



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART I

PRELIMINARY

Modifications etc. (not altering text)

C1 Pt. I (ss. 1–5) amended by Road Traffic Act 1988 (c. 52, SIF 107:1), s. 187(3)

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, . . .^{F1} 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—

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- (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, . . . ^{F2} 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.

Textual Amendments

- F1** “II” repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F2** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

- C2** S. 1 applied (4.1.1995) by 1980 c. 45, s. 69(1) (as amended (4.1.1995) by 1994 c. 39, s. 180(1), **Sch. 13 para. 119(36)(a)**; S.I. 1994/2850, **art. 3(c)**)
- C3** S. 1 modified (14.3.2002) by S.I. 2002/412, **art. 2(4)** (with art. 38)
- C4** S. 1(2) excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(8)
- C5** S. 1(5) applied by Transport Act 1985 (c. 67, SIF 126), s. 137(3)
- C6** S. 1(5)(b)(c)(6) applied by Transport Act 1985 (c. 67, SIF 126), s. 2(5)

Textual Amendments

- F3** S. 2 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

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Traffic Areas and Traffic commissioners

3 Traffic areas.

- (1) For the purposes of this Act Great Britain shall be divided into the Metropolitan, Northern, Yorkshire, North-Western, West Midland, East Midland, Eastern, South Wales, Western, South-Eastern and Scottish Traffic Areas.
- (2) The Secretary of State may from time to time by order vary the provisions of this Act constituting traffic areas, either by altering the limits of an existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.
- [^{F4}(2A) The power to make an order under subsection (2) above includes power to make—
- (a) such incidental, consequential, supplemental or transitional provision, and
 - (b) such savings,
- as the Secretary of State may consider necessary or expedient for the purpose of, or in consequence of, or for giving full effect to, any order under that subsection for varying the number or limits of traffic areas in England and Wales.
- (2B) The power conferred by subsection (2A) above includes power to amend or modify any provision of this Act or any other enactment (whenever passed or made) for the purpose of making any such provision or savings.
- (2C) The powers conferred by subsections (2A) and (2B) above are without prejudice to what may be done under subsection (3) below.]
- [^{F5}(3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions as appear to the Secretary of State to be necessary or expedient in consequence of the variations of areas to be affected by the order, including provisions—
- (a) as to the effect of licences previously issued, and consents previously given, by a traffic commissioner;
 - (b) as to the effect of applications for licences or consents previously made to a traffic commissioner;
 - (c) as to the continuance of appeals pending against decisions of a traffic commissioner; and
 - (d) as to the recovery of any sums due to a traffic commissioner,
- in relation to any traffic area abolished or changed.]
- (4) The power to make orders conferred by this section shall be exercisable by statutory instrument which shall be laid before Parliament after being made, and an order under this section shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

Textual Amendments

- F4** S. 3(2A)-(2C) inserted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), ss. 1, 134(1)(c)(4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1
- F5** S. 3(3) 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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[^{F6}4 Traffic commissioners.

[^{F7}(1) For the purposes of this Act there shall be—

- (a) such number of commissioners for England and Wales as the Secretary of State may consider appropriate; and
- (b) a single commissioner for the Scottish Traffic Area (the “Scottish traffic commissioner”).

(2) The commissioners shall be appointed by the Secretary of State and shall be known as traffic commissioners.]

(3) [^{F8}A traffic commissioner] shall be responsible for issuing licences under this Act and shall have such other functions as are given to him by, or in pursuance of, this Act or any other enactment.

[A traffic commissioner for England and Wales—

- ^{F9}(3A) (a) may exercise the 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 within the meaning of the Scotland Act 1998.

(3B) The Scottish traffic commissioner—

- (a) is to exercise the functions of a traffic commissioner in relation to the Scottish Traffic Area; and
- (b) may exercise in relation to any traffic area in England and Wales any functions of a traffic commissioner that relate to reserved matters within the meaning of the Scotland Act 1998.]

(4) Any person appointed to be [^{F10}a traffic commissioner] shall—

- (a) act under [^{F11}the general directions of, and shall have regard to any guidance given by, the senior traffic commissioner]; and
- (b) vacate his office on attaining the age of [^{F12}75], but otherwise hold office during Her Majesty’s pleasure.

(5) Where the Secretary of State proposes to appoint a person to be [^{F13}a traffic commissioner] he shall, before making the appointment, require that person to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers or goods by road within Great Britain.

(6) Schedule 2 to this Act shall have effect with respect to traffic commissioners.]

Textual Amendments

- F6** Ss. 4, 5 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(2)
- F7** S. 4(1)(2) substituted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), ss. 2(2), 134(4); S.I. 2013/685, art. 3(1)(2)(a)
- F8** Words in s. 4(3) substituted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), ss. 2(3), 134(4); S.I. 2013/685, art. 3(1)(2)(a)
- F9** S. 4(3A)(3B) inserted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), ss. 2(4), 134(4); S.I. 2013/685, art. 3(1)(2)(a)
- F10** Words in s. 4(4) substituted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), ss. 2(5), 134(4); S.I. 2013/685, art. 3(1)(2)(a)

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- F11** Words in s. 4(4)(a) substituted (4.3.2009) by [Local Transport Act 2008 \(c. 26\), ss. 3\(2\)\(a\)](#), 134(4); S.I. 2009/107, art. 3, Sch. 3
- F12** Word in s. 4(4)(b) substituted (10.3.2022) by [Public Service Pensions and Judicial Offices Act 2022 \(c. 7\), s. 131\(1\)\(4\)\(a\), Sch. 1 para. 17](#) (with Sch. 1 para. 43)
- F13** Words in s. 4(5) substituted (3.7.2013) by [Local Transport Act 2008 \(c. 26\), ss. 2\(6\)](#), 134(4); S.I. 2013/685, art. 3(1)(2)(a)

[^{F14}4A Appointment of senior traffic commissioner

- (1) One of the traffic commissioners shall be appointed by the Secretary of State to be the senior traffic commissioner.
- (2) The senior traffic commissioner shall have such functions as may be conferred or imposed by or under any of the following enactments—
 - (a) section 4B below (deployment of traffic commissioners),
 - (b) section 4C below (guidance and general directions),
 or any other provision of this Act or any other enactment.
- (3) The senior traffic commissioner—
 - (a) shall hold office for such period as the Secretary of State specifies when making the appointment; but
 - (b) ceases to hold that office on ceasing to hold office as a traffic commissioner.
- (4) A traffic commissioner who has been the senior traffic commissioner is eligible for re-appointment as the senior traffic commissioner.
- (5) In the case of illness, incapacity or absence of the senior traffic commissioner, the Secretary of State may appoint another traffic commissioner to act as deputy for the senior traffic commissioner.
- (6) Where the office of senior traffic commissioner becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as senior traffic commissioner pending the appointment of a new senior traffic commissioner.
- (7) Any person appointed under subsection (6) 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 as the senior traffic commissioner.

Textual Amendments

- F14** Ss. 4A–4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\), ss. 3\(1\)](#), 134(4); S.I. 2009/107, art. 3, [Sch. 3](#); S.I. 2013/685, [art. 3\(1\)\(2\)\(b\)](#)

4B Power of senior traffic commissioner to deploy other commissioners

- (1) In this section—
 - (a) subsections (2) to (4) confer powers on the senior traffic commissioner in relation to traffic commissioners and deputy traffic commissioners for England and Wales; and

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- (b) subsections (5) to (7) confer powers on the senior traffic commissioner in relation to the Scottish traffic commissioner and any deputy traffic commissioners for the Scottish traffic area.
- (2) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of the functions of traffic commissioner for England and Wales as the senior traffic commissioner may determine—
- (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 determine.
- (3) The senior traffic commissioner may require any traffic commissioner for England and Wales to carry out such of those functions as the senior traffic commissioner may determine 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 determine.
- (4) Subsections (2) and (3) above also apply in relation to a deputy traffic commissioner for England and Wales as they apply in relation to a traffic commissioner for England and Wales, construing the references to functions accordingly.
- (5) The senior traffic commissioner may require the Scottish traffic commissioner to carry out as respects England and Wales such of the functions exercisable by the Scottish traffic commissioner in relation to reserved matters by virtue of section 4(3B)(b) of this Act as the senior traffic commissioner may determine.
- (6) The senior traffic commissioner may require the Scottish traffic commissioner to carry out such of those functions as the senior traffic commissioner may determine at such places in England and Wales as the senior traffic commissioner may determine.
- (7) Subsections (5) and (6) above also apply in relation to a deputy traffic commissioner for the Scottish Traffic Area as they apply in relation to the Scottish traffic commissioner, construing the references to functions accordingly.
- (8) In this section—
- “deputy traffic commissioner for the Scottish Traffic Area” means any person appointed under paragraph 3 or 4 of Schedule 2 to this Act to act as deputy in the case of the Scottish traffic commissioner;
- “reserved matters” means reserved matters within the meaning of the Scotland Act 1998.

Textual Amendments

F14 Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 3\(1\)](#), 134(4); [S.I. 2009/107](#), [art. 3](#), [Sch. 3](#); [S.I. 2013/685](#), [art. 3\(1\)\(2\)\(b\)](#)

4C Power of senior traffic commissioner to give guidance and directions

- (1) The senior traffic commissioner may give to the traffic commissioners—

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- (a) guidance, or
- (b) general directions,

as to the exercise of their functions under any enactment.

This subsection is subject, in relation to Scotland, to subsection (5) below [^{F15}and, in relation to Wales, to subsection (6) below].

- (2) The guidance that may be given under subsection (1)(a) above includes guidance as to—
 - (a) the meaning and operation of any enactment or instrument relevant to the functions of traffic commissioners;
 - (b) the circumstances in which, and the manner in which, a traffic commissioner should exercise any power to impose any sanction or penalty;
 - (c) matters which a traffic commissioner should or should not take into account when exercising any particular function.
- (3) The directions that may be given under subsection (1)(b) above include directions as to—
 - (a) the circumstances in which, and the manner in which, officers or servants of a traffic commissioner may exercise any function for or on behalf of the traffic commissioner, and any conditions which such officers or servants must meet before they may do so;
 - (b) the information which a traffic commissioner must ask to be supplied in connection with the exercise of any particular function, and the steps which must be taken to verify the accuracy of any information so supplied;
 - (c) the procedure to be adopted in conducting inquiries under section 54 of this Act, section 35 of the Goods Vehicles (Licensing of Operators) Act 1995 or any other enactment;
 - (d) the manner in which a traffic commissioner must or may publish his decisions;
 - (e) circumstances in which a traffic commissioner must consult some, or all, of the other traffic commissioners before exercising any particular function.
- (4) The senior traffic commissioner must consult each of the following persons before giving any guidance or directions under subsection (1) above—
 - (a) the Secretary of State;
 - (b) the Scottish Ministers, if the senior traffic commissioner considers it appropriate;
 - (c) the Welsh Ministers, if the senior traffic commissioner considers it appropriate;
 - (d) such of the other traffic commissioners as the senior traffic commissioner considers appropriate;
 - (e) such organisations representative of the interests of local government, of London government, of Integrated Transport Authorities [^{F16}, of combined authorities][^{F17}established under section 103 of the Local Democracy, Economic Development and Construction Act 2009, of combined county authorities established under section 9(1) of the Levelling-up and Regeneration Act 2023] and of Passenger Transport Executives as the senior traffic commissioner considers appropriate;
 - (f) such organisations representative of the interests of users of public passenger transport services as the senior traffic commissioner considers appropriate;

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(g) such organisations representative of passenger transport operators, and of road haulage operators, as the senior traffic commissioner considers appropriate; and such other persons as the senior traffic commissioner considers appropriate.

(5) The only guidance or directions under this section which the senior traffic commissioner may give to the Scottish traffic commissioner are guidance or directions as to the exercise of functions that relate to reserved matters within the meaning of the Scotland Act 1998.

[The senior traffic commissioner may not give guidance or directions under this section
^{F18}(6) as to the exercise of a function so far as the function could (apart from paragraph 8 of Schedule 7B to the Government of Wales Act 2006) be conferred or imposed by provision falling within the legislative competence of the National Assembly for Wales.]

Textual Amendments

- F14** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(1)**, 134(4); S.I. 2009/107, art. 3, **Sch. 3**; S.I. 2013/685, **art. 3(1)(2)(b)**
- F15** Words in s. 4C(1) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 27(7)**, 71(4) (with Sch. 7 paras. 1, 6, 9); S.I. 2017/1179, reg. 3(f)
- F16** Words in s. 4C(4)(e) inserted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), **Sch. 6 para. 54**; S.I. 2009/3318, art. 2(c)
- F17** Words in s. 4C(4)(e) inserted (E.W) (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), **Sch. 4 para. 68** (with s. 247)
- F18** S. 4C(6) inserted (1.4.2018) by [Wales Act 2017 \(c. 4\)](#), **ss. 27(8)**, 71(4) (with Sch. 7 paras. 1, 6); S.I. 2017/1179, reg. 3(f)

4D Guidance to senior traffic commissioner by Secretary of State

- (1) The Secretary of State may give the senior traffic commissioner guidance as to the exercise of any of the senior traffic commissioner's functions.
- (2) The senior traffic commissioner must have regard to any guidance given under subsection (1) above.]

Textual Amendments

- F14** Ss. 4A-4D inserted (4.3.2009 for the insertion of ss. 4A, 4C, 4D, 3.7.2013 in so far as not already in force) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 3(1)**, 134(4); S.I. 2009/107, art. 3, **Sch. 3**; S.I. 2013/685, **art. 3(1)(2)(b)**

^{F19}5 Publication of information by traffic commissioners.

(1) Every traffic commissioner shall publish, in such form and at such times as may be prescribed, such information with respect to the exercise, or proposed exercise, of any of his functions under this Act or the Transport Act 1985 as may be prescribed.

[^{F20}(2) Where a traffic commissioner publishes information under this section he shall—
 (a) send a copy of the publication—

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- (i) to every chief officer of police, Passenger Transport Executive and local authority whose area the traffic commissioner considers may be affected by the information; and
 - (ii) if the traffic commissioner considers that the information may affect Greater London, to Transport for London;] and
 - (b) make a copy of it available (by post if required and on payment of such fee as may be prescribed) to anyone who asks for one.
- (3) In this section “local authority” means—
- (a) in England and Wales, the council of any non-metropolitan county, any district or London borough or the Common Council of the City of London; and
 - (b) in Scotland, any [^{F21}council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.]]

Textual Amendments

- F19** Ss. 4, 5 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 3(2)**
- F20** Words in s. 5(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)
- F21** Words in s. 5(3)(b) substituted (1.4.1996) by 1994 c. 39, s. 180(1), **Sch. 13 para. 121(2)** (with s. 128(8)); S.I. 1996/323, **art. 4**

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