

*Changes to legislation: There are currently no known outstanding effects for the Energy Act 1976, SCHEDULE 1. (See end of Document for details)*

# SCHEDULES

## SCHEDULE 1 U.K.

Section 4(2).

### RELAXATIONS OF ROAD TRAFFIC AND TRANSPORT LAW PERMISSIBLE UNDER SECTION 4(2)

- [1 (1) A person acting under and in accordance with a general or special authority granted by the Secretary of State under section 4(2) of this Act may use, or cause or permit the use of, any vehicle on a road as a stage carriage, an express carriage or a contract carriage—
- (a) without a licence, permit, agreement or consent otherwise required; and
  - (b) notwithstanding that the vehicle does not comply with regulations.
- (2) The regulations here referred to are those made under section 160 of the <sup>M1</sup>Road Traffic Act 1960 (general regulations relating to public service vehicles), or such of the regulations made under section 40 of the <sup>M2</sup>Road Traffic Act 1972 (construction and use of motor vehicles and their equipment) as apply to a vehicle used as mentioned in this paragraph and do not apply to a vehicle not so used.]

#### Extent Information

**E1** This version of this provision extends to Northern Ireland only; a separate version has been created for England and Wales and Scotland only

#### Marginal Citations

**M1** 1960 c. 16.

**M2** 1972 c. 20.

- [1 (1) A person acting under and in accordance with a general or special authority granted by the Secretary of State under section 4(2) of this Act may [<sup>F1</sup>provide]] [<sup>F2</sup>a local service within the meaning of the Transport Act <sup>M3</sup>1985 or use any public service vehicle on a road for carrying passengers for hire or reward]—
- (a) without a licence, [<sup>F1</sup>certificate,] agreement or consent otherwise required; and
  - [<sup>F3</sup>(a) without complying with the requirements of sections 6 (registration of local services outside London) and 35 (provision of local services within London under London local service licences) of the 1985 Act;]
  - (b) notwithstanding that the vehicle does not comply with regulations. [<sup>F4</sup>; and
  - (c) notwithstanding that any conditions attached to any licence under [<sup>F5</sup>; Part II . . . <sup>F6</sup>of the <sup>M4</sup>Public Passenger Vehicles Act 1981]] [<sup>F7</sup>; or Part I or II of the Transport Act 1985] are not complied with; . . . <sup>F8</sup>
  - (d) . . . . . [<sup>F9</sup>]
- (2) The regulations here referred to are those made under [<sup>F5</sup> . . . <sup>F6</sup>the <sup>M5</sup>Public Passenger Vehicles Act 1981]] [<sup>F7</sup> or Part I of the <sup>M6</sup> Transport Act 1985] . . . <sup>F6</sup>, or such of the

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regulations [<sup>F10</sup>made or having effect as if made under section 41 of the Road Traffic Act 1988] (construction and use of motor vehicles and their equipment) as apply to a vehicle used as mentioned in this paragraph and do not apply to a vehicle not so used.

#### Extent Information

- E2** This version of this provision extends to England and Wales and Scotland only; a separate version has been created for Northern Ireland only

#### Textual Amendments

- F1** Word substituted by Transport Act 1980 (c. 34, SIF 107:1), s. 43(1), **Sch. 5 Pt. II**
- F2** Words substituted by virtue of Transport Act 1980 (c. 34, SIF 126), s. 43(1), **Sch. 5 Pt. II** and Transport Act 1985 (c.67, SIF 126), s. 1, **Sch. 1 para. 3(2)**
- F3** Para. 1(1)(aa) inserted by Transport Act 1985 (c. 67, SIF 126), s. 1, **Sch. 1 para. 3(3)**
- F4** The word “;and” and para. 1(1)(c)(d) inserted by Transport Act 1980 (c. 34, SIF 126), s. 43(1), **Sch. 5 Pt. II**
- F5** Words substituted by Public Passenger Vehicles Act 1981 (c. 14, SIF 107:1), s. 88(2), **Sch. 7 para. 21**
- F6** Words repealed by Transport Act 1985 (c. 67, SIF 126), ss. 1, 139(3), Sch. 1 para. 3, **Sch. 8**
- F7** Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 1, **Sch. 1 para. 3**
- F8** Word repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F9** Para. 1(1)(d) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F10** Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 17(a)**

#### Marginal Citations

- M3** 1985 c.67 (126).
- M4** 1981 c.14. (107:1)
- M5** 1981 c. 14 (107:1).
- M6** 1985 c.67 (126).

- [<sup>F112</sup> (1) A person acting under and in accordance with such an authority may—
- (a) drive a passenger-carrying vehicle notwithstanding that his licence does not authorise him to do so; or
  - (b) cause or permit to drive any such vehicle a person whose licence does not so authorise him.
- (2) In this paragraph—
- “Community licence” has the same meaning as in Part III of the Road Traffic Act 1988;
- “licence” means a licence under that Part or a Community licence; and
- “passenger-carrying vehicle” has the same meaning as in Part IV of that Act.]

#### Textual Amendments

- F11** Sch. 1 para. 2 substituted (1.1.1997) by S.I. 1996/1974, regs. 1(2)(b), 5, **Sch. 4 para. 3**

- 3 A person acting under and in accordance with such an authority may, to such extent and in accordance with such conditions as may be specified in the authority, act, or cause or permit another person to act, as the driver of a vehicle without complying with the requirements of section 96(1) to (6) of the <sup>M7</sup>Transport Act 1968 (as for the time being in force).

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#### Marginal Citations

M7 1968 c. 73.

- 4 (1) A person charged under [<sup>F12</sup>section 143 of the Road Traffic Act 1988] with the offence of using, or causing or permitting the use, of a motor vehicle so as to contravene that section (driving uninsured) may prove as a defence that the vehicle was being used by authority of the Secretary of State under section 4(2) of this Act and that—
- (a) it was at the material time the subject of insurance or security complying with [<sup>F12</sup>Part VI of the 1988 Act]; and
  - (b) pursuant to arrangements made by or with the Secretary of State for the purposes of section 4(2), the insurance or security is treated as extending to its use on that occasion.
- (2) A person charged under [<sup>F13</sup>section 165 or 170 of the Road Traffic Act 1988] with an offence of failing to produce the relevant certificate of insurance or certificate of security within the meaning of Part VI of that Act may prove as a defence that the vehicle was being used by authority of the Secretary of State under section 4(2) of this Act and that—
- (a) he produced a certificate of insurance or certificate of security complying with Part VI of that Act; and
  - (b) pursuant to arrangements made by or with the Secretary of State for the purposes of section 4(2), the insurance or security to which the certificate relates is treated as extending to the use in question.

#### Textual Amendments

**F12** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 3 para. 17\(b\)](#)

**F13** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\), s. 4, Sch. 3 para. 17\(c\)](#)

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