



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Supplementary provisions

78 Power of Secretary of State 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 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.

79 Vehicles excluded from regulation as private hire vehicles

At any time when a vehicle would apart from section 1(3) or 42(1) 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 section 270 or 271 of and Schedule 5 to the Burgh Police (Scotland) Act 1892 or in Part II of the 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.

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 on the signed maps whose boundary is delineated thereon by a red line.
- (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; and if, by virtue of subsection (3) of that section, an order thereunder provides for substituting, for any of the signed maps, maps authenticated as provided by the order and showing the areas to which the order relates as constituted in accordance with the provisions of the order, the substituted maps shall be deemed to be included among the signed maps in place of those for which they were substituted.
- (3) In this section " the signed maps " means the maps contained in the three sets of books signed by the Chairman of the Joint Committee of the House of Lords and the House of Commons to which the Bill for the Road Traffic Act 1960 was referred, of which one set was deposited in the Office of the Clerk of the Parliaments, one in the Private Bill Office of the House of Commons and one at the Ministry of Transport.
- (4) The signed maps, and any substituted therefor by virtue of section 3 of this Act, shall be for all purposes conclusive evidence of the extent of the respective areas whose boundaries are delineated thereon; and a copy of any such map purporting to be printed under the superintendence or authority of Her Majesty's Stationery Office shall be of equal validity with the original.

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) For the purposes of this Act the operator of a stage or express carriage service is the person, or each of the persons, providing the service; and for those purposes the operator of a vehicle being used as a stage or express carriage shall be taken to be providing the service thereby provided unless he proves that the service is or forms part of a service provided not by himself but by one or more other persons.

82 General interpretation provisions

- (1) In this Act, unless the context otherwise requires—
 - " certificate of initial fitness " has the meaning given by section 6.
 - " certifying officer " means an officer appointed under section 7(1);
 - " community bus service " has the meaning given by section 45(8);
 - " company " means a body corporate;
 - " contract carriage " has the meaning given by section 2;

Status: This is the original version (as it was originally enacted).

" 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;

" excursion or tour " means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places and back;

" express carriage " has the meaning given by section 2, and "express carriage service" means a service provided by means of one or more express carriages;

" 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 Local Government Act 1972 ;
- (b) in relation to Scotland, a regional, islands or district council;

" magistrates' court " and " petty sessions area " have the same meanings as in the 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);

" 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;

Status: This is the original version (as it was originally enacted).

" 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;

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

" stage carriage " has the meaning given by section 2, and stage carriage service " means a service provided by means of one or more stage carriages;

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

" statutory provision " means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978 ;

" tramcar " includes any carriage used on any road by virtue of an order made under the 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;

" trial area " has the meaning given by section 38.

- (2) Any reference in this Act to a Community 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.

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 ", " stage carriage ", " express carriage " or " contract carriage " by reference to the Road Traffic Act 1930 or the 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) References in any enactment to a licensing authority for public service vehicles shall be construed as references to the traffic commissioners for a traffic area constituted for the purposes of this Act.

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.

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.

86 Saving for ss. 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 Interpretation Act 1978 (which relate to the effect of repeals).

87 Power of Secretary of State to repeal section 10

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), 50(6)(b), 65(1)(c) and 66(c) of this Act.

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.
- (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.
- (3) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

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.
- (3) Section 25(2) of this Act does not extend to Scotland.
- (4) This Act does not extend to Northern Ireland.