



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART IV

42–45^{F1}

Textual Amendments

F1 Ss. 42–45 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), Sch. 8

Fare-paying passengers on school buses

46 Fare-paying passengers on school buses.

- (1) Subject to subsection (2) below, a [^{F2}local authority] may—
- (a) use a school bus, when it is being used to provide free school transport, to carry as fare-paying passengers persons other than those for whom the free school transport is provided;
 - (b) use a school bus belonging to the authority, when it is not being used to provide free school transport, to provide a local . . .^{F3} service;

and sections 6, 8, 9, [^{F4}and 12(1)] of this Act shall not apply to a school bus belonging to a [^{F2}local authority] in the course of its use by the authority in accordance with this subsection.

- (2) Subsection (1) above does not affect the duties of a [^{F2}local authority] in relation to the provision of free school transport or authorise a [^{F2}local authority] to make any charge for the carriage of a pupil on a journey which he is required to make in the course of his education at a school maintained by such an authority.

- (3) In this section—

[^{F5}“free school transport” means transport provided by a [^{F2}local authority] free of charge—

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- (a) in pursuance of arrangements under [^{F6}section 508B(1), section 508C(1), section 508F(1),]^{F7}[section 509(1) or (1A)] or section 509AA(7)(b) or (9)(a) of the Education Act 1996,
- (aa) [^{F8}in pursuance of arrangements made by the authority in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes),]^{F9}or
- (ab) [^{F10}in pursuance of arrangements under sections 3 or 4 of the Learner Travel (Wales) Measure 2008, or]
- (b) otherwise, in the exercise of any function of the authority, for the purpose of facilitating the attendance of persons receiving education or training at any premises;]

[^{F11}“local authority” has the meaning given by section 579(1) of the Education Act 1996;]

^{F12}

“school bus”, in relation to a [^{F2}local authority] , means a motor vehicle which is used by that authority to provide free school transport.

(4) In the application of this section to Scotland—

- (a) for the references to a [^{F2}local authority] there shall be substituted references to an education authority;
- (b) in subsection (2) above for “maintained by” there shall be substituted “under the management of”; and
- (c) in subsection (3) above for the definition of “free school transport” there shall be substituted—

““free school transport” means transport between a pupil’s home and place of education provided in pursuance of arrangements under subsection (1)(a) of section 51 of the Education (Scotland) Act 1980 (pupils for whom such transport facilities are necessary) or in pursuance of subsection (2) of that section (other pupils allowed to use vacant seats free of charge)”.

Textual Amendments

- F2** Words in s. 46 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 32(2)**
- F3** Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), **Sch. 1 para. 6(a)**, Sch. 8
- F4** Words substituted (1.4.1991) by [Road Traffic \(Driver Licensing and Information Systems\) Act 1989 \(c. 22, SIF 107:1\)](#), s. 7, **Sch. 3 para. 3**
- F5** Words in s. 46(3) substituted (20.1.2003 for E., 1.9.2003 for W.) by [Education Act 2002 \(c. 32\)](#), s. 216(4), **Sch. 21 para. 4** (with ss. 210(8), 214(4)); S.I. 2002/2952, art. 2; S.I. 2003/1718, art. 5, Sch. Pt. II
- F6** Words in s. 46(3) inserted (1.9.2007 for specified purposes) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 10 para. 1(a)**; S.I. 2007/1801, art. 4(1)
- F7** Words in s. 46(3) repealed (E.W.) (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 1(a)**, **Sch. 2**; S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F8** Words in s. 46(3) inserted (1.9.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), s. 188(3), **Sch. 10 para. 1(b)**; S.I. 2007/1801, art. 4(1)
- F9** Word in s. 46(3) repealed (E.W.) (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), **Sch. 1 para. 1(b)**; S.I. 2009/371, art. 2(2), Sch. Pt. 2

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- F10** Words in s. 46(3) inserted (E.W.) (1.9.2009) by [Learner Travel \(Wales\) Measure 2008 \(nawm 2\)](#), s. 28(2), [Sch. 1 para. 1\(c\)](#); S.I. 2009/371, art. 2(2), Sch. Pt. 2
- F11** Words in s. 46(3) inserted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, [Sch. 2 para. 32\(3\)](#)
- F12** Definition repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), [Sch. 1 para. 6\(b\)](#), Sch. 8

47, 48. **F13**

Textual Amendments

F13 Ss. 47, 48 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), [ss. 32\(b\)](#), 139(3), Sch. 8

49 **F14**

Textual Amendments

F14 S. 49 repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), [Sch. 8](#)

[^{F15}49A Review of decisions.

- (1) Subject to subsection (2) below, a traffic commissioner may review and, if he thinks fit, vary or revoke any decision of his^{F16}, or of another traffic commissioner]—
 - (a) to grant or refuse an application for a PSV operator’s licence; or
 - (b) to grant or refuse an application for the variation of a PSV operator’s licence, if he is satisfied that a procedural requirement imposed by or under this Act has not been complied with in relation to the decision.
- (2) A traffic commissioner may only review a decision under subsection (1) above—
 - (a) if, within such period after [^{F17}the taking of the decision] as may be prescribed, [^{F17}he or another traffic commissioner has given] to the applicant or (as the case may be) the licence-holder [^{F17}notice of intention] to review the decision;
 - (b) if, within that period, a person who appears to him to have an interest in the decision has requested [^{F18}that the decision be reviewed by a traffic commissioner]; or
 - (c) where neither paragraph (a) nor paragraph (b) above applies, if he considers there to be exceptional circumstances that justify the review.
- (3) Regulations may make provision as to the manner in which notices under subsection (2)(a) above are to be or may be served, including provision as to the circumstances in which and time at which any such notice is to be treated as having been duly served (whether or not it has in fact been served).
- (4) The variation or revocation of a decision under this section shall not make unlawful anything done in reliance on the decision before the variation or revocation takes effect.]

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Textual Amendments

- F15** S. 49A inserted (1.1.1996) by 1994 c. 40, s. 65(1); S.I. 1995/2835, art. 2
- F16** Words in s. 49A(1) 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)
- F17** Words in s. 49A(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)
- F18** Words in s. 49A(2)(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)

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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\(4\)\(b\)](#)