Minibus Act 1977

1977 CHAPTER 25

An Act to make provision for the use of certain motor vehicles by bodies concerned with education, with religion, with social welfare or with other activities for the benefit of the community; and for purposes connected therewith. [22nd July 1977]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Use of certain minibuses by educational and other bodies.

1.—(1) If a vehicle which is adapted to carry more than seven but not more than sixteen passengers is used for carrying passengers for hire or reward, it shall nevertheless be treated as not being a public service vehicle if and so long as—

(*a*) the vehicle is specified in a permit under this section; and

(*b*) the vehicle is being used neither for the carriage of members of the public at large nor with a view to profit nor incidentally to an activity which is itself carried on with a view to profit; and

(*c*) the use of the vehicle is by the body to whom the permit was granted and in every respect in accordance with the conditions of the permit.

(2) Permits under this section may be granted—

(*a*) by the traffic commissioners for the traffic area in which the vehicle concerned is ordinarily kept to any body

appearing to them to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community; and

(*b*) by a body designated in an order under subsection (3) below either to itself or to any other body to whom, in accordance with the order, it is entitled to issue a permit;

but in the exercise of their discretion under this subsection traffic commissioners shall have regard to any directions (whether of a general or specific character) given to them by the Secretary of State.

(3) The Secretary of State may by order designate for the purpose of this Act bodies appearing to him to be concerned with education, with religion, with social welfare or with other activities for the benefit of the community and, with respect to any body designated by it, any such order—

(*a*) shall specify the classes of bodies to whom the designated body may grant permits under this section;

(*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 the permit contains such conditions as may be so specified; and

(*c*) may require the designated body to make returns with regard to the permits granted by it.

(4) The power to make an order under subsection (3) above—

(*a*) includes power to vary or revoke an order previously made in the exercise of that power; and

(*b*) shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) At any time when, apart from subsection (1) above, a vehicle would be a public service vehicle, it shall continue to be treated as such for the purpose only of provisions contained in a local Act which—

(*a*) regulate the use of private hire vehicles, that is to say, vehicles provided for hire with the service of a driver for the purpose of carrying passengers; and

(*b*) exclude public service vehicles from the scope of that regulation.

Supplementary provisions as to permits under section 1.

2.—(1) A permit under section 1 above shall be in such form as may be prescribed under section 3 below and, subject to subsection (5) below, shall specify—

(*a*) the body to whom it is granted; and

(*b*) the vehicle in respect of which it is granted.

(2) In addition to any conditions contained in it by virtue of section 1(3)(*b*) above, a permit under section 1 above shall contain such conditions as the traffic commissioners or other body granting it consider appropriate including, in particular, conditions—

(*a*) limiting the passengers who may be carried in the vehicle in pursuance of the permit to persons falling within such classes as may be specified in the permit; and

(*b*) with respect to such other matters as may be prescribed under section 3 below.

(3) A permit under section 1 above may not be so varied as to substitute another body for the body to whom it was granted or another vehicle for the vehicle to which it relates but, subject thereto,—

(*a*) a permit under that section which is granted by a body designated under subsection (3) thereof may be varied or revoked by that body or, after consultation with that body, by the traffic commissioners for any traffic area in which the vehicle concerned has been used in pursuance of the permit; and

(*b*) a permit under that section which is granted by the traffic commissioners for any traffic area may be varied or revoked by them.

(4) A permit under section 1 above shall remain in force until—

(*a*) it is revoked under subsection (3) above; or

(*b*) in the case of a permit granted by a body designated under section 1(3) above, that body ceases to be so designated.

(5) If, having regard to the nature of a body to which they propose that a permit under section 1 above should be granted, traffic commissioners or a body designated under subsection (3) of that section consider it appropriate, they may grant a permit under that section to a named individual on behalf of the body, rather than to the body itself; but a permit so granted shall be treated for the purposes of section 1 and subsection (3) above as granted to the body on whose behalf it is held.

3.—(1) The Secretary of State may by regulations made by statutory instrument prescribe— Regulations for purposes of this Act.

(*a*) the form of permits under section 1 above and the matters of which account is to be taken under section 2(2)(*b*) above in determining the conditions of such a permit;

(*b*) the fees to be charged by traffic commissioners for the issue of such permits;

(*c*) the documents, plates and marks to be carried by vehicles used in pursuance of such permits and the manner and position in which they are to be carried;

(*d*) the conditions to be fulfilled by persons driving vehicles whilst they are being used in pursuance of such permits; and

(*e*) the conditions as to fitness which are to be fulfilled by vehicles used in pursuance of such permits.

(2) Section 1(1) above shall not apply to a vehicle at any time when it is used in such circumstances that there is a contravention of any provision of regulations made by virtue of any of paragraphs (*c*) to (*e*) of subsection (1) above.

(3) Before making regulations containing any provision made by virtue of paragraph (*e*) of subsection (1) above, the Secretary of State shall consult with bodies or persons appearing to him to be representative of—

(*a*) bodies using vehicles in pursuance of permits under section 1 above;

(*b*) local authorities;

(*c*) persons providing public transport services;

(*d*) persons employed in the provision of public transport services; and

(*e*) manufacturers of motor vehicles;

and with such other bodies or persons as he considers appropriate.

(4) Regulations containing any provision made by virtue of paragraph (*d*) or paragraph (*e*) of subsection (1) above may contain such transitional provisions as the Secretary of State thinks fit.

(5) A statutory instrument containing regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Subsection (2) of section 159 of the Road Traffic Act 1960 (destination of fees paid to traffic commissioners) shall apply to fees received by virtue of regulations under this section as it applies to fees received by virtue of that section. 1960 c. 16.

Short title, interpretation, commencement and extent.

4.—(1) This Act may be cited as the Minibus Act 1977.

(2) In this Act—

(*a*) "body" means a body of persons, whether corporate or unincorporate;

(*b*) "public service vehicle", "traffic area" and "traffic commissioners" have the same meaning as in Part III of the Road Traffic Act 1960; and

1960 c. 16.

(*c*) any reference to a vehicle being used for carrying passengers for hire or reward shall be construed as if the reference were contained in the said Part III.

(3) This Act shall come into force at the expiry of the period of three months beginning with the date on which it is passed.

(4) This Act does not extend to Northern Ireland.