



Public Passenger Vehicles Act 1981

1981 CHAPTER 14

PART V

MISCELLANEOUS AND SUPPLEMENTARY

Appeals to the Secretary of State

[^{F1}50 Appeals to the [^{F2}Upper Tribunal]

- (1) An applicant for the grant of a PSV operator's licence under this Act may appeal to the [^{F3}Upper Tribunal] against any decision of [^{F4}a 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.

^{F5}(2)

- (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 [^{F6}Upper Tribunal] .

- (4) The holder of a PSV operator's licence may appeal to the [^{F6}Upper Tribunal] against any decision of [^{F7}a traffic commissioner]—
- (a) to refuse his application for the variation or removal of any condition attached to the licence; [^{F8}or any undertaking recorded in it]
 - (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 ^{F9}... .

[A person who—

- ^{F10}(4A) (a) within the prescribed period has made an application for a review under section 49A of this Act; and
- (b) has been certified by [^{F11}a traffic commissioner] as a person such as is mentioned in subsection (2)(b) of that section,

Status: Point in time view as at 03/07/2013.

Changes to legislation: Public Passenger Vehicles Act 1981, Cross Heading: Appeals to the Secretary of State is up to date with all changes known to be in force on or before 21 February 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)

may appeal to the [^{F6}Upper Tribunal] against the refusal of the application.]

(5) Where—

- (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 [^{F6}Upper Tribunal].

[A person aggrieved by the refusal of the prescribed testing authority to approve a
^{F12}(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) [^{F13}A 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 [^{F6}Upper Tribunal] and, if an appeal is made, until it is disposed of.

[A person aggrieved by the refusal of a certifying officer or public service vehicle
^{F14}(6A) 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 [^{F15}or another traffic commissioner] may withdraw it at any time.

(8) If [^{F16}a 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 [^{F17}to the Upper Tribunal]^{F18}... .

(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** 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)**
- F3** Words in s. 50(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. 2(a)**
- F4** Words in s. 50(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)

Status: Point in time view as at 03/07/2013.

Changes to legislation: Public Passenger Vehicles Act 1981, Cross Heading: Appeals to the Secretary of State is up to date with all changes known to be in force on or before 21 February 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)

- F5** S. 50(2) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 7(1), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F6** Words in s. 50(3)-(6) 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. 2(a)**
- F7** Words in s. 50(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)
- F8** Words in s. 50(4)(a) added (1.1.1996) by 1994 c. 40, s. 68, **Sch. 14 para. 7(2)(a)**; S.I. 1995/2835, **art. 2**
- F9** Words in s. 50(4)(c) omitted (1.1.1996) by virtue of 1994 c. 40, ss. 68, 81(1), Sch. 14 para. 7(2)(b), **Sch. 17**; S.I. 1995/2835, **art. 2**
- F10** s. 50(4A) inserted (1.1.1996) by 1994 c. 40, s. 65(2); S.I. 1995/2835, **art. 2**
- F11** Words in s. 50(4A)(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)
- F12** S. 50(5A) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 21(4)(a)**, 76(2)
- F13** Words in s. 50(6) 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)
- F14** S. 50(6A)(6B) inserted (*prosp.*) by Transport Act 1982 (c. 49, SIF 58, 107:1, 126), **ss. 21(4)(b)**, 76(2)
- F15** Words in s. 50(7) 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)
- F16** Words in s. 50(8) 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 s. 50(8) 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. 2(b)(i)**
- F18** Words in s. 50(8) 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. 2(b)(ii)**

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**)

[^{F19}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 [^{F20}an examiner]] to issue such a certificate.

^{F21}(2)

- (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 [^{F22}the examiner] for giving effect to his decision; and it shall be the duty of [^{F22}the examiner] to comply with any such directions.

Status: Point in time view as at 03/07/2013.

Changes to legislation: Public Passenger Vehicles Act 1981, Cross Heading: Appeals to the Secretary of State is up to date with all changes known to be in force on or before 21 February 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)

Textual Amendments

- F19** S. 51 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 31
- F20** Words in s. 51(1) substituted (1.7.1992) by virtue of [Road Traffic Act 1991 \(c. 40, SIF 170:1\)](#), s. 48, [Sch. 4 para. 16\(2\)](#); S.I. 1992/1286, [art. 2](#), Sch.
- F21** S. 51(2) repealed (1.7.1992) by [Road Traffic Act 1991 \(c. 40, SIF 170:1\)](#), s. 83, [Sch.8](#); S.I. 1992/1286, [art. 2](#), [Sch.](#), Appendix
- F22** Words in s. 51(4) substituted (1.7.1992) by virtue of [Road Traffic Act 1991 \(c. 40, SIF 107:1\)](#), s. 48, [Sch. 4 para. 16\(3\)](#); S.I. 1992/1286, [art. 2](#), Sch.

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 ^{F23}a traffic commissioner] in respect of—
- (i) applications for, and the grant of, PSV operators' licences . . . ^{F24};
- ^{F25}(ia) applications under section 16(6) of this Act and the grant of such applications;
- (ib) the continuation in force of PSV operators' licences;]
- ^{F26}(ii) applications for certificates of initial fitness under section 6 of this Act which are required by regulations to be made to ^{F27}a traffic commissioner] 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;
- ^{F28}(b) by the traffic ^{F29}commissioner] for each traffic area . . . ^{F30} in respect of—
- (i) applications for, and the issue of, licences to drive public service vehicles; and
- (ii) the provision by the traffic ^{F29}commissioner] . . . ^{F30} 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) ^{F31}A traffic commissioner] . . . ^{F32} 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;
- ^{F33}(b) the grant of any PSV operator's licence or of any application under section 16(6) of this Act;
- (bb) the issue of any certificate, disc or other document referred to in subsection (1) above; or]
- ^{F34}(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.

Status: Point in time view as at 03/07/2013.

Changes to legislation: Public Passenger Vehicles Act 1981, Cross Heading: Appeals to the Secretary of State is up to date with all changes known to be in force on or before 21 February 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)

- [^{F35}(2A) If, in the case of any application for a PSV operator’s licence, any fee or instalment of a fee in respect of the application, the grant of the licence or the issue of operators’ discs under section 18(2) of this Act is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time;
 - (b) any decision made on the application ceases to have effect at that time; and
 - (c) any licence granted in pursuance of such a decision terminates at that time.
- (2B) If, in the case of any application under section 16(6) of this Act, any fee or instalment of a fee in respect of the application, the grant of the application or the issue of operators’ discs under section 18(2A) of this Act is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time;
 - (b) any decision made on the application, and any variation effected in pursuance of such a decision, ceases to have effect at that time.
- (2C) If, in the case of any PSV operator’s licence, any fee or instalment of a fee in respect of—
- (a) the continuation in force of the licence; or
 - (b) the issue of operators’ discs under section 18(2C) of this Act,
- is not duly paid by the prescribed time, the licence terminates at that time.
- (2D) If any fee or instalment of a fee in respect of any operators’ discs that have been issued under section 18 of this Act is not duly paid by the prescribed time, the discs cease to have effect at that time.
- (2E) [^{F36}A traffic commissioner] may, if he considers there to be exceptional circumstances that justify his doing so in any case where subsection (2A), (2B), (2C) or (2D) above has applied, direct that as from the time mentioned in that subsection its effect in that case be disregarded.
- (2F) Where [^{F37}a traffic commissioner] has given a direction under subsection (2E) above in respect of a PSV operator’s licence in a case where subsection (2A) or (2C) above has applied, it shall not for the purposes of section 20(1) or (2) of this Act be regarded as having been practicable for the licence-holder to—
- (a) report any matter to the Secretary of State; or
 - (b) give him notice of any alteration,
- during the period beginning with the time mentioned in subsection (2A) or (2C) and ending when the direction came into force.]
- (3) Any fees received by [^{F38}a traffic commissioner] by virtue of this section . . . ^{F39} shall be paid into the Consolidated Fund in such manner as the Treasury may direct.
- (4) ^{F40}

Textual Amendments

- F23** Words in s. 52(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)
- F24** Words repealed by [Transport Act 1985 \(c. 67, SIF 126\)](#), ss. 1(3), 139(3), Sch. 1 para. 7, **Sch. 8**
- F25** S. 52(1)(a)(ia)(ib) inserted (1.1.1996) by [1994 c. 40, s. 66\(2\)](#); [S.I. 1995/2835](#), **art. 2**
- F26** S. 52(1)(a)(ii) substituted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), s. 74(1), **Sch. 5 para. 22**

Status: Point in time view as at 03/07/2013.

Changes to legislation: Public Passenger Vehicles Act 1981, Cross Heading: Appeals to the Secretary of State is up to date with all changes known to be in force on or before 21 February 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)

- F27** Words in s. 52(1)(a)(ii) 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)
- F28** 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**
- F29** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(a)**
- F30** Words repealed by S.I. 1984/31, **art. 5(d)(i)**
- F31** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(b)**
- F32** Words repealed by S.I. 1984/31, **art. 5(d)(ii)**
- F33** S. 52(2)(b)(bb) substituted for s. 52(2)(b) (1.1.1996) by 1994 c. 40, s. 66(3); S.I. 1995/2835, **art. 2**
- F34** 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**
- F35** S. 52(2A)-(2F) inserted (1.1.1996) by 1994 c. 40, s. 66(4); S.I. 1995/2835, **art. 2**
- F36** Words in s. 52(2E) 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)
- F37** Words in s. 52(2F) 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)
- F38** Words substituted by virtue of Transport Act 1985 (c. 67, SIF 126), s. 3, **Sch. 2 Pt. II para. 4(14)(c)**
- F39** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F40** 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)

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 . . . ^{F41} traffic commissioners, ^{F42} . . . , and any other officer or servant appointed by the Secretary of State for the purposes of Part I, [^{F43} or II] . . . ^{F44} of this Act, including any expenses incurred in connection with the employment of police officers as ^{F42} . . . vehicle examiners.

- (2) ^{F45}

Textual Amendments

- F41** Word repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F42** Words in s. 53(1) 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**
- F43** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 1(3), **Sch. 1 para. 8**
- F44** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F45** S. 53(2) repealed by S.I. 1984/31, **art. 5(c)**

Status:

Point in time view as at 03/07/2013.

Changes to legislation:

Public Passenger Vehicles Act 1981, Cross Heading: Appeals to the Secretary of State is up to date with all changes known to be in force on or before 21 February 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.