of any condition or conditions attached under section 16(1))] that maximum number is later increased on the variation of one or more of those conditions, the traffic [^{F75}commissioner] on making the variation shall supply him with further operators' discs accordingly.
- (3) Regulations may make provision—
 - (a) as to the form of operators' discs and the particulars to be shown on them;
 - (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 on the revocation or expiration 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

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reducing the maximum number of vehicles which may be used under the 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 [^{F76}level 3 on the standard scale].

Textual Amendments

- F72** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(9)**
F73 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 24(2)(a)
F74 Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 24(2)(b)
F75 Word substituted by Transport Act 1985 (c.67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(9)**
F76 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)

- C19** S. 18 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
C20 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 [^{F77}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 [^{F78}commissioner] by whom the licence was granted of—
- any relevant conviction of the holder; and
 - 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,
- 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.
- (3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—
- the bankruptcy or liquidation of the holder, or the sequestration of his estate [^{F79}or the making of an administration order under [^{F80}Part II of the Insolvency Act 1986] in relation to the holder] or the appointment of a receiver, manager or trustee of his road passenger transport business; or
 - 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 [^{F81}commissioner] by whom the licence was granted.
- (4) [^{F82}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 [^{F83}him] forthwith or

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within a time specified by [F83him] of any material change specified by [F83him] in any of [F82the 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 [F84level 3 on the standard scale].

Textual Amendments

- F77** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
F78 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
F79 Words inserted by Insolvency Act 1985 (c. 65, SIF 66), s. 235, Sch. 8 para. 34, **Sch. 9 para. 11(2)**
F80 Words substituted by Insolvency Act 1986 (c. 45, SIF 66), s. 439(2), **Sch. 14**
F81 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
F82 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
F83 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
F84 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)

- C21** S. 19 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
C22 S. 19(1) amended by S.I. 1986/1628, reg. 5(1), **Sch.**
C23 S. 19(2) amended by S.I. 1986/1628, reg. 5(1), **Sch.**
C24 S. 19(3) amended by S.I. 1986/1628, reg. 5(1), **Sch.**

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 [F85to the [F86Secretary of State]] [F85] 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 [F85to the [F86Secretary of State]] [F85] in accordance with regulations made by virtue of subsection (2A) below].

[F87(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 public service vehicle examiner or an authorised inspector.]
- (3) The traffic [F88commissioner] by whom a PSV operator's licence was granted may—

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- (a) require the holder of the licence to supply [^{F88}him] forthwith or within a specified time with such information as [^{F88}he] may reasonably require about the public service vehicles owned by [^{F89}the holder] and normally kept at an operating centre within the area of [^{F89}that commissioner], and to keep up to date information supplied by [^{F89}the holder] under this paragraph; or
- (b) require the holder or former holder of the licence to supply [^{F88}him] forthwith or within a specified time with such information as [^{F88}he] may reasonably require about the public service vehicles owned by [^{F89}the holder or former holder] at any material time specified by [^{F88}him] which were at that time normally kept at an operating centre within the area of [^{F89}that 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 [^{F90}level 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 [^{F91}level 4 on the standard scale].
- (6) Where a certifying officer or public service vehicle examiner [^{F92}or an authorised inspector] imposes or removes a prohibition on the driving of a public service vehicle, he shall forthwith give notice of that fact to the traffic [^{F93}commissioner] who granted the PSV operator’s licence under which the vehicle was last used before the prohibition was imposed.

Textual Amendments

- F85** 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”
- F86** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 29
- F87** S. 20(2A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(9)(b), 76(2)
- F88** Word substituted as provided by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(11)(a)
- F89** Words substituted as provided by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(11)(a)
- 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
- F91** 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
- F92** Words inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(3)(g), 76(2)
- F93** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(11)(b)

Modifications etc. (not altering text)

- C25** S. 20 excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C26** S. 20(2A) extended (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), ss. 10(11)(b), 76(2)

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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—
 - (a) if he holds a standard licence, to the traffic [^{F94}commissioner] by whom that licence was granted or, if he holds more than one, by whom the last such licence was granted;
 - (b) in any other case, to the traffic [^{F94}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 [^{F94}commissioner] such information as [^{F94}he] may reasonably require for the discharge of [^{F94}his] duties in relation to the application.
- (3) The traffic [^{F94}commissioner] to whom an application under subsection (1) above is made shall certify such matters relating to the applicant as—
 - (a) [^{F95}he is satisfied he] may properly certify, and
 - (b) appear to [^{F95}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

F94 Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(12\)\(a\)](#)

F95 Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), [Sch. 2 Pt. II para. 4\(12\)\(c\)](#)

Drivers' licences

[^{F96}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 [^{F97}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— [^{F98}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.

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- (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 [^{F99}level 4 on the standard scale].

Textual Amendments

- F96** 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**
- F97** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 5**
- F98** Words substituted by virtue of Transport Act 1985 (c. 67, SIF 126), **Sch. 7 para. 21(7)**
- 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)

- C27** 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**
- C28** S. 22 excluded by Transport Act 1985 (c. 67, SIF 126), **s. 18**
- C29** 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)**

[^{F100}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 [^{F101}a traffic commissioner]] . . . ^{F102} 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 [^{F103}commissioner] . . . ^{F102}, require [^{F103}him] . . . ^{F102} 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 [^{F104}commissioner] . . . ^{F105} 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,

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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 [^{F104}commissioner] . . . ^{F105}.

- (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

- F100** S. 23 repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:), s. 16, **Sch. 6**
- F101** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(13)(a)**
- F102** Words repealed by S.I. 1984/31, **art. 5(c)(i)**
- F103** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(13)(a)**
- F104** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(13)(b)**
- F105** Words repealed by S.I. 1984/31, **art. 5(c)(ii)**

[^{F106}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—
- “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

- F106** 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) [^{F107}persons licensed to act as] drivers of public service vehicles, and
 - (b) inspectors and conductors of such vehicles.

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- (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 [F108]level 2 on the standard scale] and, in the case of an offence by a person acting as driver, the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon [F109]the counterpart of] the licence granted to that person under [F110]section 22 of this Act][F110]Part III of the Road Traffic Act 1988].
- (3) The person who has the custody of the licence [F111]and its counterpart] shall, if so required by the convicting court, produce [F112]the licence][F112]them] 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 [F113]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.
- [F114](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

- F107** 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](#)
- F108** 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](#)
- F109** 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\(2\)\(a\)](#))
- F110** Words “Part III of the Road Traffic Act 1988” substituted (1.4.1991) for “section 22 of this Act” 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\(2\)\(a\)](#))
- F111** 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\(bb\)\(i\)](#) (as inserted by S.I. 1990/144, regs. 2(3), 3, [Sch. 3 para. 3\(2\)\(b\)](#))
- F112** Word “them” substituted (1.4.1991) for “the licence” by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989](#) (c. 22, SIF 107:1), s. 7, [Sch. 3 para. 2\(bb\)\(ii\)](#) (as inserted by S.I. 1990/144, regs. 2(3), 3, [Sch. 3 para. 3\(2\)\(b\)](#))
- F113** 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](#)
- F114** 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\(c\)](#)

25 Regulation of conduct of passengers.

- (1) Regulations may make provision generally as to the conduct of passengers on public service vehicles and in particular (but without prejudice to the generality of the foregoing provision) for—

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- (a) authorising the removal from a public service vehicle 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 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;
 - (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) ^{F115}
- (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 [^{F116}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

F115 S. 25(2) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), s. 119, **Sch. 7 Pt. 1**

F116 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

26 Control of number of passengers.

- (1) Regulations may make provision with respect to public service vehicles for—
- (a) 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;
 - (b) the determination by or under the regulations of the number of such passengers respectively who may be carried in a vehicle;
 - (c) 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 [^{F117}level 2 on the standard scale].

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Textual Amendments

F117 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)

C30 [S. 26](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), [s. 12\(13\)\(a\)](#)

C31 [S. 25](#) applied (with modifications) (21.7.1994) by [1994 c. xv, s. 63\(1\)](#)

Supplementary provisions

27 Returns to be provided by persons operating public service vehicles.

- (1) It shall be the duty of a person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Secretary of State such financial and statistical returns, and in such manner and at such times, as the Secretary of State may from time to time require.
- (2) Subject to section 68(3) of this Act, if a person fails to comply with the requirements of subsection (1) above, he shall be liable on summary conviction to a fine not exceeding [^{F118}level 3 on the standard scale].
- (3) This section shall not apply to the British Railways Board or [^{F119}the London Transport Executive][^{F119}London Regional Transport or to any subsidiary of London Regional Transport (within the meaning of the London Regional Transport Act 1984)].

Textual Amendments

F118 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](#)

F119 Words “London Regional Transport or to any subsidiary of London Regional Transport (within the meaning of the London Regional Transport Act 1984)” substituted (E.W.) for “the London Transport Executive” by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), [s. 71\(3\)\(a\)](#), Sch. 6 para. 22

28 ^{F120}

Textual Amendments

F120 [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.

Status:

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Changes to legislation:

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