



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART IV

MODIFICATION OF REQUIREMENTS OF PARTS II AND III IN RELATION TO CERTAIN VEHICLES AND AREAS

Use of certain vehicles by educational and other bodies

42 Use of certain vehicles by educational and other bodies

- (1) If a small passenger-carrying vehicle is used for carrying passengers for hire or reward, it shall nevertheless be treated as not being a public service vehicle if and so long as—
 - (a) the vehicle is specified in a permit under this section; and
 - (b) the vehicle is being used neither for the carriage of members of the public at large nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit; and
 - (c) the use of the vehicle is by the body to whom the permit was granted and in every respect in accordance with the conditions of the permit.
- (2) If a large passenger-carrying vehicle is used for carrying passengers for hire or reward, then, if and so long as the conditions set out in paragraphs (a) to (c) of subsection (1) above are satisfied, sections 12(1), 22 and 30 of this Act and section 23(2) of the Transport (London) Act 1969 (restrictions on provision of London bus services) shall not apply to the driving or use of the vehicle.
- (3) Permits under this section may be granted—
 - (a) in the case of small passenger-carrying vehicles, by the traffic commissioners for the traffic area in which the vehicle concerned is ordinarily kept to any body appearing to them to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community; and
 - (b) in the case of small or large passenger-carrying vehicles, by a body designated in an order under subsection (4) below either to itself or to any other body to whom, in accordance with the order, it is entitled to issue a permit;

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but in the exercise of their discretion under this subsection traffic commissioners shall have regard to any directions (whether of a general or specific character) given to them by the Secretary of State.

- (4) The Secretary of State may by order designate for the purpose of this section bodies appearing to him to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community and, with respect to any body designated by it, any such order—
- (a) shall specify the classes of bodies to whom the designated body may grant permits under this section;
 - (b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either generally or in such cases as may be specified in the order, unless the permit contains such conditions as may be so specified; and
 - (c) may require the designated body to make returns with regard to the permits granted by it.
- (5) Different provision may be made by orders under subsection (4) above in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.
- (6) The power to make an order under subsection (4) above shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In this section and in the next two following sections—
- " body " means a body of persons, whether corporate or unincorporate ;
 - " large passenger-carrying vehicle " means a vehicle which is adapted to carry more than sixteen passengers ;
 - " small passenger-carrying vehicle " means a vehicle which is adapted to carry more than eight but not more than sixteen passengers;
- and any reference to a vehicle being used for carrying passengers for hire or reward shall be construed in accordance with section 1(5) of this Act.

43 Supplementary provisions as to permits under section 42

- (1) A permit under section 42 of this Act shall be in such form as may be prescribed under section 44 of this Act and, subject to subsection (5) below, shall specify—
- (a) the body to whom it is granted ; and
 - (b) the vehicle in respect of which it is granted.
- (2) In addition to any conditions contained in it by virtue of section 42(4)(b) of this Act, a permit under that section shall contain such conditions as the traffic commissioners or other body granting it consider appropriate including, in particular, conditions—
- (a) limiting the passengers who may be carried in the vehicle in pursuance of the permit to persons falling within such classes as may be specified in the permit; and
 - (b) with respect to such other matters as may be prescribed under section 44 of this Act.

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- (3) A permit under section 42 of this Act may not be so varied as to substitute another body for the body to whom it was granted or another vehicle for the vehicle to which it relates but, subject thereto,—
- (a) a permit under that section which is granted by a body designated under subsection (4) thereof may be varied or revoked by that body or, after consultation with that body, by the traffic commissioners for any traffic area in which the vehicle concerned has been used in pursuance of the permit; and
 - (b) a permit under that section which is granted by the traffic commissioners for any traffic area may be varied or revoked by them.
- (4) A permit under section 42 of this Act shall remain in force until—
- (a) it is revoked under subsection (3) above ; or
 - (b) in the case of a permit granted by a body designated under section 42(4), that body ceases to be so designated.
- (5) If, having regard to the nature of a body to which they propose that a permit under section 42 of this Act should be granted, traffic commissioners or a body designated under subsection (4) of that section consider it appropriate, they may grant a permit under that section to a named individual on behalf of the body, rather than to the body itself; but a permit so granted shall be treated for the purposes of section 42 and subsection (3) above as granted to the body on whose behalf it is held.

44 Regulations for purposes of sections 42 and 43

- (1) The Secretary of State may by regulations prescribe—
- (a) the form of permits under section 42 of this Act and the matters of which account is to be taken under section 43 (2)(b) of this Act in determining the conditions of such a permit;
 - (b) the fees to be charged by traffic commissioners for the issue of such permits;
 - (c) the documents, plates and marks to be carried by vehicles used in pursuance of such permits and the manner and position in which they are to be carried;
 - (d) the conditions to be fulfilled by persons driving vehicles whilst they are being used in pursuance of such permits ; and
 - (e) the conditions as to fitness which are to be fulfilled by small passenger-carrying vehicles used in pursuance of such permits.
- (2) Regulations made by virtue of any of paragraphs (a) to (d) of subsection (1) above may make different provision in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.
- (3) Subsection (1) or, as the case may be, subsection (2) of section 42 of this Act shall not apply to a vehicle at any time when it is used in such circumstances that there is a contravention of any provision of regulations made by virtue of any of paragraphs (c) to (e) of subsection (1) above.
- (4) Before making regulations containing any provision made by virtue of paragraph (e) of subsection (1) above, the Secretary of State shall consult with bodies or persons appearing to him to be representative of—
- (a) bodies using vehicles in pursuance of permits under section 42 of this Act;
 - (b) local authorities;
 - (c) persons providing public transport services ;

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- (d) persons employed in the provision of public transport services; and
 - (e) manufacturers of motor vehicles ;
- and with such other bodies or persons as he considers appropriate.
- (5) Regulations containing any provision made by virtue of paragraph (d) or paragraph (e) of subsection (1) above may contain such transitional provisions as the Secretary of State thinks fit.