

Changes to legislation: Public Passenger Vehicles Act 1981, SCHEDULE 2 is up to date with all changes known to be in force on or before 09 April 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) View outstanding changes

SCHEDULES

[^{F1}SCHEDULE 2

TRAFFIC COMMISSIONERS

Textual Amendments

F1 Sch. 2 substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(3), [Sch. 2 Pt. I](#)

Terms of service of traffic commissioners

- 1 The Secretary of State may remove a traffic commissioner from his office [^{F2}on the grounds that the traffic commissioner—
- (a) has misbehaved; or
 - (b) is unable, unfit or unwilling to perform the functions of traffic commissioner to a standard which the Secretary of State considers satisfactory].

Textual Amendments

F2 Words in Sch. 2 para. 1 substituted (6.4.2013) (with effect in accordance with s. 4(3) of the amending Act) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 4\(2\)](#), 134(4); [S.I. 2013/685](#), [art. 2](#)

- 2 If a traffic commissioner acquires a financial interest in a transport undertaking which carries passengers or goods by road within Great Britain he shall, within four weeks after so doing, give notice of that acquisition in writing to the Secretary of State specifying the interest so acquired and the Secretary of State, after taking the matter into consideration, may if he thinks fit declare that the traffic commissioner has vacated his office.

[^{F3}Deputy traffic commissioners for England and Wales

Textual Amendments

F3 [Sch. 2 para. 2A](#) and cross-heading inserted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), [ss. 4\(4\)](#), 134(4); [S.I. 2013/685](#), [art. 3\(1\)\(2\)\(c\)](#)

- 2A (1) The Secretary of State may appoint such number of persons to be deputy traffic commissioners for England and Wales as the Secretary of State thinks fit.
- (2) A deputy traffic commissioner for England and Wales—
- (a) may exercise any functions of a traffic commissioner in any traffic area in England and Wales; and

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- (b) may exercise in relation to the Scottish Traffic Area any functions of a traffic commissioner that relate to reserved matters.
- (3) Appointment as a deputy traffic commissioner for England and Wales shall be upon such terms and conditions, including conditions as to the time to be devoted to the duties of the office, as the Secretary of State may determine.
- (4) A deputy traffic commissioner for England and Wales shall carry out such of the functions of that office as the senior traffic commissioner may determine under section 4B of this Act—
 - (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 so determine.
- (5) A deputy traffic commissioner for England and Wales shall carry out such of those functions as the senior traffic commissioner may determine under section 4B of this Act 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 so determine.
- (6) In this paragraph “reserved matters” means reserved matters within the meaning of the Scotland Act 1998.]

Appointment and terms of office of deputies to traffic commissioners [F4 in Scotland]

Textual Amendments

F4 Words in Sch. 2 para. 2B cross-heading inserted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 4(5)**, 134(4); S.I. 2013/685, art. 3(1)(2)(c)

[
F52B Paragraphs 3 to 5 below have effect in relation to the Scottish Traffic Area only.]

Textual Amendments

F5 Sch. 2 para. 2B inserted (3.7.2013) by [Local Transport Act 2008 \(c. 26\)](#), **ss. 4(6)**, 134(4); S.I. 2013/685, art. 3(1)(2)(c)

- 3 In the case of illness, incapacity or absence of a traffic commissioner, the Secretary of State may appoint some other person to act as his deputy.
- 4 If the Secretary of State considers that the duties to be performed by a traffic commissioner, or any deputy appointed under paragraph 3 above to the traffic commissioner, cannot conveniently or efficiently be performed by one person, the Secretary of State may appoint one or more persons to act as deputy to the traffic commissioner.
- 5 A person appointed under paragraph 4 above shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Secretary of State may determine, and shall act for the traffic

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commissioner whose deputy he is in such matters as the traffic commissioner, or any deputy appointed by reason of the traffic commissioner's illness, incapacity or absence, may from time to time direct or as the Secretary of State may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the traffic commissioner.

^{F6}Appointment of acting traffic commissioner during vacancy

Textual Amendments

F6 Sch. 2 para. 5A and cross-heading inserted (3.7.2013) by Local Transport Act 2008 (c. 26), ss. 4(7), 134(4); S.I. 2013/685, art. 3(1)(2)(c)

- 5A (1) Where the office of any traffic commissioner for England and Wales becomes vacant, the Secretary of State may appoint a person (whether or not over the age of 65) to act as a traffic commissioner for England and Wales pending the appointment of a new traffic commissioner under section 4 of this Act.
- (2) Any person appointed under sub-paragraph (1) 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 (except those of paragraph 9 below) as a traffic commissioner for England and Wales.]
- 6 (1) Where the office of traffic commissioner for any traffic area [^{F7} in Scotland] becomes vacant the Secretary of State may, pending the appointment of a new traffic commissioner for that area under section 4 of this Act, appoint a person (whether or not over the age of sixty-five) under this paragraph to act as traffic commissioner for that area for a limited period.
- (2) Any person appointed under sub-paragraph (1) 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 (except those of paragraph 9 below) as the traffic commissioner for the traffic area in question.

Textual Amendments

F7 Words in Sch. 2 para. 6(1) inserted (3.7.2013) by Local Transport Act 2008 (c. 26), ss. 4(8), 134(4); S.I. 2013/685, art. 3(1)(2)(c)

Staff of traffic commissioners

- 7 Subject to the approval of the Treasury, the Secretary of State may appoint such persons to act as officers and servants of a traffic commissioner as he considers appropriate.

Remuneration and pensions

- 8 [There shall be paid to a traffic commissioner and deputy traffic commissioner, and to ^{F8}(1)] the persons acting as officers or servants of a traffic commissioner, such remuneration

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and allowances as may be determined by the Secretary of State with the consent of the Treasury.

[There shall be paid to the senior traffic commissioner such additional remuneration^{F9}(2) in respect of the responsibilities of that office as may be so determined.]

Textual Amendments

F8 Sch. 2 para. 8(1) renumbered (4.3.2009) by [Local Transport Act 2008 \(c. 26\), ss. 3\(3\), 134\(4\); S.I. 2009/107, art. 3, Sch. 3](#)

F9 Sch. 2 para. 8(2) inserted (4.3.2009) by [Local Transport Act 2008 \(c. 26\), ss. 3\(3\), 134\(4\); S.I. 2009/107, art. 3, Sch. 3](#)

9 The principal civil service pension scheme (within the meaning of section 2 of the Superannuation Act^{M1}1972) which is for the time being in force shall apply to persons holding the office of [^{F10}traffic commissioner for England and Wales or for the Scottish Traffic Area].]

Textual Amendments

F10 Words in Sch. 2 para. 9 substituted (3.7.2013) by [Local Transport Act 2008 \(c. 26\), ss. 4\(9\), 134\(4\); S.I. 2013/685, art. 3\(1\)\(2\)\(c\)](#)

Marginal Citations

M1 [1972 c.11 \(101A\)](#)

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