

**Changes to legislation:** Public Passenger Vehicles Act 1981 is up to date with all changes known to be in force on or before 13 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 1

Sections 1 and 2.

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

##### PART I

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

- 1 The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by any person who has made the vehicle available under any arrangement, or by any person who receives any remuneration in respect of the arrangements for the journey.
- 2 (1) The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares, except where the local authorities concerned have approved the arrangements under which the journey is made as designed to meet the social and welfare needs of one or more communities, and their approvals remain in force.
- (2) In relation to a journey the local authorities concerned for the purposes of this paragraph are those in whose area any part of the journey is to be made; and in this sub-paragraph “local authority” means—
- (a) in relation to England and Wales, [<sup>F1</sup>the council of a county, metropolitan district or London borough and the Common Council of the City of London];
  - (b) in relation to Scotland, a [<sup>F2</sup>council constituted under section 2 of the Local Government etc. (Scotland) Act 1994].

##### Textual Amendments

- F1** Words substituted by Local Government Act 1985 (c. 51, SIF 81:1), ss. 1, 2, 8(1), Sch. 5 para. 3(7)
- F2** Words in Sch. 7 para. 2(2)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), Sch. 13 para. 121(5) (with s. 128(8)); S.I. 1996/323, art. 2

3 ..... <sup>F3</sup>

##### Textual Amendments

- F3** Sch. 1 para. 3 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

##### PART II

4 ..... <sup>F4</sup>

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### Textual Amendments

**F4** Sch. 1 para. 4 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2)(3), [Sch. 7 para. 21\(12\)](#), [Sch. 8](#)

## PART III

### ALTERNATIVE CONDITIONS AFFECTING STATUS OR CLASSIFICATION

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

## PART IV

### SUPPLEMENTARY

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

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## [<sup>F5</sup>SCHEDULE 2

### TRAFFIC COMMISSIONERS

#### Textual Amendments

**F5** Sch. 2 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(3), [Sch. 2 Pt. I](#)

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

- 1 The Secretary of State may remove a traffic commissioner from his office [<sup>F6</sup>on the grounds that the traffic commissioner—
- (a) has misbehaved; or
  - (b) is unable, unfit or unwilling to perform the functions of traffic commissioner to a standard which the Secretary of State considers satisfactory].

#### Textual Amendments

**F6** Words in Sch. 2 para. 1 substituted (6.4.2013) (with effect in accordance with s. 4(3) of the amending Act) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 4\(2\)](#), 134(4); [S.I. 2013/685](#), [art. 2](#)

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

#### *[<sup>F7</sup>Deputy traffic commissioners for England and Wales*

#### Textual Amendments

**F7** [Sch. 2 para. 2A](#) and cross-heading inserted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 4\(4\)](#), 134(4); [S.I. 2013/685](#), [art. 3\(1\)\(2\)\(c\)](#)

- 2A (1) The Secretary of State may appoint such number of persons to be deputy traffic commissioners for England and Wales as the Secretary of State thinks fit.
- (2) A deputy traffic commissioner for England and Wales—
- (a) may exercise any functions of a traffic commissioner in any traffic area in England and Wales; and
  - (b) may exercise in relation to the Scottish Traffic Area any functions of a traffic commissioner that relate to reserved matters.
- (3) Appointment as a deputy traffic commissioner for England and Wales shall be upon such terms and conditions, including conditions as to the time to be devoted to the duties of the office, as the Secretary of State may determine.

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- (4) A deputy traffic commissioner for England and Wales shall carry out such of the functions of that office as the senior traffic commissioner may determine under section 4B of this Act—
- (a) in relation to such matters relating to England and Wales, or
  - (b) as respects Scotland, in relation to such reserved matters,
- as the senior traffic commissioner may so determine.
- (5) A deputy traffic commissioner for England and Wales shall carry out such of those functions as the senior traffic commissioner may determine under section 4B of this Act at such places—
- (a) in England and Wales, or
  - (b) in the case of functions which relate to reserved matters and are exercisable in relation to Scotland, in Scotland,
- as the senior traffic commissioner may so determine.
- (6) In this paragraph “reserved matters” means reserved matters within the meaning of the Scotland Act 1998.]

*Appointment and terms of office of deputies to traffic commissioners [F8 in Scotland]*

**Textual Amendments**

- F8** Words in Sch. 2 para. 2B cross-heading inserted (3.7.2013) by [Local Transport Act 2008 \(c. 26\), ss. 4\(5\), 134\(4\)](#); S.I. 2013/685, art. 3(1)(2)(c)

[<sup>F9</sup>2B Paragraphs 3 to 5 below have effect in relation to the Scottish Traffic Area only.]

**Textual Amendments**

- F9** Sch. 2 para. 2B inserted (3.7.2013) by [Local Transport Act 2008 \(c. 26\), ss. 4\(6\), 134\(4\)](#); S.I. 2013/685, art. 3(1)(2)(c)

- 3 In the case of illness, incapacity or absence of a traffic commissioner, the Secretary of State may appoint some other person to act as his deputy.
- 4 If the Secretary of State considers that the duties to be performed by a traffic commissioner, or any deputy appointed under paragraph 3 above to the traffic commissioner, cannot conveniently or efficiently be performed by one person, the Secretary of State may appoint one or more persons to act as deputy to the traffic commissioner.
- 5 A person appointed under paragraph 4 above shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Secretary of State may determine, and shall act for the traffic commissioner whose deputy he is in such matters as the traffic commissioner, or any deputy appointed by reason of the traffic commissioner’s illness, incapacity or absence, may from time to time direct or as the Secretary of State may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the traffic commissioner.

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*[<sup>F10</sup>Appointment of acting traffic commissioner during vacancy*

**Textual Amendments**

**F10** Sch. 2 para. 5A and cross-heading inserted (3.7.2013) by Local Transport Act 2008 (c. 26), ss. 4(7), 134(4); S.I. 2013/685, art. 3(1)(2)(c)

- 5A (1) Where the office of any traffic commissioner for England and Wales becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as a traffic commissioner for England and Wales pending the appointment of a new traffic commissioner under section 4 of this Act.
- (2) Any person appointed under sub-paragraph (1) above shall—
- (a) hold office for such period as the Secretary of State specifies when making the appointment; and
  - (b) during that period be treated for all purposes (except those of paragraph 9 below) as a traffic commissioner for England and Wales.]
- 6 (1) Where the office of traffic commissioner for any traffic area [<sup>F11</sup> in Scotland] becomes vacant the Secretary of State may, pending the appointment of a new traffic commissioner for that area under section 4 of this Act, appoint a person (whether or not over the age of sixty-five) under this paragraph to act as traffic commissioner for that area for a limited period.
- (2) Any person appointed under sub-paragraph (1) above shall—
- (a) hold office for such period as the Secretary of State specifies when making the appointment; and
  - (b) during that period be treated for all purposes (except those of paragraph 9 below) as the traffic commissioner for the traffic area in question.

**Textual Amendments**

**F11** Words in Sch. 2 para. 6(1) inserted (3.7.2013) by Local Transport Act 2008 (c. 26), ss. 4(8), 134(4); S.I. 2013/685, art. 3(1)(2)(c)

*Staff of traffic commissioners*

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

*Remuneration and pensions*

- 8 [ There shall be paid to a traffic commissioner and deputy traffic commissioner, and to <sup>F12</sup>(1)] the persons acting as officers or servants of a traffic commissioner, such remuneration and allowances as may be determined by the Secretary of State with the consent of the Treasury.
- [ There shall be paid to the senior traffic commissioner such additional remuneration <sup>F13</sup>(2) in respect of the responsibilities of that office as may be so determined.]

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#### Textual Amendments

- F12** Sch. 2 para. 8(1) renumbered (4.3.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(3)**, 134(4); S.I. 2009/107, art. 3, Sch. 3
- F13** Sch. 2 para. 8(2) inserted (4.3.2009) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(3)**, 134(4); S.I. 2009/107, art. 3, Sch. 3

- 9 The principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act <sup>M1</sup>1972) which is for the time being in force shall apply to persons holding the office of [<sup>F14</sup>traffic commissioner for England and Wales or for the Scottish Traffic Area].]

#### Textual Amendments

- F14** Words in Sch. 2 para. 9 substituted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 4(9)**, 134(4); S.I. 2013/685, art. 3(1)(2)(c)

#### Marginal Citations

- M1** 1972 c.11 (101A)

## [<sup>F15</sup>SCHEDULE 2A

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

#### Textual Amendments

- F15** Sch. 2A inserted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(1)(c)(4), **Sch. 3**; S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

#### *Interpretation*

- 1 (1) In this Schedule—
- “authorised person” means—
    - (a) an examiner appointed by the Secretary of State under section 66A of the Road Traffic Act 1988, or
    - (b) a person acting under the direction of such an examiner;
  - “contents”, in relation to a vehicle, means any goods carried by that vehicle which are not personal effects;
  - “immobilisation device” means any device or appliance which is an immobilisation device for the purposes of section 104 of the Road Traffic Regulation Act 1984;
  - “nominated custodian” is to be construed in accordance with paragraph 6(1) below;
  - “operator”, in relation to a public service vehicle, means—
    - (a) the driver, if he owns the vehicle, or

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(b) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do the work),

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

“personal effects” means—

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

(2) Regulations may make provision for any purpose of this Schedule or regulations under it as to—

- (a) the person who is to be regarded as the “operator” of a public service vehicle in such circumstances as may be specified or described in the regulations;
- (b) the meaning of “owner” as regards a public service vehicle.

(3) Regulations made by virtue of sub-paragraph (2)(b) above may, in particular, provide that the owner of a motor vehicle at a particular time is to be taken to be any person in whose name the vehicle is then registered by virtue of the Vehicle Excise and Registration Act 1994.

#### *Detention of property*

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

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

- 3 (1) Regulations may, in connection with the detaining of a vehicle by virtue of paragraph 2 above, make provision with respect to any of the following—
- (a) the vehicle;
  - (b) any other property detained or to be detained by virtue of paragraph 2 above;
  - (c) any passengers who have been travelling on the vehicle;
  - (d) any personal effects remaining on the vehicle.
- (2) Regulations under this paragraph must include provision requiring passengers who have been travelling on the vehicle to be transported in safety to their destination or to a suitable place from which to continue their journey.

#### *Immobilisation of vehicle*

- 4 (1) Regulations may provide that, before a vehicle is removed by virtue of paragraph 6 below, an authorised person may—
- (a) fix an immobilisation device to the vehicle in the place where the vehicle has been detained, or

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

#### *Offences relating to immobilisation*

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

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

- 6 (1) Regulations may make provision for an authorised person to direct that any property—
- (a) detained by virtue of paragraph 2 above, or
  - (b) consisting of personal effects remaining on a vehicle so detained,
- be removed and delivered into the custody of a person (the “nominated custodian”) specified in the direction.
- (2) Regulations may provide that the nominated custodian must be a person who—
- (a) is identified in accordance with prescribed rules,
  - (b) has made arrangements with the Secretary of State, and
  - (c) has agreed to accept delivery of the property in accordance with those arrangements.
- (3) Arrangements falling within sub-paragraph (2) above may include provision for the payment of a sum to a person into whose custody any property is delivered.



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- (4) Regulations may also provide that an authorised person who has given a direction by virtue of sub-paragraph (1) above in respect of a vehicle may allow the driver of the vehicle to deliver persons or property falling within sub-paragraph (5) below to their destination or some other suitable place, before delivering the vehicle into the custody of the nominated custodian.
- (5) The persons and property are—
- (a) any passengers who have been travelling on the vehicle,
  - (b) any contents of the vehicle,
  - (c) any personal effects remaining on the vehicle.

*Informing persons that their property has been detained etc*

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

*Return of vehicle*

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

*Application to traffic commissioner for return of vehicle*

- 9 (1) Regulations must make provision enabling the owner of a vehicle which has been detained by virtue of paragraph 2 above to apply to [<sup>F16</sup>a traffic commissioner] for the return of the vehicle.
- (2) Regulations may, in particular,—
- (a) require notice of an application to be given to [<sup>F17</sup>a traffic commissioner] within such period as may be determined in accordance with the regulations;
  - (b) require notice of an application to be made in such form as may be prescribed.
- (3) Regulations must prescribe the grounds upon which the owner may apply for the return of the vehicle.
- (4) The grounds prescribed under sub-paragraph (3) above must include each of the following—

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- (a) that, at the time the vehicle was detained, the person using the vehicle held a PSV operator's licence (whether or not authorising the use of the vehicle);
- (b) that, at the time the vehicle was detained, the vehicle was not being, and had not been, used in contravention of section 12(1) of this Act;
- (c) that, although at the time the vehicle was detained it was being, or had been, used in contravention of section 12(1) of this Act, the owner did not know that it was being, or had been, so used;
- (d) that, although knowing at the time the vehicle was detained that it was being, or had been, used in contravention of section 12(1) of this Act, the owner—
  - (i) had taken steps with a view to preventing that use, and
  - (ii) has taken steps with a view to preventing any further such use.

#### Textual Amendments

- F16** Words in Sch. 2A para. 9(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F17** Words in Sch. 2A para. 9(2)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

#### *Hearings by traffic commissioner*

- 10 (1) Regulations must make provision—
- (a) enabling [<sup>F18</sup>a traffic commissioner] to hold a hearing before determining an application by virtue of paragraph 9 above;
  - (b) requiring [<sup>F19</sup>a traffic commissioner] to hold a hearing, if requested by a person who claims to be the owner;
  - (c) as to the time within which the hearing must be held; and
  - (d) subject to such provision as may be made by the regulations, for the hearing to be held in public.
- (2) Regulations must also provide that, if no hearing is held, [<sup>F20</sup>the application must be determined by a traffic commissioner within a prescribed time after notice of the application is received].

#### Textual Amendments

- F18** Words in Sch. 2A para. 10(1)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F19** Words in Sch. 2A para. 10(1)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F20** Words in Sch. 2A para. 10(2) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

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*Consequences of the traffic commissioner's determination*

- 11 Regulations must provide that—
- (a) if [<sup>F21</sup>a traffic commissioner] determines that one of the grounds prescribed by virtue of paragraph 9(3) above is made out, the traffic commissioner must order the nominated custodian to return the vehicle to the owner; and
  - (b) if [<sup>F22</sup>a traffic commissioner] determines that none of those grounds is made out, the vehicle may be sold or destroyed by the nominated custodian, in such manner as may be prescribed.

**Textual Amendments**

- F21** Words in Sch. 2A para. 11(a) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F22** Words in Sch. 2A para. 11(b) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

*Appeal to [<sup>F23</sup>Upper Tribunal] from traffic commissioner*

**Textual Amendments**

- F23** Words in Sch. 2A para. 12 cross-heading substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 4(a)**

- 12 (1) Regulations must provide for an appeal to the [<sup>F24</sup>Upper Tribunal] against the determination of the traffic commissioner.

<sup>F25</sup>(2) .....

**Textual Amendments**

- F24** Words in Sch. 2A para. 12(1) substituted (1.9.2009) by The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 4(a)**
- F25** Sch. 2A para. 12(2) omitted (1.9.2009) by virtue of The Transfer of Functions (Transport Tribunal and Appeal Panel) Order 2009 (S.I. 2009/1885), art. 1(1), **Sch. 1 para. 4(b)**

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

- 13 Regulations may provide that, if no application is made to [<sup>F26</sup>a traffic commissioner] in accordance with regulations made by virtue of paragraph 9 above, any vehicle detained by virtue of paragraph 2 above may be sold or destroyed in such manner as may be prescribed.

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### Textual Amendments

**F26** Words in [Sch. 2A para. 13](#) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 1](#) (with arts. 1(3), 2, 7)

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

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

#### *Custody of property*

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

#### *Proceeds of sale*

- 16 (1) Regulations must provide for the proceeds of sale of any property sold under regulations made by virtue of paragraph 11(b), 13 or 14(1)(b) above—
- (a) to be applied towards meeting expenses incurred by any authorised person in exercising functions by virtue of this Schedule; and
  - (b) in so far as they are not so applied, to be applied in such other manner as may be prescribed.

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- (2) Regulations may in particular provide for a sum determined in accordance with the regulations to be paid to a person if—
- (a) the person claims, after the sale of property under regulations made by virtue of paragraph 11(b), 13 or 14(1)(b) above, to be or to have been its owner;
  - (b) the claim is made within a prescribed time of the sale; and
  - (c) any other prescribed conditions are fulfilled.

#### *Disputes*

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

#### *Obstruction of authorised person*

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

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

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

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SCHEDULE 3

Section [F27]14ZA,14ZB) and 17(6).

SUPPLEMENTARY PROVISION AS TO QUALIFICATIONS FOR PSV OPERATOR’S LICENCE

**Textual Amendments**

**F27** Words in Sch. 3 shoulder reference substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 11(8)** (with Sch. 3 Pt. 1)

*Good repute*

- 1 (1) In determining whether an individual is of good repute, [F28a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of his and of his employees and agents;
  - [F29(aa) relevant fixed penalty notices issued to him and to his employees and agents;] and
  - (b) such other information as the [F30commissioner] may have as to his previous conduct, in whatever capacity, in relation to the operation of vehicles of any description in the course of a business.
- (2) In determining whether a company is of good repute, [F28a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of the company and its officers, employees and agents;
  - [F31(aa) relevant fixed penalty notices issued to the company's officers, employees and agents;] and
  - (b) such other information as the [F30commissioner] may have as to previous conduct of—
    - (i) the company’s officers, employees and agents in relation to the operation of vehicles of any description in the course of any business carried on by the company; and
    - (ii) each of the company’s directors, in whatever capacity, in relation to the operation of vehicles of any description in the course of any other business.
- [F32(2A) In sub-paragraphs (1)(aa) and (2)(aa) above “relevant fixed penalty notice” means a fixed penalty notice or conditional offer issued under Part 3 of the Road Traffic Offenders Act 1988 in respect of an offence prescribed for the purposes of this Act.]
- [F33(3) A traffic commissioner shall determine that an individual is not of good repute if he has—
- (a) more than one conviction of a serious offence; or
  - (b) been convicted of road transport offences.]
- [F34(4) For the purposes of sub-paragraph (3)(a) above a serious offence is—
- (a) an offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard [F35scale, a][F36community order requiring the offender to perform unpaid work for more than sixty hours][F37or a community payback order requiring the offender to undertake unpaid work,

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- or unpaid work and other activity, for more than sixty hours] was imposed; and
- (b) any corresponding offence under the law of a country or territory outside the United Kingdom for which a corresponding punishment was imposed.
- [ For the purposes of sub-paragraph (3)(b) above a road transport offence is—
- <sup>F38</sup>(5) (a) an offence under the law of any part of the United Kingdom relating to road transport including in particular—
- (i) an offence relating to drivers’ hours of work or rest periods, the weights or dimensions of commercial vehicles, road or vehicle safety or the protection of the environment; and
- (ii) any other offence concerning professional liability; or
- (b) any corresponding offence under the law of a country or territory outside the United Kingdom.]
- (6) In sub-paragraph (4)(a) above “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental [<sup>F39</sup>health, “a community order”][<sup>F40</sup>means an order under section 177 of the Criminal Justice Act 2003 [<sup>F41</sup>or Chapter 2 of Part 9 of the Sentencing Code], a community punishment order made before the commencement of that section or a community service order under the Community Service by Offenders (Scotland) Act 1978][<sup>F42</sup> or a service community order or overseas community order under the Armed Forces Act 2006][<sup>F43</sup>and “a community payback order” means a community payback order under section 227A or 227M of the Criminal Procedure (Scotland) Act 1995 imposing an unpaid work or other activity requirement].
- <sup>F34</sup>(7) In sub-paragraphs (4)(a) and (5)(a) above references to an offence under the law in force in any part of the United Kingdom include a reference to [<sup>F44</sup>an offence under section 42 of the Armed Forces Act 2006.]
- (8) For the purposes of sub-paragraph (3) above spent convictions shall be disregarded; and a traffic commissioner may also disregard an offence if such time as he considers appropriate has elapsed since the date of the conviction.
- (9) Sub-paragraph (3) above is without prejudice to the power of a traffic commissioner to determine that an individual is not of good repute for reasons other than convictions of the kind there mentioned.
- (10) In this paragraph references to an individual include references to a transport manager as well as to an individual who is an applicant for, or the holder, of, a PSV operator’s licence.]

#### Textual Amendments

- F28** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 21(a)**
- F29** Sch. 3 para. 1(1)(aa) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(3)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F30** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 21(a)**
- F31** Sch. 3 para. 1(2)(aa) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(4)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F32** Sch. 3 para. 1(2A) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(5)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F33** Sch. 3 para. 1(3) substituted (1.10.1999) by [S.I. 1999/2431](#), **reg. 2(1)**

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- F34** Sch. 3 para 1(3)–(10) inserted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 1**
- F35** Words in Sch. 3 para. 1(4)(a) substituted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(2)(a)** (with art. 4(4))
- F36** Words in Sch. 3 para. 1(4)(a) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 32(2)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(16) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F37** Words in Sch. 3 para. 1(4)(a) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(2)(b)** (with art. 4(4))
- F38** Sch. 3 para. 1(5) substituted (1.10.1999) by S.I. 1999/2431, reg. 2(2)
- F39** Words in Sch. 3 para. 1(6) substituted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(3)(a)** (with art. 4(4))
- F40** Words in Sch. 3 para. 1(6) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 32(3)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(16) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F41** Words in Sch. 3 para. 1(6) inserted (1.12.2020) by Sentencing Act 2020 c. 17, s. 416(1), **Sch. 24 para. 63** (with Sch. 27); S.I. 2020/1236, reg. 2
- F42** Words in Sch. 3 para. 1(6) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 90(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F43** Words in Sch. 3 para. 1(6) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(3)(b)** (with art. 4(4))
- F44** Words in Sch. 3 para. 1(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 90(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

- C1** Sch. 3 para. 1 amended by S.I. 1986/1628, reg. 5(1), **Sch.**
- C2** Sch. 3 para. 1(7) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 19**

*Appropriate financial standing*

- 2 [F<sup>45</sup>(1)] Being of appropriate financial standing in relation to an application for, or holder of, [F<sup>46</sup>a restricted licence] consists in having available sufficient financial resources to ensure the establishment and proper administration of the business carried on, or proposed to be carried on, under the licence.

F<sup>47</sup>(2) .....



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**Textual Amendments**

- F45** By S.I. 1990/1851, reg. 2, **Sch. para. 2** it is provided (subject to a saving in reg. 2(2) and with application as mentioned in reg. 2(3)) that the existing provisions of para. 2 shall become sub-para. (1) of that para. and that there shall be inserted para 2(2)
- F46** Words in Sch. 3 para. 2(1) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 11(2)(a)** (with Sch. 3 Pt. 1)
- F47** Sch. 3 para. 2(2) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 11(2)(b)** (with Sch. 3 Pt. 1)

*Professional competence*

- 3 References in Part II of this Act to professional competence are to the professional competence of an individual; and a company satisfies the requirement as to professional competence if, and so long as, [<sup>F48</sup>it has a transport manager or transport managers of its road transport business who, or each of whom, is of good repute and professionally competent].

**Textual Amendments**

- F48** Words substituted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 3**

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

- C3** Sch. 3 para 3 amended by S.I. 1986/1628, reg. 5(1), **Sch.**

- 4 Where an individual is not himself professionally competent, the requirement as to professional competence shall be regarded as satisfied in relation to him if, and so long as, he has a transport manager of his road passenger transport business who is of good repute and professionally competent.

<sup>F49</sup>5 .....

**Textual Amendments**

- F49** Sch. 3 para. 5 omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 11(3)** (with Sch. 3 Pt. 1)

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

- C4** Sch. 3 para. 5 modified by S.I. 1981/1628, Sch. 1 Pt. 1 (as amended (5.10.2017) by [The Operation of Public Service Vehicles \(Partnership\) \(Amendment\) Regulations 2017 \(S.I. 2017/873\)](#), regs. 1(1), **6(6)**)

- 6 [<sup>F50</sup>(1)] <sup>F51</sup>... an individual shall be regarded as professionally competent for the purposes of Part II of this Act if, and only if,—
  - [<sup>F52</sup>(a) he has demonstrated that he possesses the requisite skills by passing a written examination organised by an approved body and is the holder of a certificate to that effect issued by that body; or]
  - (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this paragraph by the Secretary of State.

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- [<sup>F53</sup>(1A) The approved body may exempt an individual from certain parts of the examination mentioned in sub-paragraph (1)(a) if the individual is the holder of a certificate of competence, diploma or other qualification which covers those parts and which is recognised for the purposes of this sub-paragraph by the Secretary of State.]
- [<sup>F54</sup>(2) The written examination mentioned in sub-paragraph (1)(a) may be supplemented by an oral examination organised by the approved body in the form set out in Annex I to [<sup>F55</sup>the 2009 Regulation].
- (3) The certificate mentioned in sub-paragraph (1)(a) must take the form of the certificate set out in [<sup>F56</sup>Annex III to that Regulation and must have security features in compliance with Annex II to that Regulation].]

#### Textual Amendments

- F50** Sch. 3 para. 6 renumbered as Sch. 3 para. 6(1) (1.10.1999) by S.I. 1999/2431, **reg. 4(2)** (with reg. 6(3))
- F51** Words in Sch. 3 para. 6(1) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1), Sch. 1 para. 11(4)(a)** (with Sch. 3 Pt. 1)
- F52** Sch. 3 para. 6(1)(a) substituted (1.10.1999) by S.I.1999/2431, **reg. 4(1)** (with reg. 6(3))
- F53** Sch. 3 para. 6(1A) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1), Sch. 1 para. 11(4)(b)** (with Sch. 3 Pt. 1)
- F54** Sch. 3 para. 6(2)(3) inserted (1.10.1999) by S.I. 1999/2431, **reg. 4(2)** (with reg. 6(3))
- F55** Words in Sch. 3 para. 6(2) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1), Sch. 1 para. 11(4)(c)** (with Sch. 3 Pt. 1)
- F56** Words in Sch. 3 para. 6(3) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), **reg. 1(1), Sch. 1 para. 11(4)(d)** (with Sch. 3 Pt. 1)

- [<sup>F57</sup> (1) In paragraph 6 above—
- (a) “approved body” means—
- (i) a body approved by the Secretary of State for the purposes of that paragraph; or
- (ii) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46D(1)(b) of the Transport Act (Northern Ireland) 1967; or
- (iii) a body or authority designated by a member State for the purposes of Article 8.3 of the 2009 Regulation (EU);
- (b) “the requisite skills” means knowledge corresponding to the level of training, for either national or international transport operations as the case may be, provided for in Annex I to the 2009 Regulation in the subjects there listed.
- (2) In the case of an examination organised or a certificate issued by an approved body specified in sub-paragraph (1)(a)(iii), references to the 2009 Regulation in sub-paragraph (1)(b) and paragraphs 6(2) and (3) are references to the 2009 Regulation (EU).]

#### Textual Amendments

- F57** Sch. 3 para. 7 substituted (31.12.2020) by [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), **regs. 1(2), 2(6)(a)**; 2020 c. 1, Sch. 5 para. 1(1)

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### <sup>F58</sup>Determinations in respect of transport managers

#### Textual Amendments

**F58** Sch. 3 paras. 7A-7C and cross-heading inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 11(6)** (with Sch. 3 Pt. 1)

- 7A. (1) A traffic commissioner must not in any proceedings under this Act or the 2009 Regulation make a finding that a transport manager is not of good repute or is not professionally competent unless the commissioner is satisfied that the transport manager has been served with a notice—
- (a) stating that the question whether the transport manager is of good repute or (as the case may be) professionally competent is an issue in the proceedings;
  - (b) setting out the nature of the allegations against the transport manager;
  - (c) stating that the transport manager is entitled to make representations under this paragraph within 28 days beginning with the date on which the notice is served on the transport manager; and
  - (d) stating that the transport manager is entitled to request an inquiry as provided in section 54.
- (2) Where a transport manager makes representations under this paragraph, the traffic commissioner must consider the representations—
- (a) in considering whether or not [<sup>F59</sup>an inquiry should be held] as provided in section 54; and
  - (b) in determining whether the transport manager is of good repute or (as the case may be) professionally competent.
- (3) The traffic commissioner must hold an inquiry as provided in section 54 if the transport manager requests one under sub-paragraph (1)(d).
- (4) A notice is deemed for the purposes of sub-paragraph (1) to have been served on a transport manager on the date on which it would have been delivered in the ordinary course of post if it was sent by post addressed to the transport manager at the transport manager's last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by the transport manager.

#### Textual Amendments

**F59** Words in Sch. 3 para. 7A(2)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

- 7B. (1) In proceedings under this Act or the 2009 Regulation for determining whether a person who is a transport manager is of good repute or professionally competent, a traffic commissioner must consider whether a finding that the person was no longer of good repute or (as the case may be) professionally competent would constitute a disproportionate response.
- (2) If the commissioner determines that the person is no longer of good repute or (as the case may be) professionally competent, the commissioner must order the person to be disqualified (either indefinitely or for such period as the commissioner thinks fit) from acting as a transport manager.

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- (3) While a disqualification under sub-paragraph (2) is in force—
  - (a) the person may not act as transport manager for any road transport undertaking;
  - (b) a certificate issued to the person under Article 8.8 of the 2009 Regulation<sup>[F60]</sup> or the 2009 Regulation (EU)] (certificate of professional competence) is not valid.
- (4) A person in respect of whom an order has been made under sub-paragraph (2) may appeal to the Upper Tribunal against the order.
- (5) The traffic commissioner may direct that an order under sub-paragraph (2) is not to take effect until the expiry of the time within which an appeal may be made to the Upper Tribunal against the order and, if such an appeal is made, until the appeal has been disposed of.
- (6) If the traffic commissioner refuses to give a direction under sub-paragraph (5), the person in respect of whom the order has been made may apply to the Upper Tribunal for such a direction.

#### Textual Amendments

**F60** Words in Sch. 3 para. 7B(3)(b) inserted (31.12.2020) by [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), **2(6)(b)**; 2020 c. 1, Sch. 5 para. 1(1)

- 7C. (1) <sup>[F61]</sup>A traffic commissioner may, subject to sub-paragraph (2), at any time cancel a disqualification order made under paragraph 7B(2)] or, with the consent of the disqualified person, vary the order.
- (2) The traffic commissioner by whom a disqualification order is made under paragraph 7B(2) may specify measures with which the disqualified person must comply before the order can be cancelled or varied.
- (3) Measures specified under sub-paragraph (2) may be varied by the traffic commissioner <sup>[F62]</sup>who made the order or another traffic commissioner] —
  - (a) on the application of the disqualified person, or
  - <sup>[F63]</sup>(b) at the instigation of the traffic commissioner.]
- (4) Before <sup>[F64]</sup>a variation is made under sub-paragraph (3)(b), a notice must be served] on the disqualified person—
  - (a) stating <sup>[F65]</sup>an intention] to vary the measures specified under sub-paragraph (2),
  - (b) stating that the person is entitled to make representations under sub-paragraph (5) within 28 days beginning with the date on which the notice is served on the person, and
  - (c) stating that the person is entitled to request an inquiry as provided in section 54.
- (5) Where a person makes representations under this sub-paragraph, the traffic commissioner <sup>[F66]</sup>dealing with the matter] must consider the representations in deciding whether to vary the measures specified under sub-paragraph (2).

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- (6) The traffic commissioner must hold an inquiry as provided in section 54 if the disqualified person requests one under sub-paragraph (4)(c).
- (7) A notice is deemed for the purposes of sub-paragraph (4) to have been served on a person on the date on which it would have been delivered in the ordinary course of post if it was sent by post addressed to the person at the person’s last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by the person.]

**Textual Amendments**

- F61** Words in Sch. 3 para. 7C(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F62** Words in Sch. 3 para. 7C(3) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F63** Sch. 3 para. 7C(3)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F64** Words in Sch. 3 para. 7C(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F65** Words in Sch. 3 para. 7C(4)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F66** Words in Sch. 3 para. 7C(5) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

F67 .....

**Textual Amendments**

- F67** Sch. 3 paras. 8-10 and cross-heading omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 11(7)** (with Sch. 3 Pt. 1)

F67<sup>8</sup> .....

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

- C5** Sch. 3 para. 8 amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
- C6** Sch. 3 para. 8 modified by [S.I. 1981/1628](#), Sch. 1 Pt. 1 (as amended (5.10.2017) by [The Operation of Public Service Vehicles \(Partnership\) \(Amendment\) Regulations 2017 \(S.I. 2017/873\)](#), regs. 1(1), **6(6)**)

F67<sup>9</sup> .....

F67<sup>10</sup> .....

*Changes to legislation: Public Passenger Vehicles Act 1981 is up to date with all changes known to be in force on or before 13 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## SCHEDULES 4, 5

. . . F68

**Textual Amendments**

**F68** Schs. 4, 5 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

## SCHEDULE 6

Section 88.

## TRANSITIONAL PROVISIONS AND SAVINGS

*Periods of time*

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

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

- 2 Where any provision of the <sup>M2</sup>Transport Act 1980 which is repealed by this Act was brought into force by an order which contains transitional provisions and savings in connection with that provision, an order under section 89(2) of this Act may contain corresponding provisions and savings in connection with any provision of this Act corresponding to the repealed provision.

**Marginal Citations**

**M2** [1980 c. 34.](#)

*Certificates of initial fitness*

- 3 A certificate of fitness issued in respect of a vehicle under section 129 of the <sup>M3</sup>Road Traffic Act 1960 which was in force immediately before the date on which section 17 of the Transport Act 1980 came into force and had effect on and after that date as if it were a certificate of initial fitness shall, notwithstanding the repeal by this Act of subsection (2) of the said section 17, continue to have effect as if it were a certificate of initial fitness issued in respect of the vehicle on that date.

**Marginal Citations**

**M3** [1960 c. 16.](#)

- 4 For the purposes of subsection (1) of section 6 of this Act, the requirement of paragraph (b) of that subsection shall be treated as complied with if a certificate under section 130 of the Road Traffic Act 1960 was in force in respect of the vehicle

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concerned immediately before section 17 of the Transport Act 1980 came into force or has since that date been issued in respect of the vehicle.

<sup>X1</sup>SCHEDULE 7

Section 88.

CONSEQUENTIAL AMENDMENTS

**Editorial Information**

- X1** The text of Schedules 7, 8 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

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

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

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

*Finance Act 1965 (c. 25)*

- [<sup>F69</sup>3 In section 92 of the Finance Act 1965, in the definition of “operator” in subsection (8), for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ”.]

**Textual Amendments**

- F69** Sch. 7 para. 3 repealed (E.W.) by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), s. 71(3), [Sch. 7](#)

4–8 ..... <sup>F70</sup>

**Textual Amendments**

- F70** Sch. 7 paras. 4–8 repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, [Sch. 14](#)

*Transport Act 1968 (c. 73)*

<sup>F71</sup>9 .....

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**Textual Amendments**

**F71** Sch. 7 para. 9 repealed (1.1.1996) by 1995 c. 23, s. 60(2), **Sch. 8 Pt. I**; (with ss. 54, 55); S.I. 1995/2181, **art. 2**

- 10 In section 159(1) of that Act—
- (a) in the definition of “bus service” for the words “Part I of the Transport Act 1980” there shall be substituted the words “ the Public Passenger Vehicles Act 1981 ” and for the words “section 3(3)(a) of the Transport Act 1980” there shall be substituted the words “ section 2(3)(a) of the Public Passenger Vehicles Act 1981 ”; and
  - (b) in the definition of “express carriage” and “stage carriage” and in the definition of “public service vehicle” for the words “Act of 1960” there shall be substituted the words “ Public Passenger Vehicles Act 1981 ”.

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

- [<sup>F72</sup>11 In section 23 of the Transport (London) Act 1969—
- (a) in subsection (2) for the words “Part III of the Act of 1960” there shall be substituted the words “ the Public Passenger Vehicles Act 1981. ”;
  - (b) in subsection (7) in the definition of “road service licence” for the words “Act of 1960” there shall be substituted the words “ Public Passenger Vehicles Act 1981 ” and for the definition of “service of express carriages” there shall be substituted—

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

**Textual Amendments**

**F72** Sch. 7 para. 11 repealed (E.W.) by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3), **Sch. 7**

12–15 ..... <sup>F73</sup>

**Textual Amendments**

**F73** Sch. 7 paras. 12–15 repealed by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), ss. 3, 5, Sch. 1 Pt. I, **Sch. 4 paras. 1–3**

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

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

- 17 In section 7(1) of that Act—
- <sup>F74</sup>(a) .....



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

**Textual Amendments**

**F74** Sch. 7 para. 17(a) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 83, [Sch.8](#); [S.I. 1992/1286, art. 2, Sch.](#), Appendix

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

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

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

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

*Energy Act 1976 (c. 76)*

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

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

*Transport Act 1978 (c. 55)*

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

- 24 ..... **F75**

**Textual Amendments**

**F75** Sch. 7 para. 24 repealed by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), [Sch. 12 Pt. III](#)

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X<sup>2</sup>SCHEDULE 8

Section 88.

## REPEALS

**Editorial Information**

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

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

**C7** Sch. 8 amended by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), s. 39(b)

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

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		In section 130(6), paragraph (c).
		...
		F76
		In Schedule 10, in Part I the entry relating to section 123 of the Road Traffic Act 1960 and in Part II the entry relating to section 123 of the Road Traffic Act 1960.
1969 c. 35.	The Transport (London) Act 1969.	In section 24, subsections (1) to (4).
1972 c. 11.	The Superannuation Act 1972.	In Schedule 6, the amendment of section 126 of the Road Traffic Act 1960.
1974 c. 50.	The Road Traffic Act 1974.	In section 10(7) the words “the amendments of Part III of the 1960 Act specified in Schedule 2 to this Act.”  In section 21(1) paragraph (a) and the words “Part I or” and “as the case may require”.  In Schedule 2, paragraph 2.  In Schedule 5, Part I.  In Schedule 6, paragraph 2.
1975 c. 53.	The Public Service Vehicles (Arrest of Offenders) Act 1975.	In section 1 the words from “regulations having effect” to “public service vehicles) or of”.  Section 2(2).
1977 c. 21.	The Passenger Vehicles (Experimental Areas) Act 1977.	The whole Act.
1977 c. 25.	The Minibus Act 1977.	The whole Act.
1978 c. 55.	The Transport Act 1978.	Sections 5 and 7.  In section 24(2), the definition of “the 1960 Act”.  In Schedule 2, paragraph 5.
1980 c. 34.	The Transport Act 1980.	Sections 1 to 31.  In section 32, subsections (1) to (4).  Section 33.

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**Changes to legislation:** Public Passenger Vehicles Act 1981 is up to date with all changes known to be in force on or before 13 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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Section 36.

In section 37, subsection (1)

Sections 38 to 41.

In section 42—

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

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

In section 43, subsection (2).

Section 44.

Schedules 1 to 3.

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

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

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#### Textual Amendments

**F76** Words repealed by [Transport Act 1981 \(c. 56, SIF 107:1\)](#), s. 40, [Sch. 12 Pt. III](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 6(1)(a) words inserted by 1982 c. 49 s. 10(3)(b)
- s. 6(1A) extended by 1982 c. 49 s. 10(11)
- s. 6(1A) inserted by 1982 c. 49 s. 10(8)
- s. 10(2) words inserted by 1982 c. 49 s. 10(3)(b)
- s. 10(4) extended by 1982 c. 49 s. 10(11)
- s. 20(1)(2) words substituted by 1982 c. 49 s. 10(9)(a)
- s. 20(2A) extended by 1982 c. 49 s. 10(11)
- s. 20(2A) inserted by 1982 c. 49 s. 10(9)(b)
- s. 51(1) words inserted by 1982 c. 49 s. 21(4)(a)
- s. 51(4) words inserted by 1982 c. 49 s. 21(4)(c)
- s. 52(1)(a)(ii) substituted by 1982 c. 49 Sch. 5 para. 22
- s. 66A inserted by 1982 c. 49 s. 24(4)
- s. 82(1) words inserted by 1982 c. 49 Sch. 5 para. 23(a)
- s. 82(1A) inserted by 1982 c. 49 Sch. 5 para. 23(b)
- s. 87 extended by 1982 c. 49 Sch. 5 para. 24

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(1A)(1B) inserted by 1982 c. 49 s. 21(4)(b)