

SCHEDULES

SCHEDULE 1

Section 7(1).

RE-STATEMENT OF ROAD TRAFFIC ACT 1960, SCHEDULE 12, PART II

“PART II

CONDITIONS RELATING TO CERTAIN JOURNEYS WITH VEHICLES ADAPTED TO CARRY AT MOST SEVEN PASSENGERS

- 2 The number of passengers carried must not exceed 7; and if any passengers are carried in the course of a business of carrying passengers, the number carried must not exceed 4.
- 3 Where the passengers are carried in the course of a business of carrying passengers, the making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey.
- 4 The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.
- 5 (1) The facilities for the journey may have been previously advertised if the conditions of this paragraph are satisfied.
(2) Those conditions are that—
 - (a) the local authorities and traffic commissioners concerned have consented to the advertisement of the facilities as being provided under a social car scheme, and their consents remain in force ; and
 - (b) the advertisement in each case contains a statement that the consents required by this paragraph have been given.
- (3) Local authorities and traffic commissioners shall not give consent for the purposes of this paragraph where it appears that arrangements for provision of the facilities in question are, or are to be, made for any commercial purpose or with a view to profit; and consent shall be given only if the facilities are to be provided with a view to meeting the social and welfare needs of one or more communities.
- (4) Before a local authority or traffic commissioners withdraw their consent, they shall consult with others by whom it was also given for the facilities in question ; and withdrawal of consent shall be signified by notice in writing to those arranging the facilities.
- (5) In relation to any such journey, the local authorities and traffic commissioners concerned for the purposes of this paragraph are those in whose area any part of the journey is to be made ; and " local authority " means—
 - (a) in Greater London, the Greater London Council;

Status: This is the original version (as it was originally enacted).

- (b) elsewhere in England and Wales, the county council; and
 - (c) in Scotland, the regional or islands council.
- 6 The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided under it or in respect of arrangements for that service.”.

SCHEDULE 2

Section 8(1).

AMENDMENTS ABOUT ROAD SERVICE LICENCES AND PERMITS

A. ROAD TRAFFIC ACT 1960 (c.16) PART III

- 1 In section 135 (criteria for grant, variation or refusal of, or attaching of conditions to, road service licences) for subsection (2) substitute—
- “(2) Traffic commissioners shall not grant a road service licence in respect of a route if it appears to them from the particulars furnished on the application for the licence that section 78 of the Road Traffic Regulation Act 1967 (speed limits) is likely to be contravened.
- (2A) In exercising their discretion to grant, refuse or vary a road service licence in respect of any routes and their discretion to attach conditions to any such licence, the traffic commissioners shall have regard to the interests of the public and (subject to subsection (2D) below) in particular to—
- (a) any transport policies or plans which have been made by the local authorities concerned and have been drawn to the commissioners' attention by those authorities ;
 - (b) the transport requirements of the area as a whole (including both the commissioners' own traffic area and, so far as relevant, adjoining traffic areas) and of particular communities in the area;
 - (c) the need to provide and maintain efficient services to meet those requirements ;
 - (d) the suitability of the routes on which a service may be provided under the licence ; and
 - (e) the convenience of persons who are disabled.
- (2B) In subsection (2A) above "the local authorities concerned " means—
- (a) in Greater London, the Greater London Council;
 - (b) elsewhere in England and Wales, county councils ; and
 - (c) in Scotland, regional and islands councils.
- (2C) The commissioners shall further take into consideration any representations made to them by persons who are already providing transport facilities along or near to the routes or any part of them or by a local authority in whose area any part of a route is situated ; and in this subsection " local authority" means—

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

- (a) in Greater London, the Greater London Council, the council of a London borough or the Common Council of the City of London ;
 - (b) elsewhere in England and Wales, a county or district council;
 - (c) in Scotland, a regional, islands or district council.
- (2D) Traffic Commissioners are not required, in relation to excursions or tours (within the meaning of the Transport Act 1968) for which each fare includes a charge for overnight accommodation in the course of the journey, to take into account the matters specified in subsection (2A)(a) to (c) above.”.
- 2 In section 135(4) (power to attach conditions to road service licence)—
 - (a) in paragraph (b) after " public interest" insert " having regard to the nature of the service ";
 - (b) after paragraph (d) insert—
 - “(e) in appropriate cases passengers are enabled to continue their journey by another means of transport”.
- 3 After section 139 insert—
 - “**139A**) A road service licence may be granted by the traffic commissioners to be in force for a period of six months or less, the date of expiration to be shown on the face of the licence ; but section 139(2) above applies as it does to any other road service licence.
 - (2) On an application for a licence of longer duration under section 139(1) to replace a short-term licence under this section, the traffic commissioners may take into account any matters arising out of the operation of the road service under the short-term licence.”.
- 4 In section 153(2) (cases in which traffic commissioners need not hold public sittings) after the words " determination of an application for " insert " (a) " , and at the end add—
 - “or
 - (b) the grant of a short-term road service licence under section 139A above.”.
- 5 In section 160(1) (general power to make regulations for purposes of Part III of the Act), after paragraph (c) insert—
 - “(cc) applications for, and issue of, the disc or other document required, under section 5(6) of the Transport Act 1978, in connection with a community bus service”.

B. TRANSPORT ACT 1968 (c.73)

- 6 In section 30 (permits in lieu of road service licences), in subsection (1)(a) (permits for road services by vehicles adapted to carry not more than 12 passengers), omit the words from " by means of vehicles " to " passengers ".
- 7 In section 21(1) (representations by Executive of designated area) for " section 135(2) " substitute " section 135(2C) ".

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

SCHEDULE 3

Section 9(1).

AMENDMENTS ABOUT LORRIES

A. ROAD TRAFFIC ACT 1972 (c.20)

- 1 In section 56(4) (power of examiner to divert vehicles for inspection, but not more than one mile away) for " one mile" substitute " five miles ".
- 2 (1) In section 57 (prohibition of further use on road), after subsection (4) insert—
- “(4A) A prohibition under subsection (1) above may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station.”.
- (2) In section 57(7) (suspected overload)—
- (a) omit " and " at the end of paragraph (a), and paragraph (b);
- (b) for " and, if the vehicle is a heavy commercial vehicle, he " substitute—
- “and official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.
- The person to whom it so appears”
- (c) for subsection (7A) substitute—
- “(7A) Official notification for the purposes of subsection (7)—
- (a) must be in writing and be given by a goods vehicle examiner, a person authorised as mentioned in that subsection or a constable authorised as so mentioned ; and
- (b) may be withheld until the vehicle has been weighed or re-weighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced.”.
- 3 In section 58 (removal of prohibition imposed under section 57)
- (a) after subsection (2) insert—
- “(2A) If the prohibition has been imposed with a direction under section 57(4A), neither a goods vehicle examiner nor a certifying officer shall remove it unless and until the vehicle has been inspected at an official testing station”;
- (b) after subsection (5) insert—
- “(5A) In the case of vehicles brought to an official testing station for inspection with a view to removal of a prohibition, the Secretary of State may require the payment of fees for inspection, in accordance with prescribed scales and rates ; and
- (a) payment of the fee may be required to be made in advance;
- (b) the Secretary of State shall ensure that the scales and rates prescribed for the purposes of this subsection are reasonably comparable with the fees charged under section 45(6) of this Act in respect of the periodic examination of goods vehicles”;
- (c) in subsection (6), after " subsection (3)", insert " or (5A) ", and for "that subsection" substitute " subsection (3) ".

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

4 In section 82 (interpretation for Part II of the Act) after the definition of " Minister's approval certificate " insert—

“" official testing station " means a testing station maintained by the Secretary of State under section 58(5) of this Act.”.

5 In section 83(5) (destination of fees), after " 50" insert " 58(5A) " .

6 (1) In section 160(2) (compensation for diversion of vehicles to be inspected for overload but found within limits), for "one mile " substitute " five miles " .

(2) After section 160(2) of the 1972 Act insert—

“(2A) The Secretary of State may by order designate areas in Great Britain where subsection (2) above is to have effect, in such cases as may be specified by the order, with the substitution for five miles of a greater distance so specified.

An order under this subsection shall be made by statutory instrument subject to annulment by a resolution of either House of Parliament, and may be varied or revoked by another such order.”

7 In Part I of Schedule 4, in column 2 of the entry relating to section 57(9) of the Act, for " dangerous heavy commercial vehicle " substitute " goods vehicle found overloaded " .

B. ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (c.27)

8 In section 1 (stopping and checking foreign vehicles for mechanical defect, overload, etc.), after subsection (5) insert—

“(6) In the case of a goods vehicle—

(a) a prohibition under subsection (2)(b) above, by reference to a supposed contravention of—

(i) section 40 of the Road Traffic Act 1972 (construction, weight, equipment etc. of motor vehicles and trailers),

(ii) any of sections 68 to 73 and 76 to 79 of that Act (lights, overhanging or projecting load, etc.), or

(iii) regulations under any of the sections of that Act referred to above in this paragraph,

may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official testing station ;

(b) a prohibition imposed under subsection (3) above may be against driving the vehicle on a road until the weight has been reduced and official notification has been given to whoever is for the time being in charge of the vehicle that it is permitted to proceed.

(7) Official notification for the purposes of subsection (6)(b) above must be in writing and be given by an authorised person and may be withheld until the vehicle has been weighed or re-weighed in order to satisfy the person giving the notification that the weight has been sufficiently reduced”.

9 In section 2 (enforcement etc. of prohibitions under section 1 of the Act), after subsection (3) insert—

“(3A) If the prohibition under section 1 of this Act has been imposed with a direction under subsection (6)(a) of that section, the prohibition shall not

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

then be removed under subsection (3) above unless and until the vehicle has been inspected at an official testing station.

(3B) In the case of vehicles brought to an official testing station for inspection with a view to removal of a prohibition, section 58(5A) of the Road Traffic Act 1972 (fees for inspection) applies.”.

10 In section 7(1) (interpretation) after the definition of "goods vehicle " insert—
 “" official testing station " means a station maintained by the Secretary of State under section 58(5) of the Road Traffic Act 1972”.

SCHEDULE 4

Section 24(4).

REPEALS

Chapter	Short Title	Extent of Repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	In Schedule 6, the amendment of section 135(2) of the Road Traffic Act 1960.
1968 c. 73.	Transport Act 1968.	In section 30(1)(c), the words from " by means of vehicles " to " passengers ". In paragraph 3 of Schedule 2, the words from " but no order " onwards.
1969 c. 35.	Transport (London) Act 1969.	In section 24(4), paragraph (a).
1972 c. 20.	Road Traffic Act 1972.	In section 57(7), the word " and" at the end of paragraph (a), and paragraph (b).
1972 c. 70.	Local Government Act 1972.	Section 203.
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 18, paragraph 31.
1974 c. 7.	Local Government Act 1974.	In section 6(1), the word "and " at the end of paragraph (c).
1977 c. 25.	Minibus Act 1977.	Section 1(5).