



# Public Passenger Vehicles Act 1981

## 1981 CHAPTER 14

### PART II

#### GENERAL PROVISIONS RELATING TO PUBLIC SERVICE VEHICLES

##### *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 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 Road Traffic Act 1972 (type approval) of a kind which by virtue of regulations is to be treated as the equivalent of a certificate of initial fitness.
- (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 £500.

#### **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.

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- (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
    - (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.
- (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 £200.
- (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.

## **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 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.

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- (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 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
  - (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 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 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 the driver or to passengers or other members of the public, 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 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 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 if he is satisfied that the vehicle is fit for service; and a person aggrieved by the refusal of a public service vehicle examiner to remove a prohibition may make an application to the traffic commissioners for any area to have the vehicle inspected by a certifying officer and, where such an application is made, the certifying officer to whom the matter is referred by the commissioners 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—

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- (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,
- shall be liable on summary conviction to a fine not exceeding £1,000.

## **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 type vehicle, the certifying officer 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.

## **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.