



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART I

PRELIMINARY

Definition and classification of public service vehicles

1 Definition of " public service vehicle "

- (1) Subject to the provisions of this section, in this Act " public service vehicle " means a motor vehicle (other than a tramcar) which—
 - (a) being a vehicle adapted to carry more than eight passengers, is used for carrying passengers for hire or reward; or
 - (b) being a vehicle not so adapted, is used for carrying passengers for hire or reward at separate fares in the course of a business of carrying passengers.
- (2) For the purposes of subsection (1) above a vehicle " is used " as mentioned in paragraph (a) or (b) of that subsection if it is being so used or if it has been used as mentioned in that paragraph and that use has not been permanently discontinued.
- (3) A vehicle carrying passengers at separate fares in the course of a business of carrying passengers, but doing so in circumstances in which the conditions set out in Part I, II or III of Schedule 1 to this Act are fulfilled, shall be treated as not being a public service vehicle unless it is adapted to carry more than eight passengers.
- (4) For the purposes of this section a journey made by a vehicle in the course of which one or more passengers are carried at separate fares shall not be treated as made in the course of a business of carrying passengers if—
 - (a) the fare or aggregate of the fares paid in respect of the journey does not exceed the amount of the running costs of the vehicle for the journey; and
 - (b) the arrangements for the payment of fares by the passenger or passengers so carried were made before the journey began;

and for the purposes of paragraph (a) above the running costs of a vehicle for a journey shall be taken to include an appropriate amount in respect of depreciation and general wear.

- (5) For the purposes of this section, section 2 and Schedule 1 to this Act—
- (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;
 - (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
 - (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised.
- (6) Where a fare is paid for the carriage of a passenger on a journey by air, no part of that fare shall be treated for the purposes of subsection (5) above as paid in consideration of the carriage of the passenger by road by reason of the fact that, in case of mechanical failure, bad weather or other circumstances outside the operator's control, part of that journey may be made by road.

2 Classification of public service vehicles as stage, express or contract carriages

- (1) For the purposes of this Act—
- (a) a "stage carriage" is a public service vehicle being used in the operation of a local service;
 - (b) an "express carriage" is a public service vehicle being used in the operation of an express service; and
 - (c) a "contract carriage" is a public service vehicle being used to carry passengers otherwise than at separate fares;
- and references in this Act to use as a stage, express or contract carriage shall be construed accordingly.
- (2) In this section—
- (a) "local service" means a service for the carriage of passengers by road at separate fares, not being an express service;
 - (b) "express service" means a service for the carriage of passengers by road at separate fares, being a service as regards which the conditions specified in subsection (3) below are satisfied.
- (3) The conditions referred to in subsection (2)(b) above are—
- (a) except in the case of an emergency, either of the following requirements as to length of journey is satisfied in respect of every passenger using the service, namely—
 - (i) the place where he is set down is thirty miles or more, measured in a straight line, from the place where he was taken up; or
 - (ii) some point on the route between those places is thirty miles or more, measured in a straight line, from either of those places; and

- (b) either—
 - (i) the service is an excursion or tour; or
 - (ii) the prescribed particulars of the service (including the route and the timetable) and of every change of any prescribed kind made in the service have, not later than the prescribed time for doing so, been notified in the prescribed manner to the traffic commissioners in whose area the place specified in the notification as the beginning of the route is situated.
- (4) Where, in the case of any service for the carriage of passengers by road at separate fares, the condition specified in subsection (3)(a) above is satisfied as regards any part of the service taken in isolation, but not as regards the service as a whole—
 - (a) that; part of the service shall be treated for the purposes of subsections (2)(b) and (3) above as a separate service (and will accordingly be an express service if the condition specified in subsection (3)(b) is satisfied as regards it); and
 - (b) any part of the service which is not an express service by virtue of the preceding paragraph shall be treated for the purposes of this section as a separate local service.
- (5) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in Part II or III of Schedule 1 to this Act are fulfilled.