



# Public Passenger Vehicles Act 1981

## 1981 CHAPTER 14

### PART V

#### MISCELLANEOUS AND SUPPLEMENTARY

##### *Appeals to the Secretary of State*

#### [<sup>F1</sup>50] Appeals to the Transport Tribunal.

- (1) An applicant for the grant of a PSV operator's licence under this Act may appeal to the Transport Tribunal against any decision of the traffic commissioner—
  - (a) to refuse to grant the licence in accordance with the application; or
  - (b) to attach any condition to the licence otherwise than in accordance with the application.
- (2) Where a person who has applied for a new PSV operator's licence in substitution for a licence held by him and in force at the date of his application appeals to the Transport Tribunal under subsection (1) above, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (3) Where an application for a PSV operator's licence is granted under this Act and a person who duly made an objection to the grant under section 14A of this Act is aggrieved by the grant of the licence he may appeal to the Transport Tribunal.
- (4) The holder of a PSV operator's licence may appeal to the Transport Tribunal against any decision of the traffic commissioner—
  - (a) to refuse his application for the variation or removal of any condition attached to the licence;
  - (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on his application; or
  - (c) to revoke or suspend the licence or to curtail its period of validity.
- (5) Where—

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- (a) the holder of a PSV operator's licence in respect of which an order or direction has been made or given under section 28 of the Transport Act 1985 (power to disqualify PSV operators); or
- (b) any person in respect of whom any such order or direction has been made or given;

is aggrieved by the order or direction he may appeal to the Transport Tribunal.

[ A person aggrieved by the refusal of the prescribed testing authority to approve a <sup>F2</sup>(5A) vehicle as a type vehicle under section 10 of this Act or by the withdrawal by that authority under that section of such approval may appeal to the Secretary of State]]

(6) The traffic commissioner—

- (a) making any such decision with respect to a licence as is mentioned in subsection (4)(b) or (c) above;
- (b) making any such order or giving any such direction as is mentioned in subsection (5) above;

may, if the holder of the licence or any such person as is mentioned in subsection (5) (b) above so requests, direct that his decision shall not have effect until the expiration of the period within which an appeal against it may be made to the Transport Tribunal and, if an appeal is made, until it is disposed of.

[<sup>F3</sup>(6A) A person aggrieved by the refusal of a certifying officer or public service vehicle examiner or by the refusal of an authorised inspector to remove a prohibition under section 9(1) of this Act may appeal to the Secretary of State.

(6B) On any appeal under subsection (5A), (6) or (6A) above the Secretary of State shall cause an examination of the vehicle concerned to be made by an officer of the Secretary of State appointed by him for the purpose and shall make such determination on the basis of the examination as he thinks fit.]

- (7) Where a traffic commissioner has given a direction under subsection (6) above he may withdraw it at any time.
- (8) If the traffic commissioner refuses to give a direction under subsection (6) above or withdraws such a direction, the person requesting it may apply for such a direction to the Transport Tribunal and the Transport Tribunal shall give their decision on the application within fourteen days.
- (9) This section does not apply in relation to conditions attached to a PSV operator's licence under section 8 of the Transport Act 1985 (enforcement of traffic regulation conditions).

#### Textual Amendments

- F1** S. 50 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 31**
- F2** S. 50(5A) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 21(4)(a)**, 76(2)
- F3** S. 50(6A)(6B) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 21(4)(b)**, 76(2)

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

- C1** S. 50(5) amended by [S.I. 1983/1714](#), **art. 10(4)** (which S.I. is revoked (1.6.1991) by [S.I. 1991/288](#), **art. 2**)

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## [<sup>F4</sup>51 Appeals to the Secretary of State.

- (1) A person applying for—
  - (a) a certificate of initial fitness under section 6 of this Act; or
  - (b) a certificate under section 10 of this Act that a vehicle conforms to a type vehicle;may appeal to the Secretary of State against the refusal of a certifying officer to issue such a certificate.
- (2) Where the refusal by a certifying officer or public service vehicle examiner to remove a prohibition under subsection (1) of section 9 of this Act (including a prohibition under that subsection as it applies by virtue of section 9A of this Act) has been referred to a certifying officer (“the referee”) under subsection (8) of that section by a traffic commissioner, any person aggrieved by the refusal of the referee to remove the prohibition may appeal to the Secretary of State.
- (3) An appeal under this section must be made within the prescribed time and in the prescribed manner; and provision may be made by regulations as to the procedure to be followed in connection with such appeals.
- (4) On the determination of an appeal under this section, the Secretary of State may confirm, vary or reverse the decision appealed against, and may give such directions as he thinks fit to the certifying officer for giving effect to his decision; and it shall be the duty of the certifying officer to comply with any such directions.]

### Textual Amendments

**F4** S. 51 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 31

## 52 Fees for grant of licences etc.

- (1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged—
  - (a) by the traffic [<sup>F5</sup>commissioner] for each traffic area in respect of—
    - (i) applications for, and the grant of, PSV operators’ licences . . . <sup>F6</sup>;
    - [<sup>F7X1</sup>(ii) applications for, and the issue of, certificates of initial fitness under section 6 of this Act;]
    - [<sup>F7X1</sup>(ii) applications for certificates of initial fitness under section 6 of this Act which are required by regulations to be made to the commissioners and the issue of certificates on such applications;]
    - (iii) the issue of operators’ discs under section 18 of this Act;
    - (iv) applications for, and the issue of, certificates under section 21 of this Act as to repute, professional competence or financial standing; and
    - (v) applications for, and the issue of, documents required in relation to public service vehicles registered in Great Britain while making journeys to or from places outside Great Britain or in relation to public service vehicles registered outside Great Britain;
  - [<sup>F8</sup>(b) by the traffic [<sup>F5</sup>commissioner] for each traffic area . . . <sup>F9</sup> in respect of—
    - (i) applications for, and the issue of, licences to drive public service vehicles; and

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- (ii) the provision by the traffic [<sup>F5</sup>commissioner] . . . <sup>F9</sup> of facilities for a person to undergo a test of his competence as a driver in connection with an application by him for a licence to drive a public service vehicle, being a test which he is by virtue of regulations required to undergo in that connection.]
- (2) [<sup>F10</sup>A traffic commissioner] . . . <sup>F11</sup> may, if any fee or instalment of a fee due in respect thereof has not been paid, decline to proceed with—
- (a) any such application as is mentioned in subsection (1) above;
  - (b) the grant of any licence or the issue of any certificate, disc or other document referred to in that subsection; [<sup>F12</sup>or]
  - [<sup>F13</sup>(c) the provision of any such facilities as are mentioned in paragraph (b)(ii) of that subsection,]
- until the fee or instalment in question has been paid.
- (3) Any fees received by [<sup>F14</sup>a traffic commissioner] by virtue of this section . . . <sup>F15</sup> shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (4) . . . . . <sup>F16</sup>

#### Editorial Information

- X1** S. 52(1)(a)(ii) beginning “applications for certificates” substituted (*prosp.*) for s. 52(1)(a)(ii) beginning “applications for, and the issue of,” by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 74(1), **Sch. 5 para. 22**

#### Textual Amendments

- F5** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(a)**
- F6** Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1(3), 139(3), Sch. 1 para. 7, **Sch. 8**
- F7** S. 52(1)(a)(ii) beginning “applications for certificates” substituted (*prosp.*) for s. 52(1)(a)(ii) beginning “applications for, and the issue of,” by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), s. 74(1), **Sch. 5 para. 22**
- F8** S. 52(1)(b) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F9** Words repealed by S.I. 1984/31, **art. 5(d)(i)**
- F10** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(b)**
- F11** Words repealed by S.I. 1984/31, **art. 5(d)(ii)**
- F12** Word repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F13** S. 52(2)(c) repealed (1.4.1991) by Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22, SIF 107:1), s. 16, **Sch. 6**
- F14** Words substituted by virtue of Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(c)**
- F15** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F16** S. 52(4) repealed by S.I. 1984/31, **art. 5(d)(iii)**

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

- C2** S. 52(1) extended by Transport Act 1985 (c. 67, SIF 126), **s. 126(1)**
- C3** S. 52(2) extended (with modifications) by Transport Act 1985 (c. 67, SIF 126), **s. 126(2)**

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### 53 Payment of expenses.

(1) There shall be paid in every year out of moneys provided by Parliament such sums as the Secretary of State may, with the consent of the Minister for the Civil Service, direct in respect of the salaries, remuneration, establishment charges, and other expenses of . . . <sup>F17</sup> traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Secretary of State for the purposes of Part I, [<sup>F18</sup> or II] . . . <sup>F19</sup> of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.

(2) . . . . . <sup>F20</sup>

#### Textual Amendments

**F17** Word repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F18** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1(3), **Sch. 1 para. 8**

**F19** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(3), **Sch. 8**

**F20** [S. 53\(2\)](#) repealed by [S.I. 1984/31](#), **art. 5(c)**

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