



Transport Act 1968

1968 CHAPTER 73

PART III

BUS AND FERRY SERVICES

Further provision relating to public service vehicles

35 Provisions with respect to operation of public service vehicles

- (1) When any traffic commissioners are considering whether or not to exercise their power under section 127(7) of the Act of 1960 to refuse a person a public service vehicle licence, or to suspend or revoke one or more of any such licences already granted to a person, on the ground of that person's unfitness to be the holder thereof, the commissioners—
- (a) shall have regard to any information they may have with respect to the matters specified in subsection (2) of this section ; and
 - (b) shall consider any representations with respect to any of those matters made by any of the following persons, namely—
 - (i) any such trade union within the meaning of the Trade Union Act 1913 or other association as the Minister may by regulations prescribe, being a union or other association whose members consist of or include persons holding public service vehicle licences or employees of any such persons;
 - (ii) a chief officer of police ;
 - (iii) in England or Wales, the council of a county, county borough, county district or London borough, the Greater London Council, or the Common Council of the City of London;
 - (iv) in Scotland, a county or town council;
- and in the said section 127(7) for the words " such a licence " there shall be substituted the words " the licence in question " .

- (2) The matters referred to in subsection (1)(a) of this section are—

Status: This is the original version (as it was originally enacted).

- (a) the previous conduct of the person in question in relation to any trade or business in the course of which vehicles of any description are operated, being a trade or business—
 - (i) carried on by him or by a company of which he is or has been a director ; or
 - (ii) for the purposes of which he is or has been employed;
 - (b) the arrangements for securing that Part VI of this Act or, so long as it remains in force, section 73 of the Act of 1960 is complied with in the case of the vehicle or vehicles in question;
 - (c) the facilities and arrangements for maintaining the vehicle or vehicles in question in a fit and serviceable condition;
 - (d) the manner in which the vehicle in question is proposed to be used or, as the case may be, in which the vehicle or vehicles in question have been used;
 - (e) the financial resources of the person in question.
- (3) In section 152 of the Act of 1960 (which imposes on the holder of a road service licence certain obligations as respects wages and conditions of employment of persons employed by him in connection with the operation of a public service vehicle)—
- (a) for any reference to the holder of a road service licence there shall be substituted a reference to the holder of a public service vehicle licence;
 - (b) in subsection (2), the Secretary of State for Employment and Productivity shall be substituted for the traffic commissioners as the person to whom representations under that subsection are to be made; and
 - (c) for subsection (4) there shall be substituted the following:—
 - “(4) If it is decided by the Industrial Court that a person has been guilty of a breach of the provisions of this section, the traffic commissioners by whom any public service vehicle licence has been granted to that person may suspend or revoke that licence or refuse to grant a further such licence to that person ; and a licence suspended under this subsection shall during the time of suspension be of no effect.”

36 Power of local authority to run contract carriages

- (1) Every local authority who, under powers conferred by subsection (1) of section 101 of the Road Traffic Act 1930 or by any local Act or order, are running public service vehicles may run any of those vehicles as a contract carriage on any road within their district; and on the coming into force of this subsection the provisions of subsection (2) (a) of the said section 101 and of any local Act or order, so far as those provisions relate to the running by any local authority of a public service vehicle as a contract carriage on roads within their district, shall cease to have effect.
- (2) Any such local authority as aforesaid may resolve that this subsection shall apply to them; and, subject to subsection (3) of this section, on the passing of such a resolution—
 - (a) the authority may run a public service vehicle as a contract carriage—
 - (i) between places within and places outside their district; and
 - (ii) so far as the authority consider requisite in connection with the exercise of their powers to run public service vehicles within, to or from their district, between places outside their district; and

Status: This is the original version (as it was originally enacted).

- (b) the provisions of the said subsection (2)(a) and of any local Act or order, so far as those provisions relate to the running by that authority of a public service vehicle as a contract carriage on roads outside their district, shall cease to have effect.
- (3) Paragraphs (a) and (b) of subsection (2) of this section shall not apply to a local authority who have passed a resolution under that subsection—
 - (a) until the expiration of a period of three months after the authority have—
 - (i) given notice in writing to the Minister that they propose to pass or have passed that resolution; and
 - (ii) sent to the Minister with that notice a statement in writing of the extent to which they have made or propose to make agreements for the coordination of bus services within, to and from their district with any other person for the time being providing such services ; or
 - (b) if before the expiration of that period the authority have received from the Minister a notice under subsection (4) of this section, until that notice has been withdrawn by the Minister.
- (4) If, after considering the statement sent to him by a local authority in pursuance of paragraph (a)(ii) of subsection (3) of this section, the Minister is not satisfied with the degree of coordination of the bus services provided or proposed to be provided within, to and from that authority's district by that authority and all or any of the other persons for the time being providing such services, the Minister may before the expiration of the period referred to in paragraph (a) of that subsection give notice in writing to the authority that he is not so satisfied; but the Minister may at any time, whether in consequence of a further statement by the authority such as is mentioned in the said paragraph (a)(ii) or otherwise, inform the authority in writing that he withdraws that notice.
- (5) Subject to subsection (6) of this section, every local authority to whom subsection (1) of this section applies shall make to the Minister as respects each accounting period of the authority a report of all activities carried on by the authority by virtue of subsection (1) or (2) of this section which shall include a statement of—
 - (a) the amount as determined by the authority of the turn over of the authority's transport undertaking for that period in respect of those activities ;
 - (b) the extent or approximate extent (expressed in either case in monetary terms) to which, as so determined, the carrying on of those activities contributed to or restricted the surplus or deficit of that undertaking for that period;
 - (c) the method by which any determination for the purposes of paragraph (a) or (b) of this subsection was arrived at; and
 - (d) such further information, if any, relating to the carrying on by the authority of those activities as the Minister may from time to time direct;and if it appears at any time to the Minister that, having regard to all the circumstances appearing to the Minister to be relevant, the charges made for the contract carriage services by means of public service vehicles run by the authority are unduly low in comparison with the cost of providing them, the Minister shall, after consultation with the authority, either direct the authority to make such modifications in their method of carrying on those activities as may be specified in the direction or direct the authority to discontinue those activities.
- (6) Where, apart from this subsection, the first report of a local authority under subsection (5) of this section would be with respect to activities carried on for part

Status: This is the original version (as it was originally enacted).

only of an accounting period of the authority, that first report shall be made jointly as respects that part of that period and the next accounting period of the authority.

- (7) In any legal proceedings, a document purporting to be a certificate given by or on behalf of the Minister that such a notice and statement as are mentioned in paragraph (a) of subsection (3) of this section were received by the Minister from a specified local authority on a specified date and that the Minister did not before the expiration of the period referred to in that paragraph serve a notice on that authority under subsection (4) of this section shall be evidence, and in Scotland sufficient evidence, of the matters appearing from that document.
- (8) In the application of this section to a local authority in Scotland or Wales, references therein to the Minister shall be construed as references to the Secretary of State.
- (9) In this section, the expressions " local authority" and " district" have the same meanings respectively as in Part V of the Road Traffic Act 1930 and the expression " contract carriage " the same meaning as for the purposes of the Act of 1960; and any reference to the said Part V in any of the following provisions, namely—
- (a) sections 103,104,106 and 107 of the said Act of 1930 ;
 - (b) the definition of " sanctioning authority " in section 218 of the Local Government Act 1933 ;
 - (c) section 259(1)(b) of the Local Government (Scotland) Act 1947,
- shall include a reference to this section.

37 Power for local authorities to acquire or dispose of public service vehicle undertakings

- (1) Without prejudice to any powers apart from this section, any local authority within the meaning of Part V of the Road Traffic Act 1930 who, under powers conferred by section 101(1) of that Act or by any local Act or order, are running public service vehicles may, with the consent of the Minister or, in the case of a local authority in Scotland or Wales, of the Secretary of State—
- (a) acquire by agreement the whole or any part of a public service vehicle undertaking carried on by any other person; or
 - (b) dispose of the whole or any part of the authority's public service vehicle undertaking to any other person, whether by purchase or sale, by lease, or by exchange or, in Scotland, excambion.
- (2) The Minister or Secretary of State may give his consent for the purposes of subsection (1) of this section either for a case or description of cases specified in the consent, or in general terms, and may give any such consent subject to conditions.