

## **Appendix to Advice: Legislative provisions**

Equality Act 2010 ss 174 and 175

Public Passenger Vehicle Act 1981  
Section 1  
Schedule 1 Part III

Public Service Vehicle Access Regulations 2000 regulations 1, 2 (relevant definitions),  
3 and 4

Transport Act 1985 sections 2, 6 and 19

# EQUALITY ACT 2010

## Chapter 2 Public Service Vehicles

### 174 PSV accessibility regulations

(1) The Secretary of State may make regulations (in this Chapter referred to as “PSV accessibility regulations”) for securing that it is possible for disabled persons—

- (a) to get on to and off regulated public service vehicles in safety and without unreasonable difficulty (and, in the case of disabled persons in wheelchairs, to do so while remaining in their wheelchairs), and
- (b) to travel in such vehicles in safety and reasonable comfort.

(2) The regulations may, in particular, make provision as to the construction, use and maintenance of regulated public service vehicles, including provision as to—

- (a) the fitting of equipment to vehicles; (b) equipment to be carried by vehicles;
- (c) the design of equipment to be fitted to, or carried by, vehicles;
- (d) the fitting and use of restraining devices designed to ensure the stability of wheelchairs while vehicles are moving;
- (e) the position in which wheelchairs are to be secured while vehicles are moving.

(3) In this section “public service vehicle” means a vehicle which is—

- (a) adapted to carry more than 8 passengers, and
- (b) a public service vehicle for the purposes of the Public Passenger Vehicles Act 1981;

and in this Chapter “regulated public service vehicle” means a public service vehicle to which PSV accessibility regulations are expressed to apply.

(4) The regulations may make different provision—

- (a) as respects different classes or descriptions of vehicle;
  - (b) as respects the same class or description of vehicle in different circumstances.
- (5) The Secretary of State must not make regulations under this section or section 176 or 177 without consulting—
- (a) the Disabled Persons Transport Advisory Committee, and
  - (b) such other representative organisations as the Secretary of State thinks fit.

## **175 Offence of contravening PSV accessibility regulations**

(1) A person commits an offence by—

- (a) contravening a provision of PSV accessibility regulations;
- (b) using on a road a regulated public service vehicle which does not conform with a provision of the regulations with which it is required to conform;
- (c) causing or permitting such a regulated public service vehicle to be used on a road.

(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(3) If an offence under this section committed by a body corporate is committed with the consent or connivance of, or is attributable to neglect on the part of, a responsible person, the responsible person as well as the body corporate is guilty of the offence.

(4) In subsection (3) a responsible person, in relation to a body corporate, is—

- (a) a director, manager, secretary or similar officer;
- (b) a person purporting to act in the capacity of a person mentioned in paragraph (a);
- (c) in the case of a body corporate whose affairs are managed by its members, a member.

(5) If, in Scotland, an offence committed by a partnership or an unincorporated association is committed with the consent or connivance of, or is attributable to neglect on the part of, a partner or person concerned in the management of the association, the partner or person as well as the partnership or association is guilty of the offence.

# PUBLIC PASSENGER VEHICLES ACT 1981

## 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, 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, . . . 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 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.

## **SCHEDULE 1**

### **Part III Alternative Conditions Affecting Status or Classification**

#### **5**

Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of—

- (a) the holder of the PSV operator's licence under which the vehicle is to be used, if such a licence is in force. (b) the driver or the owner of the vehicle or any person who has made the vehicle available under any arrangement, if no such licence is in force,

and otherwise than by any person who receives any remuneration in respect of the arrangements.

#### **6**

The journey must be made without previous advertisement to the public of the arrangements therefor.

#### **7**

All passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.

**8**

No differentiation of fares for the journey on the basis of distance or of time must be made.



# **PUBLIC SERVICE VEHICLES ACCESSIBILITY REGULATIONS 2000 (SI 2000/1970)**

## **Part I Preliminary**

### **1 Citation, commencement and extent**

These Regulations may be cited as the Public Service Vehicles Accessibility Regulations 2000 and shall come into force on 30th August 2000.

### **2 Interpretation**

(1) In these Regulations—

“the 1970 Directive” means Council Directive 70/156/EEC of 6 February 1970 on the approximation of the laws of the member states relating to the type-approval of motor vehicles and their trailers, as last amended by Commission Directive 98/14/EC of 6 February 1998;

“the 1981 Regulations” means the Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981;

“accessibility certificate” means a certificate issued by a vehicle examiner in accordance with Part III;

“bus” means a public service vehicle designed and constructed for the carriage of both seated and standing passengers which is of category M2 or M3 (as defined in Annex II(A) to the 1970 Directive) and has a capacity exceeding 22 passengers, in addition to the driver;

“coach” means a public service vehicle designed and constructed for the carriage of seated passengers only which is of category M2 or M3 (as defined in Annex II(A) to the 1970 Directive) and has a capacity exceeding 22 passengers, in addition to the driver;

“conformity certificate” means a certificate issued by a vehicle examiner in accordance with Part VI; “declaration of conformity” means a declaration made by an authorised person in accordance with Part V; “double-deck”, in relation to a bus or coach, means that the spaces provided for the passengers are arranged (at

least in one part) on two superimposed levels and that space for standing passengers is not provided on the upper deck;

“EEA State” means a State which is a contracting party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed in Brussels on 17th March 1993;

“local service” has the same meaning as in section 2 of the Transport Act 1985; “motor vehicle” has the same meaning as in Annex II(A) to the 1970 Directive;

“regulated public service vehicle” means any public service vehicle to which these Regulations apply in accordance with regulation 3(1);

“scheduled service” means a service, using one or more public service vehicles, for the carriage of passengers at separate fares—

- (a) along specified routes, (b) at specified times, and
- (c) with passengers being taken up and set down at pre-determined stopping points,

but does not include a tour service;

“seated passengers” means the number of seated passengers that a vehicle may carry in accordance with the Public Service Vehicles (Carrying Capacity) Regulations 1984;

“standing passengers” means the number of standing passengers that a vehicle may carry in accordance with the Public Service Vehicles (Carrying Capacity) Regulations 1984;

“tour service” means a service where a public service vehicle is used for or in conjunction with the carriage of passengers to a particular location, or particular locations, and back to their point of departure;

“type vehicle approval” means an approval given by the Secretary of State in accordance with Part IV;

“weight” means design weight as defined in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 and the words “weighs” and “weighing” shall be construed accordingly;

And other expressions used in Schedules 1 to 3 have the meanings given to them respectively in paragraph 1 of those Schedules.

(2) For the purpose of these Regulations, the date on which a regulated public service vehicle is “first used” shall be taken to be such date as is the earlier of the relevant dates mentioned below applicable to that vehicle, that is to say—

(a) in the case of a vehicle registered under the Roads Act 1920, the Vehicles (Excise) Act 1949, the Vehicles (Excise) Act 1962, the Vehicles (Excise) Act 1971 or the Vehicle Excise and Registration Act 1994, the relevant date is the date on which it was first so registered; and

(b) in each of the following cases:

- (i) a vehicle which is being or has been used under a trade licence within the

meaning of section 11(1) of the Vehicle Excise and Registration Act 1994 (otherwise than for the purposes of demonstration or testing or of being delivered from premises of the manufacturer by whom it was made, or of a distributor of vehicles or dealer in vehicles, to premises of a distributor of vehicles, dealer in vehicles or purchaser thereof or to premises of a person obtaining possession thereof under a hiring agreement or hire purchase agreement);

(ii) a vehicle belonging, or which has belonged, to the Crown which is or was used or appropriated for use for naval, military or air force purposes;

(iii) a vehicle belonging, or which has belonged, to a visiting force or a headquarters or defence organisation to which (in each case) the Visiting Forces and International Headquarters (Application of Law) Order 1965 applies;

(iv) a vehicle which has been used on roads outside Great Britain and which has been imported into Great Britain; and

(v) a vehicle which has been used otherwise than on roads after being sold or supplied by retail and before being registered;

the relevant date is the date of manufacture of the vehicle.

In case (v) above, "sold or supplied by retail" means sold or supplied otherwise than to a person acquiring the vehicle solely for the purpose of resale or re-supply for valuable consideration.

## Part II Application of Regulations, Exemptions and Recognition

### 3 Application

(1) These Regulations apply to public service vehicles of the types described respectively in paragraphs (2) to (7) (a “regulated public service vehicle”) in the manner and to the extent set out in this Part.

(2) A single-deck bus which weighs more than 7.5 tonnes and is in use on or after 31st December 2000 shall require a certificate referred to in paragraph (8) relating to Schedules 1 and 2, except that a single-deck bus which—

- (a) is first used before that date; or
- (b) is manufactured before 1st October 2000,

shall not require any certificate relating to Schedules 1 and 2 until 1st January 2016.

(3) A single-deck bus which weighs 7.5 tonnes or less and is in use on or after 31st December 2000 shall require a certificate referred to in paragraph (8) relating to Schedule 2, except that a single-deck bus which—

- (a) is first used before that date; or
- (b) is manufactured before 1st October 2000,

shall not require a certificate relating to Schedule 2 until 1st January 2015.

(4) Without prejudice to paragraph (3), a single-deck bus which weighs 7.5 tonnes or less and is in use on or after 1st January 2005 shall require a certificate referred to in paragraph (8) relating to Schedule 1, except that a single-deck bus which—

- (a) is first used before that date; or
- (b) is manufactured before 1st October 2004,

shall not require a certificate relating to Schedule 1 until 1st January 2015.

(5) A double-deck bus which is in use on or after 31st December 2000 shall require a certificate referred to in paragraph (8) relating to Schedules 1 and 2, except that a double-deck bus which—

- (a) is first used before that date; or
- (b) is manufactured before 1st October 2000,

shall not require any certificate relating to Schedules 1 and 2 until 1st January 2017.

(6) A single-deck or double-deck coach which is in use on or after 31st December 2000 shall require a certificate referred to in paragraph (8) relating to Schedule 3, except that a single-deck or double-deck coach which—

- (a) is first used before that date; or
- (b) is manufactured before 1st October 2000,

shall not require a certificate relating to Schedule 3 until 1st January 2020.

(7) Without prejudice to paragraph (6), a single-deck or double-deck coach which is in use on or after 1st January 2005 shall require a certificate referred to in paragraph (8) relating to Schedule 1, except that a single-deck or double-deck coach which—

- (a) is first used before that date; or
- (b) is manufactured before 1st October 2004,

shall not require a certificate relating to Schedule 1 until 1st January 2020.

(8) The certificates referred to in paragraphs (2) to (7) are the certificates (and any other associated approval and declaration) issued in accordance with Parts III to VI and which, when so issued, signify the compliance and conformity of the vehicle concerned with the Schedules specified respectively in those paragraphs.

(9) In paragraphs (2) to (7)—

- (a) “first used” is to be construed in accordance with regulation 2(2); and
- (b) references to a vehicle being “used” or “in use” means the regulated public service vehicle is being used to provide either a local service or a scheduled service.

#### **4 Exemptions**

(1) The requirements specified in regulation 3 do not apply to a regulated public service vehicle which is—

- (a) an off-road vehicle within the meaning of paragraph 4 of Annex II(A) to the 1970 Directive; (b) used in accordance with section 19 of the Transport Act 1985;
- (c) used for the secure transport of persons (including prisoners); (d) specifically designed for the carriage of injured or sick persons;
- (e) used by or for purposes of a Minister of the Crown or government department or in the service of a visiting force or headquarters; or
- (f) a vehicle in respect of which twenty years have elapsed since the date of its first use on a road and which is not used to provide a local service or a scheduled service for more than 20 days in any calendar year.

(2) The requirements of the Schedules specified below shall not come into effect in

relation to any regulated public service vehicle to which those Schedules may apply until [1 January 2004]; and, accordingly, any certificate, approval or declaration issued, given or made in accordance with Parts III to VI shall be valid notwithstanding that the vehicle does not comply with those requirements.

The requirements are those specified in—

- (a) paragraph 5(3)(b) to (e) of Schedule 1 (boarding lifts and ramps); and
- (b) paragraphs 7(3)(c) and 4(c) of Schedule 3 (to the extent that they apply to a route number display and destination display fitted in accordance with paragraph 7(1)(b) of that Schedule).



## TRANSPORT ACT 1985

### *Meaning of "local service"*

#### **2 Local services**

(1) In this Act "local service" means a service, using one or more public service vehicles, for the carriage of passengers by road at separate fares other than one—

- (a) which is excluded by subsection (4) below; or
- (b) in relation to which (except in an emergency) one or both of the conditions mentioned in subsection (2) below are met with respect to every passenger using the service.

(2) The conditions are that—

- (a) the place where he is set down is fifteen miles or more, measured in a straight line, from the place where he was taken up;
- (b) some point on the route between those places is fifteen miles or more, measured in a straight line, from either of those places.

(3) Where a service consists of one or more parts with respect to which one or both of the conditions are met, and one or more parts with respect to which neither of them is met, each of those parts shall be treated as a separate service for the purposes of subsection (1) above.

(4) A service shall not be regarded for the purposes of this Act as a local service if—

- (a) the conditions set out in Part III of Schedule 1 to the 1981 Act (trips organised privately by persons acting independently of vehicle operators, etc.) are met in respect of each journey made by the vehicles used in providing the service; or
- (b) every vehicle used in providing the service is so used under a permit granted under section 19 of this Act.

(5) Subsections (5)(b), (c) and (6) of section 1 of the 1981 Act (meaning of "fares") shall apply for the purposes of this section.

#### **6 Registration of local services**

(1) In this section “service” means a local service which is neither a London local service [nor a service which falls within subsection (1A) [or (1D)] below] nor a service provided under an agreement [entered into, where a rail- way service has been temporarily interrupted, with the Secretary of State, the Scottish Ministers or the National As- sembly for Wales under section 40 of the Railways Act 2005 (substitution services provided for interrupted or dis- continued railway services)].

[(1A) A service falls within this subsection if conditions A and B are satisfied in relation to it. (1B) Condition A is satisfied if the service is provided in pursuance of—

- (a) the obligation placed on a [local authority] by section 508B(1), section 508F(1), . . . or section 509AA(7)(b) or (9)(a) of the Education Act 1996 (provision of transport etc);
- (b) the exercise of the power of a [local authority] under section 508C(1) of that Act; . . .
- (c) arrangements made by a [local authority] in pursuance of a scheme made by them under Schedule 35C to that Act (school travel schemes);
- [(d) the obligation placed on a local authority by sections 3 or 4 of the Learner Travel (Wales) Measure 2008; or
- (e) the exercise of the power of a local authority under section 6 of that Measure].

(1C) Condition B is satisfied if the service is for the carriage of any of the following persons (and no other)—

- (a) a person receiving education or training at premises to or from which transport is provided in pursuance of the obligation, the exercise of the power or the arrangements, as the case may be, mentioned in paragraph (a), (b)[, (c), (d) or (e)] of subsection (1B);
- (b) a person supervising or escorting any such person while he is using such transport; (c) a person involved with the provision of education or training at any such premises.]

[(1D) A service falls within this subsection if—

- (a) it has one or more stopping places in England, and
- (b) it is provided under an agreement entered into, where a railway service has been temporarily interrupted, with the person who usually provides the railway service.

(1E) Where a service is provided both inside and outside England, any part of the service which is provided out- side England is to be treated as a separate service for the purposes of subsection (1D) if there is any stopping place for that part of the service outside England.]

(2) Subject to regulations under this section, no service shall be provided in any traffic area in which there is a stopping place for the service unless—

- (a) the prescribed particulars of the service have been registered with *the traffic commissioner for that area* [a traffic commissioner] by the operator of the service;
- (b) the period of notice in relation to the registration has expired; and
- (c) the service is operated in accordance with the registered particulars.

[(2A)

Where—

(a) any registration restrictions imposed under section [113D(1) or] 114(3A) of the Transport Act 2000 [(ad- vanced quality partnership schemes and quality] partnership schemes) are in force, and

(b) an application for registration is made in respect of a service in relation to which those restrictions have ef- fect,

section 6A of this Act has effect in relation to

the application.] [(2B) Where—

(a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force [in relation to an area in Wales],

(b) an operator proposes to provide a local service which is to have one or more stopping places within the area to which the scheme relates,

(c) the proposed service is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and

(d) the operator does not propose to provide the service under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to

registration of that service.] [(2C) Where—

(a) a requirement imposed under section 138A(5)(b) of the Transport Act 2000 (requirements specified in an enhanced partnership scheme) has effect, and

(b) an application to register a service, or to vary the registration of a service, is made in respect of a service to which that requirement would apply if the application were granted,

section 6D has effect with respect to the

application.] [(2D) Where—

(a) an enhanced partnership scheme under section 138A of the Transport Act 2000 is in operation, (b) a service is registered, or a registration of a service is varied, under this section, and

(c) a requirement imposed under section 138A(5)(b) of the Transport Act 2000 applies to the service or the service as varied,

the requirement is to be recorded with the particulars of the service required to be registered under this section.] (3) In *subsection (2) above* [this section] “the period of notice”, in relation to any registration, means, subject to regulations under this section—

(a) the period prescribed for the purposes of this subsection; or

(b) if longer, the period beginning with the registration and ending with the date given to the traffic commissioner by the operator as the date on which the service will begin.

(4) An application for registration shall only be accepted from a person who either holds an unconditional PSV operator's licence or a permit under section 22 of this Act or is using, or proposing to use, a school bus belonging to that person for fare-paying passengers in accordance with section 46(1) of the 1981 Act.

(5) In subsection (4) above “unconditional”, in relation to a PSV operator's licence, means a licence which does not have attached to it a condition imposed under section 26(1) of this Act prohibiting, or having the effect of prohibiting, the operator from using vehicles under the licence to provide the service to which the application in question relates.

(6) In this Act any reference to a service registered under this section is a reference to a service in respect of which the prescribed particulars are registered under this section.

(7) Any registration may be varied or cancelled on an application made by the operator of the service to which it relates.

[(7A) Where—

(a) a quality contracts scheme under section 124 of the Transport Act 2000 is in force [in relation to an area in Wales],

(b) the operator of a local service registered under this section proposes to vary the registration,

(c) the service, as proposed to be varied, is to have one or more stopping places within the area to which the scheme relates,

(d) the service, as proposed to be varied, is not excluded from the scheme by virtue of section 127(4) of the Transport Act 2000, and

(e) the operator does not propose to provide the service, as proposed to be varied, under a quality contract by virtue of the scheme,

section 6B of this Act has effect with respect to the variation of the registration.]

[(7B) Where an enhanced partnership scheme under section 138A of the Transport Act 2000 is in operation, the registration of a service may also be cancelled under section 6E.]

(8) Subject to regulations under this section [and, in the case of variation, to section 6B of this Act], the variation or cancellation of a registration shall become effective—

(a) on the expiry of the period beginning with the date on which *the traffic commissioner* [a traffic commissioner] accepts the application and ending with the date determined in accordance with regulations under this section; or

(b) if later, on the day given to *the traffic commissioner* [a traffic commissioner] by the operator as the effective date for the variation or (as the case may be) cancellation.

[(8A) Where a service is registered under this section or, as the case may be, a registration is varied under this section, the operator of the service which has been registered, or in respect of which the registration has been varied, shall provide that service for a period of at least 90 days (or, as the case may be, such other period as the traffic commissioner may specify) beginning with the day on which the period of notice expires or, as the case may be, the variation becomes effective.]

(9) Regulations may be made for the purpose of carrying this section into effect and any such regulations may, in particular, make provision—

(a) for permitting the variation of a registered service, in such circumstances as may be prescribed, without variation of the registration;

(b) for excluding or modifying the application of subsection (3) or (8) above in such cases or classes of case as may be prescribed;

(c) that in such cases or classes of case as may be prescribed—

(i) subsection (2) above shall have effect as if for the reference in paragraph (b) to the period of notice there were substituted a reference to such period as *the traffic commissioner* [a traffic commissioner] may determine;

(ii) subsection (8) above shall have effect as if for the reference in paragraph (a) to the date on which the period mentioned in that paragraph is to expire there were substituted a reference to such date as *he* [a traffic commissioner] may determine;

(d) as to the procedure for [or in connection with] applying for registration or for the variation or cancellation of a registration;

[(da) subject to subsection (10) below, specifying dates as the only dates on which the operator of a local service in the area (or areas) of such local authority (or

authorities) as may be specified in the regulations may vary a registration in so far as it relates to the scheduled times of the local service in respect of which the registration is made;]

(e) for an application for registration or for the variation or cancellation of a registration not to be accepted by *the traffic commissioner to whom it is made* [a traffic commissioner] unless the applicant gives to *the commis- sioner* [a traffic commissioner][, in such form as he may require,] such information *as he may reasonably* [as a traffic commissioner may reasonably] require in connection with the application [(or, if the applicant is subject to requirements imposed by regulations made by virtue of section 141A(1)(a) of the Transport Act 2000, complies with those requirements)];



(f) *as to the traffic commissioner to whom an application for registration is to be made in the case of services which will run through the areas of two or more traffic commissioners;*

(g) as to the documents (if any) to be issued by a traffic commissioner with respect to registrations; (h) as to the cancellation of registrations relating to discontinued services;

[(ha) as to the variation or cancellation of the record of a requirement imposed under section 138A(5)(b) of the Transport Act 2000;]

(i) for enabling a traffic commissioner to require the operator of a registered service, in such circumstances as may be prescribed, to keep records of such matters relating to the operation of the service, in such manner, as may be prescribed;

(j) for requiring the operator of a registered service who is required to keep records by regulations made by virtue of paragraph (i) above to make those records available to *the traffic commissioner* [a traffic commissioner];

(k) for requiring the operator or prospective operator of a registered service to give, to such persons and at such times as may be prescribed, such information as may be prescribed with respect to the service, or proposed service, or any proposal to vary or cancel the registration of the service;

[(ka) for imposing restrictions on the use that may be made of records made available as mentioned in paragraph (j) above or information given as mentioned in paragraph (k) above;]

(l) for excluding from the application of this section services which are—

- (i) excursions or tours; or
- (ii) excursions or tours falling within a prescribed class.

[(10) Regulations made by virtue of paragraph (ka) of subsection (9) above—

(a) may create one or more criminal offences relating to the use of records or information in breach of the restrictions imposed by those regulations, but

(b) may not provide, in respect of any such offence, for a penalty greater than a fine not exceeding level 4 on the standard scale.]

[(11) The power to make regulations under subsections (2), (3) and (9), so far as exercisable in relation to Wales, is exercisable by the Welsh Ministers (and not by the Secretary of State).]

## **[19 Permits in relation to use of public service vehicles by educational and other bodies]**

(1) In this section and sections 20 and 21 of this Act—  
“bus” means a vehicle which is adapted to carry more than eight passengers; [“exempt body” has the same meaning as in section 18 of this Act;]

“large bus” means a vehicle which is adapted to carry more than sixteen passengers;

“small bus” means a vehicle which is adapted to carry more than eight but not more than sixteen passengers; and

“permit” means a permit granted [to an exempt body] under this section in relation to the use of [a public service vehicle] for carrying passengers for hire or reward.

(2) The requirements that must be met in relation to the use of [a public service vehicle] under a permit for the exemption under [section 18(1)(a)] of this Act to apply are that [the vehicle]—

- (a) is being used by *a body* [an exempt body] to whom a permit has been granted under this section;
- (b) is not being used for the carriage of members of the general public nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit;
- (c) is being used in every respect in accordance with any conditions attached to the permit; and
- (d) is not being used in contravention of any provision of regulations made under section 21 of this Act.

(3) A permit in relation to the use of [a public service vehicle other than a large bus] may be granted by *a body* [an exempt body] designated by an order under subsection (7) below either to itself or to any *other body* [other exempt body] to whom, in accordance with the order, it is entitled to grant a permit.

(4) A permit in relation to the use of [a public service vehicle other than a large bus] may be granted by a traffic commissioner to *any body* [any exempt body] appearing to him to be eligible in accordance with subsection (8) below and to be carrying on . . . an activity which makes it so eligible.

(5) A permit in relation to the use of a large bus may be granted by a traffic commissioner to *any body* [any exempt body] which assists and co-ordinates the activities of bodies . . . which appear to him to be concerned with—

- (a) education;
- (b) religion;
- (c) social welfare; or
- (d) other activities of benefit to the community.

(6) A traffic commissioner shall not grant a permit in relation to the use of a large bus unless satisfied that there will be adequate facilities or arrangements for maintaining any bus used under the permit in a fit and serviceable condition.

(7) The Secretary of State may by order designate for the purpose of this section *bodies* [exempt bodies] appearing to him to be eligible in accordance with subsection (8) below and, with respect to *any body* [any exempt body] designated by it, any such order—

(a) shall specify the *classes of body* [classes of exempt body] to whom the designated body may grant permits; (b) may impose restrictions with respect to the grant of permits by the designated body and, in particular, may provide that no permit may be granted, either generally or in such cases as may be specified in the order, unless there are attached to the permit such conditions as may be so specified; and

(c) may require *the body* [the designated body] to make returns [and keep records] with regard to the permits granted[, varied or revoked] by it.

(8) *A body* [An exempt body] is eligible in accordance with this subsection if it is concerned with—

(a)

educati

on; (b)

religion;

(c) social welfare;

(d) recreation; or

(e) other activities of benefit to the community.

(9) *A body* [An exempt body] may hold more than one permit but may not use more than one [vehicle] at any one time under the same permit.