



Transport Act 1980

1980 CHAPTER 34

An Act to amend the law relating to public service vehicles; to make provision for and in connection with the transfer of the undertaking of the National Freight Corporation to a company; to provide for the making of payments by the Minister of Transport in aid of certain railway and other pension schemes; to amend Part VI of the Road Traffic Act 1972 as regards car-sharing arrangements; to make amendments about articulated vehicles; to prohibit the display of certain roof-signs on vehicles other than taxis; to abolish the Freight Integration Council and the Railways and Coastal Shipping Committee; to repeal certain provisions about special authorisations for the use of large goods vehicles and about charges on independent tramways, trolley vehicles and the like; and for connected purposes. [30th June 1980]

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:—

PART I

PUBLIC SERVICE VEHICLES

Preliminary

- 1.—(1) The purposes for which this Part is enacted include— Preliminary.
- (a) redefining and reclassifying public service vehicles;
 - (b) abolishing road service licences for express carriages as redefined;

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- (c) making it easier for applicants to obtain road service licences, and restricting the power to attach thereto conditions as to fares ;
- (d) providing for the designation of areas as trial areas in which road service licences are not required for stage carriage services ;
- (e) making new provision for securing the fitness of public service vehicles ;
- (f) substituting a system of public service vehicle operators' licences for the system of public service vehicle licences ; and
- (g) providing an appeal against a refusal by the London Transport Executive to enter into an agreement with a person other than the Executive for the provision of a London bus service ;

and accordingly the provisions mentioned in subsection (2) (which, except so far as they are re-enacted with or without alteration in this Part, are no longer required) shall cease to have effect.

(2) Those provisions are—

1960 c. 16.

(a) in the Road Traffic Act 1960—

- (i) sections 117 and 118 and Schedule 12 (classification of public service vehicles) ;
- (ii) sections 127, 129 and 132 to 133A (licensing and fitness of public service vehicles) ; and
- (iii) sections 134 to 140 (road service licences) ;

1968 c. 73.

(b) section 30 of the Transport Act 1968 (permits for certain bus services in lieu of road service licences).

(3) This Part and the 1960 Act shall be construed and have effect as if this Part (except so far as it textually amends any enactment) were contained in Part III of that Act ; and section 44 of this Act shall apply for the interpretation of the said Part III as well as for the interpretation of this Part.

(4) Without prejudice to subsection (3), any reference to, or to Part III of, the 1960 Act in any statutory provision not contained in this Part or the 1960 Act shall, unless the context otherwise requires, be construed as including a reference to this Part.

Definition and classification of public service vehicles

Definition of
“ public
service
vehicle ”.

2.—(1) Subject to the provisions of this section, in this Part “ 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

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- (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) 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, II or III of Schedule 1 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) 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, section 3 and Schedule 1—

- (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 made 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

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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) 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.

Classification
of public
service
vehicles as
stage, express
or contract
carriages.

3.—(1) For the purpose of this Part—

- (a) a “stage carriage” is a public service vehicle being used in the operation of a local service ;
- (b) an “express carriage” is a public service vehicle being used in the operation of an express service ; and
- (c) a “contract carriage” is a public service vehicle being used to carry passengers otherwise than at separate fares ;

and references in this Part to use as a stage, express or contract carriage shall be construed accordingly.

(2) In this section—

- (a) “local service” means a service for the carriage of passengers by road at separate fares, not being an express service ;
- (b) “express service” means a service for the carriage of passengers by road at separate fares, being a service as regards which the conditions specified in subsection (3) are satisfied.

(3) The conditions referred to in subsection (2)(b) are—

- (a) except in the case of an emergency, either of the following requirements as to length of journey is satisfied in respect of every passenger using the service, namely—
 - (i) the place where he is set down is 30 miles or more, measured in a straight line, from the place where he was taken up ; or
 - (ii) some point on the route between those places is 30 miles or more, measured in a straight line, from either of those places ; and
- (b) either—
 - (i) the service is an excursion or tour ; or
 - (ii) the prescribed particulars of the service (including the route and the timetable) and of every change of any prescribed kind made in the service

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have, not later than the prescribed time for doing so, been notified in the prescribed manner to the traffic commissioners in whose area the place specified in the notification as the beginning of the route is situated.

(4) Where, in the case of any service for the carriage of passengers by road at separate fares, the condition specified in subsection (3)(a) is satisfied as regards any part of the service taken in isolation, but not as regards the service as a whole—

(a) that part of the service shall be treated for the purposes of subsections (2)(b) and (3) as a separate service (and will accordingly be an express service if the condition specified in subsection (3)(b) is satisfied as regards it); and

(b) any part of the service which is not an express service by virtue of the preceding paragraph shall be treated for the purposes of this section as a separate local service.

(5) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in Part II or III of Schedule 1 are fulfilled.

Road service licences

4.—(1) Subject to section 13 and to the provisions of section 23 of the Transport (London) Act 1969 as to London bus services, a stage carriage service shall not be provided except under a road service licence granted in accordance with the following provisions of this Part. Road service licences.
1969 c. 35.

(2) The authority having power to grant a road service licence in respect of a stage carriage service is the traffic commissioners for any traffic area in which the service is proposed to be provided, not being an area in which passengers will be neither taken up nor set down in the course of the service; and a road service licence authorises the holder to provide the service specified in the licence in the area of the traffic commissioners by whom it was granted and in any other traffic area in which passengers are neither taken up nor set down in the course of the service.

(3) Where a stage carriage service is proposed to be provided on a route running through more than one traffic area, a separate road service licence is required for each traffic area in which passengers will be either taken up or set down in the course of the service.

(4) Subject to subsection (5) and section 9(2), a road service licence granted by the traffic commissioners for any traffic area

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(5) Subsection (4) does not apply—

- (a) to a road service licence held by a local education authority or, in Scotland, an education authority ;
- (b) to a road service licence granted in respect of a community bus service within the meaning of section 5 of the Transport Act 1978.

1978 c. 55.

(6) If a stage carriage service is provided in contravention of subsection (1), the operator of the service shall be liable on summary conviction to a fine not exceeding £200.

(7) If a condition attached under section 6 or 7 to a road service licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding £200.

1930 c. 43.

(8) A road service licence is required for a stage carriage service notwithstanding that the provision of such a service is authorised under Part V of the Road Traffic Act 1930 or by a special Act or an order having the force of an Act.

Grant of road
service licences.

5.—(1) An application for a road service licence shall be made in such form as the traffic commissioners may require, and an applicant shall give the commissioners such information as they may reasonably require for disposing of the application.

(2) Where an application for the grant of a road service licence is made, the traffic commissioners—

- (a) shall grant the licence unless they are satisfied that to do so would be against the interests of the public ; and
- (b) if they grant the licence, shall do so in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public.

(3) In considering under subsection (2) whether the grant of a licence would be against the interests of the public, or the extent to which the grant of a licence in accordance with the application would be against those interests, the traffic commissioners shall in particular have regard to—

- (a) the transport requirements of the area as a whole (including so much as is relevant not only of the commissioners' own traffic area but also of adjoining traffic areas) and of particular communities in the area ;

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- (b) 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 ; and
- (c) any objections or other representations made to the commissioners in the prescribed manner which in their opinion are relevant.

(4) In subsection (3) "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.

(5) The traffic commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to the chief officer of police of every police district in which any such service is to be provided and to each of the following councils in whose area any such service is to be provided, that is to say—

- (a) the Greater London Council, any London borough council and the Common Council of the City of London ;
- (b) any county council or district council in England or Wales ; and
- (c) any regional, islands or district council in Scotland.

6.—(1) Subject to subsection (2) and to any regulations, traffic commissioners granting a road service licence may attach to the licence such conditions as they think fit having regard to the interests of the public, and in particular to the matters mentioned in section 5(3)(a) to (c), and may in particular attach thereto such conditions as they think fit (having regard as aforesaid) for securing—

- (a) that suitable routes are used in providing any service which may be provided under the licence ;
- (b) that copies of the timetable and fare-table are carried and are available for inspection in vehicles used on any such service ;
- (c) that passengers are not taken up or are not set down except at specified points, or are not taken up or are not set down between specified points,

and generally for securing the safety and convenience of the public, including persons who are disabled.

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(2) No such condition as to fares as is mentioned in section 7(1) shall be attached under this section to a road service licence.

(3) The traffic commissioners by whom a road service licence was granted may at any time while it is in force vary the licence by—

- (a) altering, in such manner as they think fit having regard to the interests of the public, any condition attached to the licence ; or
- (b) removing any condition attached to the licence, if they think fit having regard to those interests ; or
- (c) attaching to the licence any such condition or additional condition as they think fit having regard to those interests.

(4) Where the holder of such a licence makes an application to the traffic commissioners requesting them to exercise their powers under subsection (3), the commissioners shall exercise those powers in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public.

(5) Compliance with any condition attached to a road service licence under this section may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied—

- (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered ; and
- (b) that such a dispensation would not be against the interests of the public.

Attachment to
road service
licences of
conditions as
to fares.

7.—(1) Subject to subsection (3) and any regulations, traffic commissioners may (whether at the time when the licence is granted or at any time thereafter, and whether or not in response to any particulars received by them under this Part) attach to a road service licence granted by them conditions or additional conditions as to the fares, or the minimum or maximum fares, which may be charged for services provided under the licence.

(2) Subject to subsection (3), the traffic commissioners by whom a road service licence was granted may at any time while it is in force vary the licence by—

- (a) altering in such manner as they think fit any condition as to fares attached under subsection (1) to the licence ;
or

- (b) removing any condition as to fares so attached to the licence.

(3) The traffic commissioners shall not exercise their powers under subsection (1) or their powers of alteration under subsection (2) in any particular case unless satisfied that the proposed exercise of those powers in that case is essential in the interests of the public—

- (a) to protect the public from unreasonable use by the holder of the licence of his position as such ; or

- (b) to regulate the terms of competition between stage carriage services on any route or routes.

(4) Where the holder of a road service licence makes an application to the traffic commissioners requesting them to exercise their powers (whether of alteration or removal) under subsection (2), the commissioners—

- (a) shall remove all the conditions attached under subsection (1) to the licence except to the extent that they are satisfied that it is essential in the interests of the public to maintain them, with or without alteration, for one or both of the purposes mentioned in paragraphs (a) and (b) of subsection (3) ; and

- (b) shall not exercise their powers of alteration under subsection (2) unless satisfied that the proposed exercise of those powers is consistent with their reasons for not removing all the conditions attached under subsection (1) to the licence.

(5) Compliance with any condition attached to a road service licence under subsection (1) may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied—

- (a) that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered ; and

- (b) that such a dispensation would not be against the interests of the public.

(6) Where it is proposed to make any change in the fares charged for any service provided under a road service licence, it shall be the duty of the holder of the licence to supply to the traffic commissioners, not later than the prescribed time before the date of the proposed change, the prescribed particulars of the proposed change.

(7) A person who fails to supply within the prescribed time any particulars which he is required to supply under subsection (6) shall be liable on summary conviction to a fine not exceeding £200.

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(8) A person who in purporting to comply with subsection (6) supplies any particulars which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding £500.

Grant of road service licences for services on routes not otherwise served.

8.—(1) If, in the case of any application for a road service licence, the traffic commissioners are satisfied that there are no other transport facilities available to meet the reasonable needs of the route on which the service which the applicant proposes to provide under the licence would operate—

- (a) the commissioners shall grant the applicant a road service licence in respect of that route, and shall do so in accordance with the application except to the extent that they are satisfied that to do so would be against the interests of the public ; and
- (b) in relation to the application and to the licence granted on it, sections 5 and 6 shall have effect as if section 5(2) to (4) and, in section 6(1), the words “and in particular to the matters mentioned in section 5(3)(a) to (c)” were omitted.

(2) Every road service licence granted in pursuance of this section shall include a statement that it is so granted.

(3) No appeal shall lie under section 28 from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

Grant of road service licences for certain excursions or tours.

9.—(1) If, in the case of any application for a road service licence, the traffic commissioners are satisfied that the service which the applicant proposes to provide under the licence (“the proposed service”) would be an excursion or tour and are also satisfied either—

- (a) that the proposed service would not compete directly with—
 - (i) any other road service for which a road service licence has been granted, not being an excursion or tour, or
 - (ii) any London bus service within the meaning of section 23 of the Transport (London) Act 1969, or
 - (iii) any service being provided by means of one or more tramcars ; or

1969 c. 35.

- (b) that the proposed service would operate only to enable passengers to attend special events,

the commissioners shall grant the applicant a road service licence in accordance with the application and, in relation to the application and to the licence granted on it, sections 5(2) to (4), 6 and 7 shall not apply.

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(2) Section 4(4) does not prevent a road service licence granted in pursuance of this section from having effect for the purposes of the provision of a service by means of a vehicle whose operator holds a PSV operator's licence granted by the traffic commissioners for any traffic area, not being a licence which is for the time being of no effect by reason of its suspension.

(3) Every road service licence granted in pursuance of this section shall include a statement that it is so granted.

(4) No appeal shall lie under section 28 from a decision of the traffic commissioners to refuse to grant a road service licence in pursuance of this section.

10.—(1) Subject to subsection (2), a road service licence may be revoked or suspended by the traffic commissioners who granted the licence on the ground that there has been a contravention of any condition attached to it. Revocation and suspension of road service licences.

(2) The traffic commissioners shall not revoke or suspend a road service licence unless, owing to the frequency of the breach of conditions, or to the breach having been committed intentionally, or to the danger to the public involved in the breach, the commissioners are satisfied that the licence should be revoked or suspended.

(3) On revoking or suspending a road service licence the traffic commissioners shall send notice thereof—

- (a) to the chief officer of police of every police district in which the service to which the licence relates was provided ; and
- (b) to each of the councils mentioned in section 5(5)(a) to (c) in whose area that service was provided.

(4) A road service licence suspended under this section shall during the time of suspension be of no effect.

11.—(1) Regulations shall specify the dates in the year on which road service licences are to expire. Duration of road service licences.

(2) Subject to subsection (3), a road service licence shall, unless previously revoked, continue in force up to and including that one of the dates so specified which occurs next before the expiration of five years from the date on which the licence is expressed to take effect unless at the time of the granting of the licence the traffic commissioners for special reasons determine that it shall continue in force only up to and including an earlier date (being one of those so specified), in which case it shall, unless previously revoked, continue in force only up to and including that date.

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(3) If, on the date on which a road service licence is due to expire, proceedings are pending before the traffic commissioners on an application for the grant of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 10.

(4) Nothing in this section shall prevent—

- (a) the grant of a road service licence in respect of a service limited to one or more particular periods or occasions ; or
- (b) the attachment to a road service licence of a condition that the service shall be so limited.

*Trial areas*Designation
of trial areas.

12.—(1) For the purposes of this Part a trial area is any area in Great Britain (outside Greater London) for the time being designated in accordance with the following provisions of this section as an area in which road service licences are not required for stage carriage services.

(2) The Minister may, if he thinks fit, make an order (in this section referred to as a “designation order”) so designating any area consisting of the whole or part of the area of a local authority, but shall not make such an order in respect of any area except on an application made to him by the local authority concerned.

(3) An application for a designation order shall specify the area which the local authority concerned wishes to be designated by the order ; and the area designated by such an order as originally made—

- (a) shall not include any area outside the area specified in the application on which the order is made ; and
- (b) shall not consist of less than the whole of the area so specified unless the reduction is made with the consent of the local authority concerned.

(4) Subject to subsection (5), the Minister may by order vary or revoke a designation order but shall not do so except on an application made to him by the local authority concerned ; and the Minister—

- (a) on an application for an order varying a designation order, may at his discretion refuse the application or make the order applied for either with or without modifications ; and
- (b) on an application for an order revoking a designation order may at his discretion refuse the application or make the order applied for.

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(5) A designation order—

- (a) shall not be revoked before the end of the period specified in the order, as originally made, as the minimum period for which the order is to be in force, being a period of not less than two and not more than five years beginning with the day on which it comes into force ;
- (b) shall not before the end of that period be varied so as to exclude from the area designated by it any part of the area originally so designated ; and
- (c) shall at no time be varied so as to include in the area designated by it any area outside the area originally so designated.

(6) The preceding provisions of this section have effect subject to the provisions of Schedule 2 (which relate to the making of applications for, and the variation and revocation of, designation orders).

(7) Any order under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In this section and Schedule 2—

- “ designation order ” has the meaning given by subsection (2) (but does not include an order under this section altering the area designated by a designation order) ;
- “ local authority ” means, for England and Wales, a county council and, for Scotland, a regional or islands council ;
- “ the local authority concerned ”, in relation to any area designated or proposed to be designated under this section, means the local authority whose area is or contains that area.

13.—(1) A road service licence is not required for the provision of a stage carriage service within a trial area. Stage carriage services in trial areas.

(2) Where a stage carriage service operates partly within one or more trial areas and partly not within a trial area—

- (a) a road service licence is not required in respect of so much of the service as operates not within a trial area but within a traffic area in which (except in any trial area) passengers are neither taken up nor set down in the course of the service ; and
- (b) any conditions attached to a road service licence under which any part of that service is provided shall not apply in relation to so much of the service as operates within any trial area.

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1967 c. 76,

(3) So much of subsection (3) of section 1 of the Road Traffic Regulation Act 1967 as provides that no prohibition or restriction on waiting imposed by a traffic regulation order under that section shall apply to a stage carriage shall not operate within a trial area.

**Duty to
publish
particulars of
stage carriage
services in
trial areas.**

14.—(1) This section applies to any stage carriage service which operates wholly within a trial area ; but where a stage carriage service operates only partly within a trial area, so much of it as operates within that area shall for the purposes of this section be treated as a separate service to which this section applies.

(2) Before—

- (a)** starting to provide a new service to which this section applies ; or
- (b)** making, otherwise than temporarily, any changes in a service to which this section applies ; or
- (c)** discontinuing a service to which this section applies, the operator of the service shall—

- (i)** give to the local authority concerned, and to every district council in whose area passengers will be or are taken up or set down in the course of the service in question (including, in a case within paragraph **(b)**, the service as proposed to be changed), a notice giving the prescribed information about the new service, the changes or the discontinuance, as the case may be ; and

- (ii)** publish in a local newspaper circulating in the locality served or to be served by the service a notice giving the prescribed information about the new service, the changes or the discontinuance, as the case may be.

(3) Subject to subsection **(4)**, any notice required by subsection **(2)** shall be given or published not later than the prescribed time before the operator does as mentioned in subsection **(2)(a)**, **(b)** or **(c)**, as the case may be.

(4) Where the operator of a service to which this section applies does as mentioned in subsection **(2)(a)**, **(b)** or **(c)** in consequence of unforeseen circumstances making it impracticable for him to give or, as the case may be, publish in accordance with subsection **(3)** a notice required by subsection **(2)**, subsection **(3)** shall not apply to that notice, but instead the notice in question shall be given or, as the case may be, published (with any necessary modifications) as soon as is practicable.

(5) If, at the time when any area becomes a trial area, there is being provided under a road service licence a stage carriage service which operates wholly or partly within that area, that service shall for the purposes of subsection (1) be treated as one which operates wholly or, as the case may be, partly within a trial area.

(6) A person who fails to give or publish as required by this section any notice which this section requires him to give or publish shall be liable on summary conviction to a fine not exceeding £200.

(7) Where more than one person falls to be regarded as the operator of a service to which this section applies, the requirements of this section are complied with if the requisite notices are given and published by any of those persons.

(8) In this section—

“the local authority concerned” has the meaning given by section 12(8);

“operator” includes a prospective operator.

15.—(1) Subject to subsection (3) the duties of public passenger transport operators under the provisions mentioned in subsection (2), being duties to co-operate with and afford information to one another, shall not apply in relation to a service so far as it is provided within a trial area.

Relaxation in trial areas of operators' duties to co-operate and exchange information. 1968 c. 73.

(2) The provisions referred to in subsection (1) are—

- (a) section 24(2) and (3) of the Transport Act 1968 (services in passenger transport areas);
- (b) section 1(1)(c) of the Transport Act 1978 (services in 1978 c. 65. England and Wales outside passenger transport areas); and
- (c) section 151(1)(b) of the Local Government (Scotland) Act 1973 (services in Scotland outside passenger transport areas).

(3) Subsection (1) shall not affect the duties of public passenger transport operators to co-operate with or afford information to—

- (a) a Passenger Transport Executive;
- (b) a county council; or
- (c) a regional or islands council,

for the purpose of the discharge by any such Executive or council of its function of co-ordinating passenger transport services.

(4) In this section “public passenger transport operators” means persons providing public passenger transport services within the meaning of section 1(2) of the Transport Act 1978.

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Fitness of public service vehicles

Powers of,
and facilities
for, inspection
of public
service
vehicles.

16.—(1) A certifying officer or public service vehicle examiner, on production if so required of his authority—

(a) may at any time inspect any public service vehicle, and for that purpose—

(i) may enter the vehicle ; and

(ii) may detain the vehicle during such time as is required for the inspection ;

(b) may at any time which is reasonable having regard to the circumstances of the case enter any premises on which he has reason to believe that there is a public service vehicle.

(2) A person who intentionally obstructs a certifying officer or public service vehicle examiner acting in the exercise of his powers under subsection (1) shall be liable on summary conviction to a fine not exceeding £200.

(3) The Minister may—

(a) provide and maintain stations where inspections of public service vehicles for the purposes of this Part may be carried out ;

(b) designate premises as stations where such inspections may be carried out ; and

(c) provide and maintain apparatus for the carrying out of such inspections ;

and in this Part “ official PSV testing station ” means a station provided, on any premises for the time being designated, under this subsection.

Certificate of
initial fitness
(or equivalent)
required for
use of public
service
vehicle.

17.—(1) A public service vehicle adapted to carry more than eight passengers shall not be used on a road unless—

(a) a certifying officer has issued a certificate (in this section referred to as a “ certificate of initial fitness ”) that the prescribed conditions as to fitness are fulfilled in respect of the vehicle ; or

(b) a certificate under section 130 of the 1960 Act (type approval) was in force immediately before this section came into force or has since been issued in respect of the vehicle ; or

(c) there has been issued in respect of the vehicle a certificate under section 47 of the Road Traffic Act 1972 (type approval) of a kind which by virtue of regulations is to be treated as the equivalent of a certificate of initial fitness.

(2) For the purposes of this Part and Part III of the 1960 Act a certificate of fitness issued in respect of a vehicle under section

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129 of that Act which is in force immediately before the date on which this section comes into force shall have effect on and after that date as if it were a certificate of initial fitness issued in respect of the vehicle on that date.

(3) If a vehicle is used in contravention of subsection (1), the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £500.

18.—(1) If on any inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner that owing to any defects therein the vehicle is, or is likely to become, unfit for service, he may prohibit the driving of the vehicle on a road either—

Power to prohibit driving of unfit public service vehicles.

- (a) absolutely ; or
- (b) for one or more specified purposes ; or
- (c) except for one or more specified purposes.

(2) A prohibition under subsection (1) may be imposed with a direction making it irremovable unless and until the vehicle has been inspected at an official PSV testing station.

(3) Where a certifying officer or examiner prohibits the driving of a vehicle under subsection (1), he shall forthwith give notice in writing of the prohibition to the person in charge of the vehicle at the time of the inspection—

- (a) specifying the defects which occasioned the prohibition ;
- (b) stating whether the prohibition is on all driving of the vehicle or driving it for one or more specified purposes or driving it except for one or more specified purposes (and, where applicable, specifying the purpose or purposes in question) ; and
- (c) stating whether the prohibition is to come into force immediately or at the end of a specified period.

(4) If the person to whom written notice of a prohibition is given under subsection (3) as being the person in charge of the vehicle at the time of the inspection is not—

- (a) the operator of the vehicle ; or
- (b) if there is no operator at that time, the owner of the vehicle,

the officer or examiner shall as soon as practicable take steps to bring the contents of the notice to the attention of the said operator or owner.

(5) If, in the opinion of the certifying officer or examiner concerned, the defects in the vehicle in question are such that driving it, or driving it for any purpose prohibited by the notice given to the person in charge of it, would involve danger to the

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driver or to passengers or other members of the public, the prohibition under subsection (1) with respect to the vehicle shall come into force as soon as that notice has been given.

(6) In any other case a prohibition under subsection (1) shall come into force at such time not later than ten days from the date of the inspection as seems appropriate to the certifying officer or examiner having regard to all the circumstances.

(7) Where a notice has been given under subsection (3), any certifying officer or public service vehicle examiner may—

(a) grant an exemption in writing for the use of the vehicle in such manner, subject to such conditions and for such purpose or purposes as may be specified in the exemption ;

(b) by endorsement on the notice vary its terms and, in particular—

(i) alter the time at which the prohibition is to come into force, or suspend it if it has come into force ; or

(ii) cancel a direction under subsection (2) with which the prohibition was imposed.

(8) Subject to any subsisting direction under subsection (2), a prohibition under subsection (1) with respect to any vehicle may be removed by any certifying officer or public service vehicle examiner if he is satisfied that the vehicle is fit for service ; and a person aggrieved by the refusal of a public service vehicle examiner to remove a prohibition may make an application to the traffic commissioners for any area to have the vehicle inspected by a certifying officer and, where such an application is made, the certifying officer to whom the matter is referred by the commissioners shall, if he considers that the vehicle is fit for service, remove the prohibition.

(9) Except in such cases as may be prescribed, a person who—

(a) knowingly drives a vehicle in contravention of a prohibition under subsection (1) ; or

(b) causes or permits a vehicle to be driven in contravention of such a prohibition,

shall be liable on summary conviction to a fine not exceeding £1,000.

Public service vehicle operators' licences

PSV operators' licences.

19.—(1) A vehicle shall not be used on a road as a stage, express or contract carriage except under a PSV operator's licence granted in accordance with the following provisions of this Part.

(2) The authority having power to grant a PSV operator's licence is the traffic commissioners for any traffic area in which, if the licence is granted, there will be one or more operating

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centres of vehicles used under the licence; and, subject to the provisions of this Part, a PSV operator's licence authorises the holder to use anywhere in Great Britain vehicles which have their operating centre in the area of the traffic commissioners by whom the licence was granted.

(3) A person may hold two or more PSV operators' licences each granted by the traffic commissioners for different areas, but shall not at the same time hold more than one such licence granted by the commissioners for the same area.

(4) An application for a PSV operator's licence shall be made in such form as the traffic commissioners may require, and an applicant shall give the commissioners such information as they may reasonably require for disposing of the application.

(5) If a vehicle is used in contravention of subsection (1) the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £500.

20.—(1) A PSV operator's licence may be either a standard licence or a restricted licence. Classification of licences.

(2) A standard licence authorises the use of any description of public service vehicle and may authorise use either—

- (a) on both national and international operations; or
- (b) on national operations only.

(3) A restricted licence authorises the use (whether on national or international operations) of—

- (a) public service vehicles not adapted to carry more than eight passengers; and
- (b) public service vehicles not adapted to carry more than sixteen passengers when used—
 - (i) otherwise than in the course of a business of carrying passengers; or
 - (ii) by a person whose main occupation is not the operation of public service vehicles adapted to carry more than eight passengers.

(4) For the purposes of subsection (3)(b)(i), a vehicle used for carrying passengers by a local or public authority shall not be regarded as used in the course of a business of carrying passengers unless it is used by the public service vehicle undertaking of that authority.

21.—(1) An application for a standard licence shall not be granted unless the traffic commissioners are satisfied that the applicant meets the following requirements, namely— Grant and duration of licences.

- (a) the requirement to be of good repute;
- (b) the requirement to be of appropriate financial standing; and

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(c) the requirement as to professional competence ;
and an application for a restricted licence shall not be granted unless the traffic commissioners are satisfied that the applicant meets the requirements to be of good repute and of appropriate financial standing.

(2) The provisions of Schedule 3 shall have effect for supplementing the provisions of subsection (1), and for modifying the operation of that subsection in the case of persons engaged in road passenger transport before 1st January 1978.

(3) Notwithstanding that it appears to the traffic commissioners on an application for a standard or restricted licence that the requirements mentioned in subsection (1) are met, the application shall not be granted unless the commissioners are further satisfied—

(a) that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition the vehicles proposed to be used under the licence ; and

(b) that there will be adequate arrangements for securing compliance with the requirements of the law relating to the driving and operation of those vehicles.

(4) If on an application for a PSV operator's licence the traffic commissioners determine that the relevant requirements mentioned in subsection (1) and the further requirements mentioned in subsection (3) are satisfied they shall, subject to the following provisions of this section and to section 22, grant the licence in accordance with the application.

(5) There shall be specified in every PSV operator's licence the date on which the licence is to come into force and the date with which it is to expire ; and, subject to subsection (6), the last-mentioned date shall be such as will make the duration of the licence such period not exceeding five years as the traffic commissioners on granting the licence consider appropriate in the circumstances.

(6) Traffic commissioners on granting a PSV operator's licence may direct that the duration of the licence shall be such period not exceeding five years as is in the opinion of the commissioners desirable in order to arrange a reasonably convenient programme of work for the commissioners.

(7) If, immediately before a PSV operator's licence is due to expire, proceedings are pending before the traffic commissioners on an application by the holder of that licence for the grant to him of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 23.

(8) Where an application is made to the traffic commissioners by the holder of a PSV operator's licence for the grant to him of a new licence to take effect on the expiry of the existing licence and the traffic commissioners decide not to grant the new licence, they may direct that the existing licence continue in force for such period as appears to them reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

22.—(1) Traffic commissioners on granting a PSV operator's licence shall attach to it one or more conditions specifying the maximum number of vehicles (being vehicles having their operating centre in the area of those commissioners) which the holder of the licence may at any one time use under the licence. Conditions attached to licences.

(2) Conditions attached under subsection (1) to a PSV operator's licence may specify different maximum numbers for different descriptions of vehicle.

(3) Traffic commissioners may (whether at the time when the licence is granted or at any time thereafter) attach to a PSV operator's licence granted by them such conditions or additional conditions as they think fit for restricting or regulating the use of vehicles under the licence, being conditions of any prescribed description.

(4) Without prejudice to the generality of the power to prescribe descriptions of conditions for the purposes of subsection (3), the descriptions which may be so prescribed include conditions for regulating the places at which vehicles being used under a PSV operator's licence may stop to take up or set down passengers.

(5) The traffic commissioners by whom a PSV operator's licence was granted may at any time while it is in force vary the licence by—

- (a) altering in such manner as they think fit any condition attached under subsection (3) to the licence ; or
- (b) removing any condition so attached to the licence.

(6) On the application of the holder of a PSV operator's licence, the traffic commissioners by whom the licence was granted may at any time while it is in force—

- (a) vary the conditions attached under subsection (1) to the licence ; or
- (b) exercise their powers (whether of alteration or removal) under subsection (5) ;

and a person making an application under this subsection shall give to the traffic commissioners such information as they may reasonably require for the discharge of their duties in relation to the application.

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(7) If a condition attached to a PSV operator's licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding £200.

(8) Compliance with any condition attached to a PSV operator's licence under this section may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered.

(9) It is hereby declared that the conditions attached under subsection (1) to a PSV operator's licence granted by the traffic commissioners for any area do not affect the use by the holder of the licence of a vehicle—

- (a) under a PSV operator's licence granted to him by the traffic commissioners for another area ; or
- (b) in circumstances such that another person falls to be treated as the operator of the vehicle (for example, by virtue of regulations under section 44(2)(a)).

Revocation,
suspension,
etc. of licences.

23.—(1) The traffic commissioners by whom a standard licence was granted shall revoke the licence if it appears to them at any time that the holder no longer satisfies the requirement to be of good repute, the requirement to be of appropriate financial standing or the requirement as to professional competence.

(2) Without prejudice to subsection (1), the traffic commissioners by whom a PSV operator's licence was granted may, on any of the grounds specified in subsection (3), at any time—

- (a) revoke the licence ;
- (b) suspend the licence for such period as the commissioners direct (during which time it shall be of no effect) ;
- (c) curtail the period of validity of the licence ;
- (d) vary any condition attached under subsection (1) of section 22 to the licence, or attach to the licence (whether in addition to or in place of any existing condition so attached to it) any such condition as is mentioned in that subsection.

(3) The grounds for action under subsection (2) are—

- (a) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for a variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled ;
- (b) that there has been a contravention of any condition attached to the licence ;

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- (c) that a prohibition under section 18 has been imposed with respect to a vehicle owned or operated by the holder of the licence, or that the holder of the licence has been convicted of an offence under subsection (9) of that section ;
- (d) in the case of a restricted licence, that the holder no longer satisfies the requirement to be of good repute or the requirement to be of appropriate financial standing ;
- (e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence.

(4) Traffic commissioners shall not take any action under subsection (1) or (2) in respect of any licence without first holding a public sitting if the holder of the licence requests them to do so.

(5) Where traffic commissioners decide to revoke a licence under this section, they may direct that the revocation shall not take effect for such period as appears to them reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

(6) The provisions of Schedule 3 shall apply for the purposes of subsections (1) and (3)(d) as they apply for the purposes of section 21(1).

24.—(1) Where a vehicle is being used in circumstances such that a PSV operator's licence is required, there shall be fixed and exhibited on the vehicle in the prescribed manner an operator's disc issued under this section showing particulars of the operator of the vehicle and of the PSV operator's licence under which the vehicle is being used. Duty to exhibit operator's disc.

(2) Traffic commissioners on granting a PSV operator's licence shall supply the person to whom the licence is granted with a number of operator's discs equal to the maximum number of vehicles which he may use under the licence in accordance with the condition or conditions attached to the licence under section 22(1) ; and if that maximum number is later increased on the variation of one or more of those conditions, the traffic commissioners on making the variation shall supply him with further operator's discs accordingly.

(3) Regulations may make provision—

- (a) as to the form of operator's discs and the particulars to be shown on them ;
- (b) with respect to the custody and production of operator's discs ;

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- (c) for the issue of new operator's discs in place of those lost, destroyed, or defaced ;
- (d) for the return of operator's discs on the revocation or expiration of a PSV operator's licence or in the event of a variation of one or more conditions attached to a licence under section 22(1) having the effect of reducing the maximum number of vehicles which may be used under the licence.

(4) If a vehicle is used in contravention of subsection (1), the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £200.

Duty to
inform traffic
commissioners
of relevant
convictions,
etc.

25.—(1) A person who has applied for a PSV operator's licence shall forthwith notify the traffic commissioners to whom the application was made if, in the interval between the making of the application and the date on which it is disposed of, a relevant conviction occurs of the applicant, or any employee or agent of his, or of any person proposed to be engaged as transport manager whose repute and competence are relied on in connection with the application.

(2) It shall be the duty of the holder of a PSV operator's licence to give notice in writing to the traffic commissioners by whom the licence was granted of—

- (a) any relevant conviction of the holder ; and
- (b) any relevant conviction of any officer, employee or agent of the holder for an offence committed in the course of the holder's road passenger transport business,

and to do so within 28 days of the conviction in the case of a conviction of the holder or his transport manager and within 28 days of the conviction coming to the holder's knowledge in any other case.

(3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—

- (a) the bankruptcy or liquidation of the holder, or the sequestration of his estate or the appointment of a receiver, manager or trustee of his road passenger transport business ; or
- (b) any change in the identity of the transport manager of the holder's road passenger transport business,

to give notice in writing of that event to the traffic commissioners by whom the licence was granted.

(4) Traffic commissioners on granting or varying a PSV operator's licence, or at any time thereafter, may require the holder of the licence to inform them forthwith or within a time specified by them of any material change specified by them in any of his circumstances which were relevant to the grant or variation of the licence.

(5) A person who fails to comply with subsection (1), (2) or (3) or with any requirement under subsection (4) shall be liable on summary conviction to a fine not exceeding £200.

26.—(1) It shall be the duty of the holder of a PSV operator's licence, on the happening to any public service vehicle owned by him of any failure or damage of a nature calculated to affect the safety of occupants of the public service vehicle or of persons using the road, to report the matter as soon as is practicable to the traffic commissioners who granted the licence.

Duty to give traffic commissioners information about vehicles.

(2) It shall be the duty of the holder of a PSV operator's licence, on any alteration otherwise than by replacement of parts being made in the structure or fixed equipment of any public service vehicle owned by him, to give notice of the alteration as soon as is practicable to the traffic commissioners who granted the licence.

(3) The traffic commissioners by whom a PSV operator's licence was granted may—

- (a) require the holder of the licence to supply them forthwith or within a specified time with such information as they may reasonably require about the public service vehicles owned by him and normally kept at an operating centre within the area of those commissioners, and to keep up to date information supplied by him under this paragraph ; or
- (b) require the holder or former holder of the licence to supply them forthwith or within a specified time with such information as they may reasonably require about the public service vehicles owned by him at any material time specified by them which were at that time normally kept at an operating centre within the area of those commissioners.

In this subsection " material time " means a time when the PSV operator's licence in question was in force.

(4) A person who fails to comply with the provisions of subsection (1) or (2) or with any requirement under subsection (3) shall be liable on summary conviction to a fine not exceeding £200.

(5) A person who in purporting to comply with any requirement under subsection (3) supplies any information which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding £500.

(6) Where a certifying officer or public service vehicle examiner imposes or removes a prohibition on the driving of a public service vehicle, he shall forthwith give notice of that fact to the traffic commissioners who granted the PSV operator's licence under which the vehicle was last used before the prohibition was imposed.

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Certificates of
qualification.

27.—(1) A person who wishes to do either of the following things in another member State or in Northern Ireland, namely to carry on a road passenger transport business or to be the transport manager of such a business, may apply—

- (a) if he holds a standard licence, to the traffic commissioners by whom that licence was granted or, if he holds more than one, by whom the last such licence was granted ;
- (b) in any other case, to the traffic commissioners for any traffic area,

for a certificate as to his repute and professional competence and, where relevant, his financial standing.

(2) A person applying for a certificate under subsection (1) shall give to the traffic commissioners such information as they may reasonably require for the discharge of their duties in relation to the application.

(3) The traffic commissioners to whom an application under subsection (1) is made shall certify such matters relating to the applicant as—

- (a) they are satisfied they may properly certify, and
- (b) appear to them to be of assistance to the applicant in satisfying the requirements of the law of the other member State in which he wishes to carry on business or to work or, as the case may be, the requirements of the law of Northern Ireland.

Supplementary provisions relating to licences

Appeals to
the Minister.

28.—(1) A person who has applied for the grant of a licence under this Part may appeal to the Minister against any decision of the traffic commissioners—

- (a) to refuse to grant the licence in accordance with the application ; or
- (b) to attach any condition to the licence otherwise than in accordance with the application.

(2) Where a person who has applied for a new licence under this Part in substitution for a licence held by him and in force at the date of his application appeals to the Minister under subsection (1) against any such decision of the traffic commissioners as is mentioned in paragraph (a) or (b) of that subsection, the existing licence shall continue in force until the appeal is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 10 or 23.

(3) The holder of a licence granted under this Part may appeal to the Minister against any decision of the traffic commissioners—

- (a) to refuse an application by the holder for the variation or removal of any condition attached to the licence ;

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- (b) to vary any such condition, or to attach any new condition to the licence, otherwise than on an application by the holder ; or
- (c) to revoke or suspend the licence or to curtail its period of validity.

(4) Traffic commissioners making any such decision with respect to a licence as is mentioned in paragraph (b) or (c) of subsection (3) may, if the holder of the licence so requests, direct that their decision shall not have effect until the expiration of the period within which an appeal against it may be made to the Minister under that subsection and, if such an appeal is made, until the appeal is disposed of ; and if they refuse to give such a direction, the holder of the licence may apply to the Minister for such a direction, and the Minister shall give his decision on the application within 14 days.

(5) A person who has applied for the grant of a licence under this Part, or for the variation or removal of any conditions attached to such a licence, shall, if the traffic commissioners to whom the application was made fail to come to a decision on the application within a reasonable time, have the same right to appeal to the Minister as if the commissioners had decided to refuse the application.

(6) A person applying for—

- (a) a certificate of initial fitness ; or
- (b) a certificate under section 130 of the 1960 Act (type approval),

may appeal to the Minister against the refusal of a certifying officer to issue such a certificate.

(7) A person other than the applicant for, or holder of, a road service licence may, if he has standing in the matter in accordance with subsection (8), appeal to the Minister against any decision of the traffic commissioners with respect to—

- (a) the grant, revocation or suspension of a road service licence ; or
- (b) the attachment of any condition to the road service licence or the variation or removal of any condition attached to such a licence.

(8) The persons having standing to appeal under subsection (7) against a decision of the traffic commissioners with respect to a road service licence are—

- (a) any local authority in whose area the service, or any part of the service, is being or is to be provided under the licence ; and
- (b) any person providing transport facilities along or near the route, or part of the route, of the service which is being or is to be provided under the licence,

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being an authority or person who has made objections or other representations to the traffic commissioners in the course of the proceedings resulting in that decision.

In this subsection "local authority" means—

1972 c. 70.

(i) in relation to England and Wales, any local authority within the meaning of the Local Government Act 1972 ;

(ii) in relation to Scotland, a regional, islands or district council.

(9) An appeal under this section must be made within the prescribed time and in the prescribed manner, and provision may be made by regulations as to the procedure to be followed in connection with appeals under this section.

(10) On the determination of an appeal under this section, the Minister may confirm, vary or reverse the decision appealed against, and may give such directions as he thinks fit to the traffic commissioners or, as the case may be, to the certifying officer for giving effect to his decision ; and it shall be the duty of the traffic commissioners or certifying officer to comply with any such directions.

Further
appeals on
points of
law.

29.—(1) An appeal lies at the instance of any of the persons mentioned in subsection (2) on any point of law arising from a decision of the Minister on an appeal from a decision of the traffic commissioners for any area—

(a) to the High Court where the proceedings before the traffic commissioners were in England or Wales ; and

(b) to the Court of Session where the proceedings before the traffic commissioners were in Scotland.

(2) The persons who may appeal against any such decision of the Minister are—

(a) the person who appealed to the Minister ;

(b) any person who had a right to appeal to the Minister against the relevant decision of the traffic commissioners but did not exercise that right ; and

(c) the traffic commissioners whose decision was appealed against.

(3) If on an appeal under this section the High Court or Court of Session is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Minister with the opinion of the court for rehearing and determination by him.

(4) No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.

(5) An appeal shall lie, with the leave of the Court of Session or the House of Lords, from any decision of the Court of Session under this section ; and such leave may be given on such terms as to costs, expenses or otherwise as the Court of Session or the House of Lords determine.

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30.—(1) Provision may be made by regulations for modifying the provisions of this Part, and any other statutory provisions relating to public service vehicles, in their application to the operation of vehicles and the provision of services by persons in partnership. Partnerships and related matters.

(2) A road service licence or PSV operator's licence shall not be granted to an unincorporated body as such or to more than one person jointly except in cases permitted by regulations under this section.

31.—(1) A road service licence or PSV operator's licence is not assignable or, subject to the following provisions of this section, transmissible on death or in any other way. Death, bankruptcy, etc., of licence-holder.

(2) A road service licence or PSV operator's licence held by an individual terminates if he—

- (a) dies ; or
- (b) is adjudged bankrupt or, in Scotland, has his estate sequestrated ; or
- (c) becomes a patient within the meaning of Part VIII of the Mental Health Act 1959 or, in Scotland, becomes incapable of managing his own affairs. 1959 c. 72.

(3) In relation to a road service licence or PSV operator's licence held by an individual or by a company regulations may specify other events relating to the licence-holder on the occurrence of which the licence is to terminate.

(4) The traffic commissioners by whom a road service licence or PSV operator's licence was granted may—

- (a) direct that the termination of the licence by subsection (2), or under subsection (3), be deferred for a period not exceeding 12 months or, if it appears to the commissioners that there are special circumstances, 18 months ; and
- (b) authorise the business of the licence-holder to be carried on under the licence by some other person during the period of deferment, subject to such conditions as the commissioners may impose.

Other matters

32.—(1) Subject to subsection (2), a local education authority may— Fare-paying passengers on school buses.

- (a) use a school bus, when it is being used to provide free school transport, to carry as fare-paying passengers

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persons other than those for whom the free school transport is provided ; and

- (b) use a school bus belonging to the authority, when it is not being used to provide free school transport, to provide a local bus service ;

and the following provisions, that is to say section 144 of the 1960 Act (public service vehicle drivers' licences) and sections 16, 17, 18 and 19(1) of this Act, shall not apply to a school bus belonging to a local education authority in the course of its use by the authority in accordance with this subsection.

(2) Subsection (1) does not affect the duties of a local education authority in relation to the provision of free school transport or authorise a local education authority to make any charge for the carriage of a pupil on a journey which he is required to make in the course of his education at a school maintained by such an authority.

- (3) In this section—

1944 c. 31.

“free school transport” means transport provided by a local education authority in pursuance of arrangements under section 55(1) of the Education Act 1944 for the purpose of facilitating the attendance of pupils at a place of education ;

“local bus service” means a stage carriage service other than a service as regards which the condition specified in section 3(3)(a) is satisfied ;

“school bus”, in relation to a local education authority, means a motor vehicle which is used by that authority to provide free school transport.

- (4) In the application of this section to Scotland—

(a) for the references to a local education authority there shall be substituted references to an education authority ;

(b) in subsection (2) for “maintained by” there shall be substituted “under the management of” ; and

(c) in subsection (3) for the definition of “free school transport” there shall be substituted—

““free school transport” means transport between a pupil's home and place of education provided in pursuance of arrangements under subsection (1)(a) of section 51 of the Education (Scotland) Act 1962 (pupils for whom such transport facilities are necessary) or in pursuance of subsection (2) of that section (other pupils allowed to use vacant seats free of charge)”.

1962 c. 47.

1953 c. 33.

(5) The repeal by this Act of section 12 of the Education (Miscellaneous Provisions) Act 1953 and section 118(4) of the

1960 Act shall not affect the operation of those provisions in relation to any consent given under the said section 12 which is in force immediately before that repeal takes effect

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33.—(1) In subsection (1) of section 1 of the Minibus Act 1977 (exemption of certain vehicles from requirements applicable to public service vehicles) for “vehicle which is adapted to carry more than seven but not more than sixteen passengers” there shall be substituted “small passenger-carrying vehicle”, and after that subsection there shall be inserted the following sub-section—

“(1A) If a large passenger-carrying vehicle is used for carrying passengers for hire or reward, then, if and so long as the conditions set out in paragraphs (a) to (c) of subsection (1) above are satisfied, the following provisions shall not apply to the driving or use of the vehicle, namely—

- (a) section 144 of the Road Traffic Act 1960 (public service vehicle drivers’ licences) ;
- (b) section 23(2) of the Transport (London) Act 1969 and section 4 of the Transport Act 1980 (licensing of stage carriage services) ; and
- (c) section 19(1) of the Transport Act 1980 (PSV operators’ licences).”.

(2) In section 1(2) of that Act (persons authorised to grant permits)—

- (a) at the beginning of paragraph (a) (powers of traffic commissioners) there shall be inserted “in the case of small passenger-carrying vehicles,” ; and
- (b) at the beginning of paragraph (b) (power of designated bodies) there shall be inserted “in the case of small or large passenger-carrying vehicles,”.

(3) After section 1(3) of that Act (designation orders) there shall be inserted the following subsection—

“(3A) Different provision may be made by orders under subsection (3) above in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.” ;

and a designation order made under the said section 1(3) before the commencement of this section shall not apply in relation to large passenger-carrying vehicles.

(4) In section 3(1) of that Act (power to make regulations), in paragraph (e) (power to prescribe conditions of fitness) for “vehicles” there shall be substituted “small passenger-carrying vehicles”.

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(5) After section 3(1) of that Act there shall be inserted the following subsection—

“(1A) Regulations made by virtue of any of paragraphs (a) to (d) of subsection (1) above may make different provision in relation to large passenger-carrying vehicles from that made in relation to small passenger-carrying vehicles.”.

(6) In section 3(2) of that Act (consequences of breach of regulations) for “Section 1(1)” substitute “Subsection (1) or, as the case may be, subsection (1A) of section 1”.

(7) In section 4(2) of that Act (interpretation) after paragraph (b) there shall be inserted the following paragraph—

“(bb) “small passenger-carrying vehicle” means a vehicle which is adapted to carry more than eight but not more than sixteen passengers, and “large passenger-carrying vehicle” means a vehicle which is adapted to carry more than sixteen passengers;”.

Obligatory
test certificates
for passenger-
carrying
vehicles.

1972 c. 20.

34. In section 44 of the Road Traffic Act 1972 (obligatory test certificates), in subsection (4) (excluded classes of vehicles) the following words (which relate to the exclusion of large public service vehicles) shall be omitted—

(a) the words from “to public service vehicles” to “passengers or”; and

(b) the words from “but shall apply” onwards.

Amendment
of Transport
(London) Act
1969.

1969 c. 35.

35. After section 23 of the Transport (London) Act 1969 (restrictions on provision of London bus services otherwise than by the London Transport Executive and their subsidiaries) there shall be inserted:—

“Right of
appeal where
Executive
refuse to
make or
vary an
agreement
authorising
a London
bus service.

23A.—(1) Where a person other than the Executive or a subsidiary of theirs seeks—

(a) an agreement with the Executive under subsection (2) of section 23 of this Act to enable him to provide a London bus service; or

(b) an agreement with the Executive to vary the terms of an agreement under that subsection (whenever made) which for the time being subsists between himself and the Executive,

then, if the Executive refuse to enter into the agreement sought or fail to enter into it within a reasonable period, that person may appeal to the Minister on the ground of the refusal or failure.

(2) A person appealing under this section shall give notice of the appeal—

(a) to the Council;

- (b) to the commissioner or commissioners of police concerned ; and
- (c) to any of the councils of the London boroughs or the Common Council within whose area it is proposed to provide a service under the agreement sought by the appellant ;

and the Minister shall not proceed with the appeal unless he is satisfied that such notice has been given.

(3) In determining an appeal under this section the Minister shall take into account—

- (a) any representations made by the Council ; and
- (b) any representations with respect to relevant road traffic matters made by any of the persons notified as mentioned in paragraph (b) or (c) of subsection (2) of this section.

(4) An appeal under this section must be made within the prescribed time and in the prescribed manner ; and provision may be made by regulations as to the procedure to be followed in connection with appeals under this section.

(5) On such an appeal the Minister may make such order, if any, as he thinks fit requiring the Executive to enter into an agreement with the appellant on such terms as may be specified in the order ; and it shall be the duty of the Executive to comply with any such order.

(6) For the purposes of any reference in this or any other Act to an agreement under subsection (2) of section 23 of this Act any agreement entered into or varied by the Executive in compliance with an order under subsection (5) above shall be taken to be such an agreement.

(7) In this section—

- “ commissioner of police ” and “ London bus service ” have the same meaning as in section 23 of this Act ;
- “ prescribed ” means prescribed by regulations made by the Minister ;
- “ relevant road traffic matters ”, in relation to an appeal, means the following matters relating to the service proposed to be provided under the agreement sought by the appellant—

- (a) the route of the service and its terminal points ;

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(b) the points at which passengers may or may not be taken up or set down ;

(c) the places at which, and streets by the use of which, vehicles used for the service may turn at a terminal point.

Further
appeals on
points of
law.

23B.—(1) An appeal lies to the High Court at the instance of any of the persons mentioned in subsection (2) of this section on any point of law arising from a decision of the Minister on an appeal under section 23A of this Act.

(2) The persons who may appeal against any such decision of the Minister are—

(a) the person who appealed to the Minister ;

(b) any person required to be notified of that appeal under subsection (2) of section 23A of this Act ; and

(c) the Executive.

(3) If on an appeal under this section the High Court is of opinion that the decision appealed against was erroneous in point of law, it shall remit the matter to the Minister with the opinion of the court for rehearing and determination by him.

(4) No appeal to the Court of Appeal may be brought from a decision of the High Court under this section except with the leave of the High Court or the Court of Appeal.”.

Abolition of
licensing of
conductors of
public service
vehicles.

36. Subsection (1) of section 144 of the 1960 Act (drivers’ and conductors’ licences) shall cease to have effect so far as it requires a person acting as conductor of a public service vehicle on a road to be licensed for the purpose under that section or prohibits the employment for that purpose of a person not so licensed.

Reduction of
minimum age
for drivers of
public service
vehicles.

37.—(1) In subsection (3) of section 144 of the 1960 Act (PSV drivers’ licences: minimum age and other conditions) for the words from “unless”, in the first place where it occurs, to the end of the subsection there shall be substituted “unless he fulfils such conditions as may be prescribed”.

1972 c. 20.

(2) Subsection (1) of section 96 of the Road Traffic Act 1972 (minimum ages at which licences may be held for different classes of vehicles) shall have effect as if in the Table in that subsection, in item 6, the age of 18 were substituted for the age of 21 in relation to a large passenger vehicle where—

(a) the driver is not engaged in the carriage of passengers and either holds a PSV driver’s licence or is acting

under the supervision of a person who holds a PSV driver's licence ; or

(b) the driver holds a PSV driver's licence and is engaged in the carriage of passengers—

(i) on a regular service over a route which does not exceed 50 kilometres ; or

(ii) on a national transport operation when the vehicle used is constructed and equipped to carry not more than 15 persons including the driver,

and in either case the operator of the vehicle holds a PSV operator's licence granted by the traffic commissioners for any area, not being a licence which is of no effect by reason of its suspension.

(3) In subsection (2)—

“ large passenger vehicle ” means a motor vehicle which is constructed solely to carry passengers and their effects and is adapted to carry more than nine persons inclusive of the driver ;

“ PSV driver's licence ” means a licence to drive a public service vehicle granted under section 144 of the 1960 Act.

(4) The provisions of subsections (2) and (3) may be amended or repealed by regulations under section 96(2) of the Road Traffic Act 1972.

1972 c. 20.

38. For section 159(1) of the 1960 Act (fees for grant or issue of licences) there shall be substituted—

Fees for grant of licences, etc.

“ (1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged—

(a) by the traffic commissioners for each traffic area in respect of—

(i) applications for, and the grant of, road service licences and PSV operators' licences ;

(ii) applications for, and the issue of, certificates of initial fitness under section 17 of the Transport Act 1980 ;

(iii) the issue of operators' discs under section 24 of that Act ;

(iv) applications for, and the issue of, certificates under section 27 of that Act as to repute, professional competence or financial standing ; and

(v) applications for, and the issue of, documents required in relation to public service

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vehicles registered in Great Britain while making journeys to or from places outside Great Britain or in relation to public service vehicles registered outside Great Britain ;

(b) by the traffic commissioners for each traffic area and by the commissioner of police for the metropolis in respect of—

(i) applications for, and the issue of, licences to drive public service vehicles ; and

(ii) the provision by the traffic commissioners or the said commissioner of police of facilities for a person to undergo a test of his competence as a driver in connection with an application by him for a licence to drive a public service vehicle, being a test which he is by virtue of regulations required to undergo in that connection.

(1A) The traffic commissioners or the said commissioner may, if any fee or instalment of a fee due in respect thereof has not been paid, decline to proceed with—

(a) any such application as is mentioned in subsection (1) above,

(b) the grant of any licence or issue of any certificate, disc or other document referred to in that subsection, or

(c) the provision of any such facilities as are mentioned in paragraph (b)(ii) of that subsection,

until the fee or instalment in question has been paid.”

Arrangements
for
appointment
of traffic
commis-
sioners.

39. In section 121 of the 1960 Act (appointment etc. of traffic commissioners), for subsections (4) and (5) (appointments, and constitution of panels of nominees for appointment) there shall be substituted—

“ (4) Of the three commissioners—

(a) one shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners ;

(b) one shall be appointed by the Minister from a panel of persons nominated by such of the following councils, namely in England and Wales county councils and the Greater London Council and in Scotland regional or islands councils, as are councils whose area is wholly or partly comprised in the traffic area ; and

(c) the third shall be appointed by the Minister from a panel of persons nominated by such of the following councils, namely in England and Wales district councils, London borough councils and

the Common Council of the City of London and in Scotland district councils, as are councils whose area is wholly or partly comprised in the traffic area.

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(5) Provision shall be made by regulations as to the arrangements for constituting the panels mentioned in subsection (4) above."

40. In the case of an offence against any provision of the 1960 Act specified in column 1 of Schedule 4 (of which the general nature is indicated in column 2) the maximum punishment is increased from that now in force (which is indicated in column 3) to that specified in column 4; and for that purpose the provisions of that Act specified in column 1 shall have effect subject to the amendments specified in column 5.

41.—(1) Where an offence under this Part or Part III of the 1960 Act committed by a company is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the company, or any person who was purporting to act in any such capacity, he, as well as the company, shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a company are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the company.

42.—(1) It shall be a defence for a person charged with an offence under any of the provisions mentioned in subsection (2) to prove that there was a reasonable excuse for the act or omission in respect of which he is charged.

(2) The provisions referred to in subsection (1) are—

(a) sections 7(7), 14(6), 25(5) and 26(4);

(b) in the 1960 Act—

(i) so much of section 144(8) as relates to contravention of section 144(1)(a);

(ii) sections 146(2) and (3), 147(2) and 148(2);

(iii) so much of section 232(3) as relates to failure to comply with the requirement of section 232 (2) (b); and

(iv) section 239.

(3) It shall be a defence for a person charged with an offence under any of the provisions mentioned in subsection (4) to prove

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that he took all reasonable precautions and exercised all due diligence to avoid the commission of any offence under that provision.

(4) The provisions referred to in subsection (3) are—

- (a) sections 4(6) and (7), 17(3), 18(9)(b), 19(5) 22(7) and 24(4);
- (b) in the 1960 Act—
 - (i) so much of section 144(8) as relates to contravention of section 144(1)(b); and
 - (ii) sections 148(2) and 157(2).

Amendments
of other Acts.

43.—(1) The provisions of the 1960 Act mentioned in Part I of Schedule 5, and the enactments specified in Part II of that Schedule, shall have effect subject to the amendments there specified, being minor amendments and amendments consequential on the provisions of this Part.

(2) Where the running of public service vehicles is restricted or prohibited by any provision contained in—

- (a) a local Act (including an Act confirming a provisional order) passed before the commencement of this subsection; or
- (b) an instrument made before the commencement of this subsection under any such local Act,

the Minister may, on the application of any person affected by the restriction or prohibition, by order made by statutory instrument modify or revoke the restriction or prohibition.

Interpretation
of Part I.
1960 c. 16.

44.—(1) In this Part, unless the context otherwise requires—

- “the 1960 Act” means the Road Traffic Act 1960;
- “company” means a body corporate;
- “contract carriage” has the meaning given by section 3;
- “contravention”, in relation to any condition or provision, includes a failure to comply with the condition or provision, and “contravene” shall be construed accordingly;
- “director”, in relation to a company, includes any person who occupies the position of a director, by whatever name called;
- “excursion or tour” means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places and back;
- “express carriage” has the meaning given by section 3, and “express carriage service” means a service provided by means of one or more express carriages;

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- “international operation” means a passenger transport operation starting or terminating in the United Kingdom and involving an international journey by the vehicle concerned, whether or not any driver leaves or enters the United Kingdom with that vehicle ;
- “national operation” means a passenger transport operation wholly within the United Kingdom ;
- “official PSV testing station” has the meaning given by section 16(3) ;
- “operating centre”, in relation to a vehicle, means the base or centre at which the vehicle is normally kept ;
- “operator” has the meaning given by subsections (2) and (3) ;
- “owner”, in relation to a vehicle which is the subject of an agreement for hire, hire-purchase, conditional sale or loan, means the person in possession of the vehicle under that agreement, and references to owning a vehicle shall be construed accordingly ;
- “PSV operator’s licence” means a PSV operator’s licence granted under the provisions of this Part ;
- “public service vehicle” has the meaning given by section 2 ;
- “relevant conviction” means a conviction (other than a spent conviction) of any offence prescribed for the purposes of this Part, or of an offence under the law of Northern Ireland, or of a country or territory outside the United Kingdom, corresponding to an offence so prescribed ;
- “restricted licence” means such a PSV operator’s licence as is mentioned in section 20(3) ;
- “road service licence” means a road service licence granted under the provisions of this Part ;
- “stage carriage” has the meaning given by section 3, and “stage carriage service” means a service provided by means of one or more stage carriages ;
- “standard licence” means a PSV operator’s licence which is not a restricted licence ;
- “transport manager”, in relation to a business, means an individual who, either alone or jointly with one or more other persons, has continuous and effective responsibility for the management of the road passenger transport operations of the business ;
- “trial area” has the meaning given by section 12(1).

(2) For the purposes of this Part—

- (a) regulations may make provision as to the person who is to be regarded as the operator of a vehicle which is

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- made available by one holder of a PSV operator's licence to another under a hiring arrangement; and
- (b) where regulations under paragraph (a) do not apply, the operator of a vehicle is—

- (i) the driver, if he owns the vehicle; and
- (ii) in any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work).

(3) For the purposes of this Part the operator of a stage or express carriage service is the person, or each of the persons, providing the service; and for those purposes the operator of a vehicle being used as a stage or express carriage shall be taken to be providing the service thereby provided unless he proves that the service is or forms part of a service provided not by himself but by one or more other persons.

(4) Any reference in this Part to a Community instrument or to a particular provision of such an instrument—

- (a) is a reference to that instrument or provision as amended from time to time, and
- (b) if that instrument or provision is replaced, with or without modification, shall be construed as a reference to the instrument or provision replacing it.

PART II

**TRANSFER OF UNDERTAKING OF NATIONAL
FREIGHT CORPORATION**

*Transfer of undertaking of National Freight Corporation to a
company limited by shares*

Transfer of
undertaking
of National
Freight
Corporation.

45.—(1) On the appointed day the whole of the undertaking of the National Freight Corporation (in this Part referred to as “the Corporation”) shall, subject to subsection (4), be transferred by virtue of this section and without further assurance to a company formed for the purposes of this section and nominated under subsection (5) (in this Part referred to as “the successor company”).

(2) In this Part “the appointed day” means such day as the Minister, with the consent of the Treasury, may appoint for the purposes of this section by order made by statutory instrument.

(3) References in this Part to the undertaking of the Corporation are references to all the property, rights, liabilities and obligations of the Corporation, whether or not of such a nature that they could be assigned by the Corporation.

(4) Any entitlement of the Minister and any liability of the Corporation in respect of—

- (a) the commencing capital debt of the Corporation; and

(b) outstanding loans to the Corporation from the Minister, shall be extinguished immediately before the appointed day.

(5) The Minister may by order made by statutory instrument nominate for the purposes of this section a company formed and registered under the Companies Act 1948 which on the appointed day satisfies the following requirements, that is to say—

(a) it is a company limited by shares ; and

(b) all the issued shares of the company are held by the Minister or by nominees for him.

(6) This section shall have effect subject to the provisions of Schedule 6, being supplementary provisions with respect to the transfer by virtue of this section of the undertaking of the Corporation to the successor company ; but nothing in those provisions shall be taken as prejudicing the general effect of subsection (1).

46.—(1) In consideration of the transfer of the undertaking of the Corporation to the successor company by virtue of section 45, the successor company shall issue to the Minister or, if the Minister so directs, to nominees for him such securities of the company as the Minister may direct. Initial government holding in successor company.

(2) Any shares issued in pursuance of subsection (1)—

(a) shall be of such nominal value as the Minister may direct ; and

(b) shall be credited as fully paid up.

(3) The Minister shall not give any directions for the purposes of this section without the consent of the Treasury.

(4) Securities of the successor company held by the Minister or by nominees for him shall not be disposed of except with the consent of the Treasury and in such manner and on such terms as the Treasury may direct.

(5) Subject to section 49(5), any dividends or other sums received by the Minister, or by nominees for him, in right of, on the disposal of, or otherwise in connection with, any securities of the successor company shall be paid into the Consolidated Fund.

(6) Stamp duty shall not be chargeable under section 47 of the Finance Act 1973 in respect of any increase in the capital of the successor company which is certified by the Treasury as having been—

(a) effected for the purpose of complying with the requirements of this section ; or

(b) where any convertible securities were issued in pursuance of this section, effected in consequence of the exercise of the conversion rights attached to those securities.

PART II
Transitional
provisions
with respect
to reserves etc.

1948 c. 38.

Dissolution
and final
accounts of
National
Freight
Corporation.

47.—(1) An amount corresponding to any reserves of the Corporation immediately before the appointed day which represent accumulated profits shall be treated by the successor company as reserves of that company applicable for the same purposes as the corresponding reserves of the Corporation.

(2) Nothing in section 56 of the Companies Act 1948 (which requires premiums received on the issue of shares to be transferred to a share premium account) shall affect the operation of subsection (1).

(3) The successor company shall treat the reserves of any company in which the Corporation held shares which were available for distribution immediately before the appointed day as if they had arisen immediately after the appointed day.

(4) Where any dividend is paid to the successor company in respect of shares transferred to the company by virtue of section 45, that dividend shall be available for distribution as profits of the successor company notwithstanding that it is paid out of profits of the company paying the dividend attributable to a period falling wholly or partly before the appointed day.

(5) In ascertaining for the purposes of section 56 of the Companies Act 1948 what amount (if any) falls to be treated as a premium received on the issue of any shares in pursuance of section 46, the amount of the net assets transferred by virtue of section 45 shall be taken to be reduced by an amount corresponding to the amount of any reserve within subsection (1).

48.—(1) The Corporation shall cease to exist on the appointed day.

(2) The successor company shall prepare a statement of the Corporation's accounts for the period from the end of that dealt with in the last annual statement of accounts published by the Corporation down to the appointed day (in the following provisions of this section referred to as "the final period").

(3) The statement shall be in such form and contain such particulars, compiled in such manner, as the Minister may direct with the approval of the Treasury.

(4) The successor company shall arrange for the accounts of the Corporation for the final period to be audited by auditors appointed by the Minister; and a person shall not be qualified to be so appointed unless he is a member of, or is a Scottish firm in which all the partners are members of, one or more bodies of accountants established in the United Kingdom and for the time being recognised by the Secretary of State for the purposes of section 161(1)(a) of the Companies Act 1948.

(5) As soon as the accounts for the final period have been audited, the successor company shall send to the Minister a copy

of the statement of accounts for that period together with a copy of the auditors' report on that statement; and the Minister shall lay a copy of the statement and report before each House of Parliament.

PART II

Funding of certain pension obligations

49.—(1) If it appears to the Minister, having determined that all or any of the securities of the successor company held by him or by nominees for him should be offered for sale, that on the date on which those securities are to be so offered the relevant pension obligations will not be completely funded, he may, with the consent of the Treasury, undertake to make to the persons administering the relevant pension schemes such payments towards the funding of those obligations as he may specify in the undertaking.

Funding of
relevant
pension
obligations.

(2) An undertaking under subsection (1)—

- (a) shall specify the aggregate amount of the payments which the Minister proposes to make in pursuance of the undertaking; and
- (b) shall be conditional on the amount received by the Minister in consideration for the disposal of the securities being not less than that amount.

(3) If the Minister gives an undertaking under subsection (1) but the condition mentioned in subsection (2) is not fulfilled, he may nevertheless, with the consent of the Treasury, make to the persons administering the relevant pension schemes such payments towards the funding of the relevant pension obligations as he thinks fit.

(4) If no undertaking is given under subsection (1) but it appears to the Minister that, on the date on which all or any of the securities of the successor company held by him or by nominees for him are offered for sale, the relevant pension obligations are not completely funded, he may, with the consent of the Treasury, make to the persons administering the relevant pension schemes such payments towards the funding of those obligations as he thinks fit.

(5) The aggregate amount of any payments made under subsection (3) or (4) shall not exceed the amount received in consideration for the disposal of the securities of the successor company; and the sums required for making any such payments or any payments in pursuance of an undertaking under subsection (1) shall be paid out of that amount.

(6) In this section—

“the relevant pension obligations” has the meaning given by section 50;

“the relevant pension schemes” means the National Freight Corporation (Salaried Staff) Pension Fund, the National

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Freight Corporation (Wages Grades) Pension Fund and the N.F.C. (1978) Pension Fund ;

and for the purposes of this section the N.F.C. (1978) Pension Fund shall be taken to comprise the pension schemes specified or described in the Schedule to the Central Trust deed within the meaning of the National Freight Corporation (Central Trust) Order 1978.

S.I. 1978/1290.

Meaning of
"the relevant
pension
obligations".

50.—(1) In section 49 "the relevant pension obligations" means, subject to subsection (2)—

- (a) any obligations of the successor company or a relevant subsidiary which were owed on 1st April 1975 ("the operative date") in connection with any of the relevant pension schemes ; and
- (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases of those pensions ; and
- (c) any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases payable under any of the relevant pension schemes, being increases of pensions payable under any other pension scheme established before that date (whether one of the relevant pension schemes or not) ; and
- (d) any obligation of the successor company or a relevant subsidiary which results from an amendment made to any of the relevant pension schemes by virtue of section 74 of the Transport Act 1962 after the operative date and before 1st January 1980.

1962 c. 46.

(2) The definition in subsection (1) does not include—

- (a) any obligation which, in relation to one of the relevant pension schemes, is a relevant pension obligation for the purposes of Part III ;
- (b) any obligation to pay or secure the payment of increases of pensions in excess of increases payable on official pensions under the Pensions (Increase) Act 1971 and section 59 of the Social Security Pensions Act 1975 ;
- (c) any obligation to pay contributions in respect of current periods of employment of a member of a scheme ;
- (d) any obligation to pay expenses incurred in connection with a scheme which is specifically imposed on the body by which it is owed ;
- (e) any obligation owed by a body in their capacity as the trustees of a scheme or the persons administering a scheme ; and

1971 c. 56.

1975 c. 60.

- (f) any obligation in respect of which the body by which it is owed have a right to be indemnified by any other body.

(3) In this section—

- “pension”, in relation to any of the relevant pension schemes, has the same meaning as in Part III;
- “the relevant pension schemes” has the same meaning as in section 49;
- “relevant subsidiary” means any subsidiary of the successor company other than National Carriers Limited and any subsidiary of National Carriers Limited;
- “subsidiary” has the same meaning as in the Transport 1962 c. 46. Act 1962.

(4) For the purposes of this section—

- (a) any increase in an obligation which results from an amendment made to a scheme after the operative date shall be treated as a separate obligation; and
- (b) where at any time, whether before or after the operative date, any pensions or increases payable under any of the relevant pension schemes are or have been paid by any person, that person shall be treated as being or having been under an obligation at that time to make those payments.

Supplementary

51.—(1) In this Part—

- “the appointed day” has the meaning given by section 45(2);
- “the Corporation” has the meaning given by section 45(1);
- “securities” of the successor company includes shares, debentures, debenture stock, bonds and other securities of the company, whether or not constituting a charge on the assets of the company;
- “shares” includes stock;
- “the successor company” has the meaning given by section 45(1);

Interpretation of Part II and consequential amendments.

and references to the undertaking of the Corporation shall be construed in accordance with section 45(3).

(2) The enactments mentioned in Schedule 7 shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this Part.

PART III

PART III

RAILWAY ETC. PENSIONS

Payments by
Minister in
respect of
B.R. and
N.F.C.
pension
schemes.

52.—(1) Subject to the provisions of this section and section 58, the Minister shall, in relation to each B.R. or N.F.C. pension scheme and for each financial year, make to the persons administering the scheme payments equal in aggregate to the product of—

- (a) the proportion determined under section 54(1) as the proportion of the relevant pension obligations which has not been funded ;
- (b) the proportion determined in relation to that year under section 55(1) as the proportion of the pensions, increases and expenses payable under or incurred in connection with the scheme which corresponds to those obligations ; and
- (c) the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the scheme for that year.

(2) Where in the case of any such scheme the funding of the relevant pension obligations has, by virtue of subsection (3) of section 54, been left out of account in making a determination under subsection (1) of that section, the aggregate amount of the payments made under subsection (1) to the persons administering the scheme shall be reduced for each financial year—

- (a) by the amount of any income accruing to the scheme for that year which may be applied towards the payment of such of the pensions, increases and expenses payable under or incurred in connection with the scheme as correspond to the obligations ; and
- (b) in the case of the first financial year, by an amount equal to the value of the assets by which the obligations are funded.

(3) Where, for any financial year, the aggregate amount of the payments made under subsection (1) to the persons administering any such scheme requires adjustment by reason of—

- (a) any variation between the proportion finally determined under section 55(1) in relation to that year and the proportion previously so determined ; or
- (b) any unforeseen increase or reduction in the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the scheme for that year,

that adjustment shall be made by increasing or, as the case may require, reducing the aggregate amount of the payments made under subsection (1) for the following financial year.

(4) Payments under subsection (1) shall be made, so far as practicable, not later than the day on which the pensions,

increases and expenses to which they relate fall to be paid or incurred.

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(5) The making of any payment under subsection (1) shall be subject to compliance with such conditions as to the keeping of records, the issue of certificates and the auditing of accounts as the Minister may with the approval of the Treasury determine.

(6) Any sums required for making payments under subsection (1) shall be paid out of money provided by Parliament.

53.—(1) In this Part “the relevant pension obligations”, in relation to a B.R. pension scheme, means subject to subsection (3)—

Meaning of “the relevant pension obligations”.

- (a) any obligations of the Board which were owed on 1st January 1975 (“the operative date”) in connection with the scheme; and
- (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the Board arising after the operative date to pay or secure the payment of increases of or sums representing accrued rights in respect of those pensions; and
- (c) any obligation of the Board arising after the operative date to pay or secure the payment of increases payable under the scheme, being increases of pensions payable under any other pension scheme established before that date (whether a B.R. pension scheme or not).

(2) In this Part “the relevant pension obligations”, in relation to an N.F.C. pension scheme, means subject to subsection (3)—

- (a) any obligations of the successor company or a relevant subsidiary which were owed on 1st April 1975 (“the operative date”) in connection with the scheme; and
- (b) where any such obligation is one to pay or secure the payment of pensions, any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases of or sums representing accrued rights in respect of those pensions; and
- (c) any obligation of the successor company or a relevant subsidiary arising after the operative date to pay or secure the payment of increases payable under the scheme, being increases of pensions payable under any other pension scheme established before that date (whether an N.F.C. pension scheme or not); and
- (d) any obligation of the successor company or a relevant subsidiary which results from an amendment made to the scheme by virtue of section 74 of the Transport Act 1962 after the operative date and before 1st January 1980.

1962 c. 46.

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being (in each case) obligations which relate to employees or former employees of a relevant subsidiary or employees or former employees of the successor company or the Corporation who are or were employed as directors or managers of a relevant subsidiary.

(3) The definitions in subsections (1) and (2) do not include—

(a) any obligation to pay or secure the payment of increases of pensions in excess of increases payable on official pensions under the Pensions (Increase) Act 1971 and section 59 of the Social Security Pensions Act 1975 ;

(b) any obligation to pay contributions in respect of current periods of employment of a member of a scheme ;

(c) any obligation to pay expenses incurred in connection with the management of a scheme which is specifically imposed on the body by which it is owed ;

(d) any obligation owed by a body in their capacity as the trustees of a scheme or the persons administering a scheme ; and

(e) subject to subsection (4), any obligation in respect of which the body by which it is owed have a right to be indemnified by any other body.

(4) Subsection (3)(e) does not apply—

(a) in the case of an obligation owed by the Board, where the Board has a right to be indemnified by the successor company ;

(b) in the case of an obligation owed by the successor company, where the successor company has a right to be indemnified by a relevant subsidiary ;

(c) in the case of an obligation owed by the successor company, where the successor company has a right to be indemnified by the Board and the obligation relates to employees or former employees of Freightliners Limited or employees or former employees of the successor company or the Corporation who are or were employed as directors or managers of Freightliners Limited ;

(d) in the case of an obligation owed by a relevant subsidiary, where that subsidiary has a right to be indemnified by the successor company or by another relevant subsidiary ; and

(e) in the case of an obligation owed by Freightliners Limited, where Freightliners Limited has a right to be indemnified by the Board.

(5) In this section “relevant subsidiary” means National Carriers Limited, Freightliners Limited and any subsidiary of National Carriers Limited.

1971 c. 56.

1975 c. 60.

PART III

(6) For the purposes of this section—

- (a) any increase in an obligation which results from an amendment made to a scheme after the operative date shall be treated as a separate obligation ; and
- (b) where at any time, whether before or after the operative date, any pensions or increases payable under a B.R. or N.F.C. pension scheme are or have been paid by any person, that person shall be treated as being or as having been under an obligation at that time to make those payments.

54.—(1) The Minister shall, in relation to each B.R. or N.F.C. pension scheme— Unfunded proportion of relevant pension obligations.

- (a) determine, as soon as practicable after the passing of this Act, what proportion of the relevant pension obligations has not been funded ; and
- (b) after consulting with the persons administering the scheme and the Board or, as the case may be, the successor company, confirm or vary that determination, before the end of the first financial year, by a further determination of that proportion contained in an order.

(2) Where at the time when a determination under subsection (1) falls to be made any class of the relevant pension obligations appear to be completely funded, that class of obligations and their funding may, if the Minister thinks fit, be left out of account in making that determination.

(3) Where at the time when a determination under subsection (1) falls to be made the assets by which the relevant pension obligations are funded appear to be insufficient to meet such of the pensions, increases and expenses payable under or incurred in connection with the scheme for the first financial year as correspond to those obligations, that funding may, if the Minister thinks fit, be left out of account in making that determination.

(4) An order under subsection (1)—

- (a) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament ; and
- (b) may be varied or revoked by a subsequent order made before the end of the first financial year.

(5) References in subsection (1) to a determination or further determination made by the Minister shall include references to a determination or further determination made by the actuary to the scheme and approved by the Minister.

55.—(1) The Minister shall, in relation to each B.R. or N.F.C. pension scheme and for each financial year— Proportion of pensions etc. which corresponds to relevant pension obligations.

- (a) determine, before the beginning of the year or, in the case of the first financial year, as soon as practicable

PART III

after the passing of this Act, what proportion of the pensions, increases and expenses payable under or incurred in connection with the scheme corresponds to the relevant pension obligations ; and

(b) confirm or vary that determination, from time to time during the year and as soon as practicable after the end of the year, by a further determination of that proportion.

(2) Where in the case of any such scheme any class of the relevant pension obligations and their funding have, by virtue of subsection (2) of section 54, been left out of account in making a determination under subsection (1) of that section, that class of obligations shall not be regarded as relevant pension obligations for the purposes of any determination under subsection (1).

(3) References in subsection (1) to a determination or further determination made by the Minister shall include references to a determination or further determination made by the actuary or auditor to the scheme and approved by the Minister.

Reduction
of payments
in respect of
certain
supplementa-
tion schemes.

56.—(1) This section applies where, in relation to a B.R. or N.F.C. pension scheme ("the supplementation scheme"), the relevant pension obligations include obligations arising after the passing of this Act to pay or secure the payment of increases of pensions payable under any other pension scheme, being a scheme established by the Board or the Corporation ("the basic scheme").

(2) If the actuary to the basic scheme certifies that the assets of that scheme exceed its liabilities, then, in relation to the supplementation scheme, any obligation arising after the date of the actuary's certificate to pay or secure the payment of any increases of pensions payable under the basic scheme or, if less, the relevant proportion of any such increases shall not be regarded as a relevant pension obligation for the purposes of any determination under section 55(1).

(3) In subsection (2) "the relevant proportion", in relation to any increases, means, subject to subsection (4), the proportion (if any) certified by the actuary to the basic scheme to be the proportion of those increases which, if payable under that scheme, could be funded by 75 per cent. of the amount by which the assets of that scheme exceed its liabilities.

(4) Where any obligation arising after the date of a certificate under subsection (3) is an obligation to pay or secure the payment of a proportion only of any increases to which the certi-

ificate relates, then, in relation to that obligation, the relevant proportion for the purposes of subsection (2) shall be given by the formula—

PART III

$$\frac{A+B-1}{A}$$

where A is the first mentioned proportion and B is the proportion certified by the actuary.

(5) The Minister may direct the persons administering the basic scheme—

- (a) to arrange for the actuary to the scheme to certify whether or not the assets of the scheme exceed its liabilities; and
- (b) to send a copy of the actuary's certificate to the Minister;

but no direction shall be given under this subsection within the period of three years beginning with the giving by the actuary of such a certificate.

(6) References in this section to the assets and liabilities of the basic scheme are references to the assets and liabilities of that scheme so far as it relates to the payment of pensions increases of which are or are likely to become payable under the supplementation scheme.

57. Where the whole or any part of a person's accrued pension rights under a B.R. or N.F.C. pension scheme are transferred to any other pension scheme, being a scheme established by the Board or the successor company or any subsidiary of either of those bodies, the Minister may direct that for the purposes of—

Exclusion of payments in respect of certain transfer values.

- (a) any determination of the aggregate amount of the pensions, increases and expenses payable under or incurred in connection with the first-mentioned scheme; and
- (b) any determination under section 55(1) in relation to that scheme,

it shall be assumed that the said rights had not been transferred and that the payment of any sum representing those rights had not been made.

58.—(1) In consequence of the foregoing provisions of this Part—

Consequential cancellation of debts owed by Board and Corporation. 1974 c. 48.

- (a) the debts owed by the Board by virtue of sections 5 and 6 of the Railways Act 1974 (funding of the relevant pension obligations of the Board); and
- (b) the debts owed by the Corporation by virtue of sections 19 and 20 of the Transport Act 1978 (funding of the

1978 c. 55.

PART III

relevant pension obligations of the Corporation), are hereby cancelled and those sections are hereby repealed.

(2) Any payments in respect of the principal of or interest on any such debt—

(a) which are made on or after 1st April 1980 and before the passing of this Act to the persons administering a scheme to which this subsection applies ; and

(b) in respect of which the Minister reimburses the Board or, as the case may be, the Corporation,

shall be deemed to be payments made to those persons in advance under section 52(1), and any money which is deemed to be money so paid, and any investments representing any such money, shall be left out of account in making any determination under section 54(1).

(3) Subsection (2) applies to any B.R. or N.F.C. pension scheme other than one in the case of which the relevant pension obligations have been completely funded.

(4) The Minister may discharge his liability to make any payment under section 52(1) to the persons administering a scheme to which subsection (2) applies by appropriating to that payment so much of any money which is deemed to be money paid to those persons in advance under section 52(1) as, with the appropriate interest thereon, is equal to the amount of that payment.

(5) Any money which is deemed to be money paid in advance under section 52(1) shall carry interest for the period beginning with the date on which it was paid to the persons administering the scheme and ending with the date on which it is appropriated by the Minister at such rate as the Minister may with the consent of the Treasury determine.

Supplemental provisions.

59.—(1) The making of any payment under section 52(1) to the persons administering any B.R. or N.F.C. pension scheme shall not discharge any relevant pension obligation so far as it is an obligation to pay pensions or increases of pensions under the scheme or is an obligation to secure the payment of those pensions or increases.

(2) If the persons administering any such scheme or any other pension scheme established by the Board or the Corporation have no power to amend the scheme apart from this subsection, they may amend it by instrument in writing for the purpose of—

(a) enabling them to pay increases of any pensions payable under the scheme ; or

(b) bringing the scheme into conformity with any provision of this Part ;

and the power of amending any such scheme apart from this subsection may for either purpose be exercised without regard to any limitations on the exercise of the power and without compliance with any procedural provisions applicable to its exercise.

PART III

60.—(1) In this Part—

Interpretation
of Part III.

“the Board” means the British Railways Board;

“B.R. pension scheme” means any section of the British Railways Superannuation Fund specified in Schedule 8 or any other pension scheme so specified;

“the Corporation” means the National Freight Corporation;

“first financial year”, in relation to a B.R. or N.F.C. pension scheme, means such period as—

(a) begins on 1st April 1980; and

(b) ends with the last day of an accounting year of the scheme,

and is a period of not less than twelve months and less than two years, and “financial year”, in relation to any such scheme, means that period and each successive accounting year of the scheme;

“N.F.C. pension scheme” means the National Freight Corporation (Salaried Staff) Pension Fund, the National Freight Corporation (Wages Grades) Pension Fund or the N.F.C. (1978) Pension Fund;

“pension”, in relation to a B.R. or N.F.C. pension scheme, means any pension, whether contributory or not, payable under the scheme to or in respect of any person and includes—

(a) a gratuity or lump sum so payable;

(b) a return of contributions to the scheme, with or without interest thereon or any other addition thereto;

(c) any sum payable under the scheme on or in respect of the death of any person; and

(d) any sum payable under the scheme in respect of any person and representing the whole or any part of his accrued pension rights under the scheme;

“the relevant pension obligations” has the meaning given by section 53;

“subsidiary” has the same meaning as in the Transport 1962 c. 46. Act 1962;

“the successor company” has the same meaning as in Part II.

(2) For the purposes of this Part—

(a) the B.R. (1974) Pension Fund shall be taken to comprise the pension schemes specified or described in the

PART III
S.I. 1974/2001.

Schedule to the Central Trust deed within the meaning of the British Railways (Central Trust) Order 1974 ; and

S.I. 1978/1290.

- (b) the N.F.C. (1978) Pension Fund shall be taken to comprise the pension schemes specified or described in the Schedule to the Central Trust deed within the meaning of the National Freight Corporation (Central Trust) Order 1978.

S.I. 1962/2758.

(3) References in this Part to any pension scheme established by the Board include references to any scheme in relation to which the rights, liabilities and functions of the British Transport Commission were transferred to the Board by the British Transport Reorganisation (Pensions of Employees) (No. 3) Order 1962.

(4) In relation to any time before the day appointed by the Minister for the purposes of Part II, references in this Part to the successor company shall be construed as references to the Corporation.

PART IV

MISCELLANEOUS AND GENERAL

Insurance
or security
in respect of
private use of
vehicle to
cover use
under
car-sharing
arrangements.
1972 c. 20.

61. At the end of section 148 of the Road Traffic Act 1972 (avoidance of certain exceptions to policies or securities, etc.) there shall be added the following subsections—

“(5) To the extent that a policy or security issued or given for the purposes of this Part of this Act—

- (a) restricts, as the case may be, the insurance of the persons insured by the policy or the operation of the security to use of the vehicle for specified purposes (for example, social, domestic and pleasure purposes) of a non-commercial character ; or
- (b) excludes from, as the case may be, that insurance or the operation of the security—
 - (i) use of the vehicle for hire or reward ; or
 - (ii) business or commercial use of the vehicle ; or
 - (iii) use of the vehicle for specified purposes of a business or commercial character,

then, for the purposes of that policy or security so far as it relates to such liabilities as are required to be covered by a policy under section 145 of this Act, the use of a vehicle on a journey in the course of which one or more passengers are carried at separate fares shall, if the conditions specified in subsection (6) below are satisfied, be treated as falling within that restriction or as not falling within that exclusion, as the case may be.

(6) The conditions referred to in subsection (5) above are— PART IV

- (a) the vehicle is not adapted to carry more than eight passengers and is not a motor cycle ;
- (b) 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 (which for the purposes of this paragraph shall be taken to include an appropriate amount in respect of depreciation and general wear) ; and
- (c) the arrangements for the payment of fares by the passenger or passengers carried at separate fares were made before the journey began.

(7) Subsections (5) and (6) above apply however the restrictions or exclusions described in subsection (5) are framed or worded ; and in those subsections “ fare ” and “ separate fares ” have the same meaning as in section 2(4) of the Transport Act 1980.”.

62.—(1) In subsection (8) of section 92 of the Finance Act 1965 (grants towards duty charged on bus fuel), for the definition of “ bus service ” there shall be substituted— Grants towards duty charged on bus fuel, and new bus grants.

“ “ bus service ” means a stage carriage service within the meaning of Part I of the Transport Act 1980 which is available to the general public and is neither an excursion or tour within the meaning of that Part nor a service as regards which the condition specified in section 3(3)(a) of that Act (long journeys only) is satisfied ; ”. 1965 c. 25.

(2) In section 32 of the Transport Act 1968 (new bus grants)— 1968 c. 73.

(a) in subsection (1), for the words “ wholly or mainly as a stage carriage ” there shall be substituted the words “ wholly or mainly in the operation of bus services ” ; and

(b) in subsection (2), after paragraph (c) there shall be inserted—

“ (d) “ bus service ” has the same meaning as in section 92 of the Finance Act 1965 ”.

63. For section 191 of the Road Traffic Act 1972 (certain articulated vehicles to be treated for the purposes of that Act as a motor vehicle with a trailer attached) there shall be substituted— Articulated vehicles. 1972 c. 20.

“ 191.—(1) Unless it falls within subsection (2) below, a vehicle so constructed that it can be divided into two parts both of which are vehicles and one of which is a motor

PART IV

vehicle shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as that motor vehicle with the other part attached as a trailer.

(2) A passenger vehicle so constructed that—

(a) it can be divided into two parts, both of which are vehicles and one of which is a motor vehicle, but cannot be so divided without the use of facilities normally available only at a workshop ; and

(b) passengers carried by it when not so divided can at all times pass from either part to the other,

shall (when not so divided) be treated for the purposes of the enactments mentioned in subsection (3) below as a single motor vehicle.

1960 c. 16.

1967 c. 76.

(3) The enactments referred to in subsections (1) and (2) above are the Road Traffic Act 1960, the Road Traffic Regulation Act 1967, this Act and Part I of the Transport Act 1980.

(4) In this section “passenger vehicle” means a vehicle constructed or adapted for use solely or principally for the carriage of passengers.”.

Roof-signs on
vehicles other
than taxis.

64.—(1) There shall not, in any part of England and Wales outside the metropolitan police district and the City of London, be displayed on or above the roof of any vehicle which is used for carrying passengers for hire or reward but which is not a taxi—

(a) any sign which consists of or includes the word “taxi” or “cab”, whether in the singular or plural, or “hire”, or any word of similar meaning or appearance to any of those words, whether alone or as part of another word ; or

(b) any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi.

(2) Any person who knowingly—

(a) drives a vehicle in respect of which subsection (1) is contravened ; or

(b) causes or permits that subsection to be contravened in respect of any vehicle,

shall be liable on summary conviction to a fine not exceeding £200.

1847 c. 89.

1869 c. 115.

1892 c. 55.

(3) In this section “taxi” means a vehicle licensed under section 37 of the Town Police Clauses Act 1847, section 6 of the Metropolitan Carriage Act 1869, section 270 of the Burgh Police (Scotland) Act 1892 or any similar local enactment.

65. The provisions of section 2 of, and Schedule 1 to, the Transport Charges &c. (Miscellaneous Provisions) Act 1954 (which relate to charges on independent tramways, trolley vehicles and railways of the nature of a tramway), including those provisions as extended or applied by or under any other Act (including a local or private Act), shall cease to have effect.

PART IV
Repeal of s. 2
of 1954 c. 64.

66.—(1) The Freight Integration Council established under section 6 of the Transport Act 1968 is hereby abolished.

Abolition
of Freight
Integration
Council and

(2) The provisions of Part V of the Transport Act 1968 relating to special authorisations for the use of large goods vehicles (which have not been brought into force) are hereby repealed, and accordingly—

repeal of
certain
provisions
about special
authorisations
for use of
large goods
vehicles.

(a) in section 82(1)(b) of that Act, for “either of those sections” there shall be substituted “that section”; and

(b) in section 91(1)(a) of that Act, for “sections 69 and 79” there shall be substituted “section 69”.

1968 c. 73.

67. The Railways and Coastal Shipping Committee established under section 150 of the Transport Act 1968 is hereby abolished.

Abolition of
Railways and
Coastal
Shipping
Committee.

68. There shall be paid out of money provided by Parliament—

Expenses.

(a) any administrative expenses incurred by any government department in consequence of the provisions of this Act; and

(b) any increase attributable to this Act in the sums payable out of money so provided under any other Act.

69. The enactments mentioned in Schedule 9 (which include spent enactments) are hereby repealed to the extent specified in the third column of that Schedule.

Repeals.

70.—(1) This Act may be cited as the Transport Act 1980.

Citation, etc.

(2) In this Act—

“the Minister” means the Minister of Transport;

“modification” includes addition, omission and alteration, and related expressions shall be construed accordingly;

“statutory provision” means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978.

1978 c. 30.

PART IV

(3) The following provisions of this Act, namely—

- (a) Part II, except section 51(2) and Schedule 7 ;
- (b) Part III ;
- (c) sections 66 to 68 and this section ;
- (d) Part II of Schedule 9 (and section 69 so far as it relates to that Part),

shall come into force on the passing of this Act.

(4) The following provisions of this Act, namely—

- (a) section 51(2) and Schedule 7 ; and
- (b) Part III of Schedule 9 (and section 69 so far as it relates to that Part),

shall come into force on the appointed day within the meaning of Part II of this Act.

(5) Subject to subsections (3) and (4), this Act shall come into force on such day as the Minister may by order made by statutory instrument appoint, and different days may be appointed under this subsection for different purposes.

(6) An order under subsection (5) may contain such transitional provisions and savings (whether or not involving the modification of any statutory provision) as appear to the Minister necessary or expedient in connection with the provisions thereby brought (wholly or partly) into force.

(7) The following provisions of this Act do not extend to Northern Ireland, namely,—

- (a) Part I (which includes Schedules 1 to 5) ;
- (b) sections 61 to 65 and 66(2) ; and
- (c) Parts I and IV of Schedule 9 (and section 69 so far as it relates to those Parts).

SCHEDULES

SCHEDULE 1

Sections 2 and 3.

PUBLIC SERVICE VEHICLES: CONDITIONS AFFECTING STATUS OR CLASSIFICATION

PART I

SHARING OF TAXIS AND HIRE-CARS

1. 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 any person who has made the vehicle available under any arrangement, or by any person who receives any remuneration in respect of the arrangements for the journey.

2.—(1) 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, except where the local authorities concerned have approved the arrangements under which the journey is made as designed to meet the social and welfare needs of one or more communities, and their approvals remain in force.

(2) In relation to a journey the local authorities concerned for the purposes of this paragraph are those in whose area any part of the journey is to be made; and in this sub-paragraph "local authority" means—

(a) in relation to England and Wales, the Greater London Council or a county council;

(b) in relation to Scotland, a regional or islands council.

3. 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 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.

PART II

PARTIES OF OVERSEAS VISITORS

4. Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

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 operator's licence under which the vehicle is to be used, if such a licence is in force,

SCH. 1

(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 the 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.

PART IV

SUPPLEMENTARY

9. For the purposes of paragraphs 2 and 6 no account shall be taken of any such advertisement as follows, that is to say—

(a) a notice displayed or announcement made—

(i) at or in any place of worship for the information of persons attending that place of worship ;

(ii) at or in any place of work for the information of persons who work there ; or

(iii) by any club or other voluntary association at or in any premises occupied or used by the club or association ;

(b) a notice or announcement contained in any periodical published for the information of, and circulating wholly or mainly among—

(i) persons who attend or might reasonably be expected to attend a particular place of worship or a place of worship in a particular place ; or

(ii) persons who work at a particular place of work or at any of two or more particular places of work ; or

(iii) the members of a club or other voluntary association.

Section 12.

SCHEDULE 2

ORDERS DESIGNATING TRIAL AREAS

Applications for designation orders

1.—(1) Not less than 21 days before making an application to the Minister for a designation order in respect of any area the local authority concerned shall publish in one or more relevant newspapers a notice describing the area in question and stating their intention to apply for a designation order in respect of it and the date on which they propose to make the application.

(2) For the purposes of any notice under this paragraph a "relevant newspaper" is any local newspaper which the local authority concerned may consider appropriate.

2.—(1) Before making such an application the local authority concerned shall also notify—

- (a) every local authority (if any) whose area adjoins the area specified in the application ;
- (b) every district council whose area is wholly or partly comprised in, or adjoins, the area so specified ;
- (c) any person who is already providing a stage carriage service in the area so specified ; and
- (d) such organisations as appear to the local authority concerned appropriate as representing persons providing or employed in the provision of public passenger transport services in the area so specified.

(2) In this paragraph "public passenger transport services" has the meaning given by section 1(2) of the Transport Act 1978.

1978 c. 55.

3. Every application for a designation order shall be accompanied by the original or a copy of any representations in writing (by whoever made) which relate to the application and were received by the local authority concerned before the date on which the application is made ; and before making a designation order the Minister shall consider any such representations.

Variation or revocation of designation orders

4. Before making an application to the Minister for an order under section 12(4) varying or revoking a designation order the local authority concerned—

(a) shall notify—

- (i) every local authority (if any) whose area adjoins the trial area in question ;
- (ii) every district council whose area adjoins the trial area ;
- (iii) any person who is for the time being providing a stage carriage service in the trial area ; and
- (iv) such organisations as appear to the local authority concerned appropriate as representing persons providing or employed in the provision of public passenger transport services (within the meaning of paragraph 2) in the trial area ; and

(b) shall consult with every district council whose area is wholly or partly comprised in the trial area.

5. Paragraph 3 shall apply in relation to an application for, and the making of, an order under section 12(4) as it applies in relation to an application for, and the making of, a designation order.

6.—(1) Subject to sub-paragraph (2), an order under section 12 which revokes or varies a designation order may contain such transitional provisions as the Minister thinks fit.

SCH. 2

(2) An order under section 12(4) which revokes a designation order or varies it so as to exclude from the area designated by it any part of that area shall contain such transitional provisions as the Minister thinks fit for securing that any person who has, throughout the relevant period ending with the date of the order, provided a stage carriage service which he will be unable to continue to provide after the time when the revocation or variation takes effect unless granted a road service licence in respect of it, can obtain as of right a road service licence that will enable him to continue to provide that service for as long as the licence remains in force after that time.

(3) In sub-paragraph (2) "the relevant period", in relation to an order under section 12(4), means such period of not less than three months as may be specified in the order.

Sections 21(2)
and 23(6).

SCHEDULE 3

SUPPLEMENTARY PROVISIONS AS TO QUALIFICATIONS FOR PSV OPERATOR'S LICENCE

Good repute

1.—(1) In determining whether an individual is of good repute, traffic commissioners shall have regard to all the relevant evidence and in particular to—

- (a) relevant convictions of his and of his employees and agents ;
and
- (b) such other information as the commissioners may have as to his previous conduct, in whatever capacity, in relation to the operation of vehicles of any description in the course of a business.

(2) In determining whether a company is of good repute, traffic commissioners shall have regard to all the relevant evidence and in particular to—

- (a) relevant convictions of the company and its officers, employees and agents ;
- (b) such other information as the commissioners may have as to the previous conduct of—
 - (i) the company's officers, employees and agents in relation to the operation of vehicles of any description in the course of any business carried on by the company ;
and
 - (ii) each of the company's directors, in whatever capacity, in relation to the operation of vehicles of any description in the course of any other business.

Appropriate financial standing

2. Being of appropriate financial standing in relation to an applicant for, or holder of, a PSV operator's licence consists in having available sufficient financial resources to ensure the establishment and

proper administration of the business carried on, or proposed to be carried on, under the licence.

SCH. 3

Professional competence

3. References in this Part of this Act to professional competence are to the professional competence of an individual ; and a company satisfies the requirement as to professional competence if, and so long as, it has a transport manager of its road passenger transport business who is of good repute and professionally competent.

4. Where an individual is not himself professionally competent, the requirement as to professional competence shall be regarded as satisfied in relation to him if, and so long as, he has a transport manager of his road passenger transport business who is of good repute and professionally competent.

5. Where the holder of a PSV operator's licence relies on a transport manager to satisfy the requirement as to professional competence and that manager—

- (a) dies or ceases by reason of physical disability or mental disorder to be capable of discharging his duties as transport manager ;
- (b) ceases to work for the business ; or
- (c) ceases to be of good repute,

the holder shall nevertheless not be treated as failing to satisfy that requirement until the expiry of such period as in the opinion of the relevant traffic commissioners is reasonably required for the appointment of a new transport manager.

6. Subject to paragraph 10, an individual shall be regarded as professionally competent for the purposes of this Part of this Act if, and only if,—

- (a) he is the holder of a certificate issued by an approved body to the effect that he possesses the requisite skills ; or
- (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this paragraph by the Minister.

7. In paragraph 6 “ approved body ” means—

- (a) a body approved by the Minister for the purposes of that paragraph ; or
- (b) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the Transport Act (Northern Ireland) 1967 ; or
- (c) a body or authority designated by another member State for the purposes of Article 2(4) of Council Directive (EEC) 74/562 of 12th November 1974 on admission to the occupation of road passenger transport operator in national and international transport operations ;

1967 c. 37 (N.I.).

and “ the requisite skills ” means skills in the subjects listed in Part A of the Annex to that Directive and, in the case of a licence to cover international operations, also skills in the subjects listed in Part B of that Annex.

SCH. 3 *Persons engaged in road passenger transport before 1st January 1978*

8.—(1) Paragraphs 9 and 10 apply only to persons applying for, and to holders of, standard licences, and accordingly in those paragraphs “a licence” means a standard licence.

(2) For the purposes of those paragraphs, a person was authorised to engage in the occupation of road passenger transport operator at any time if, and only if, at that time—

1960 c. 16.

(a) he was the holder, or one of the joint holders, of a public service vehicle licence under section 127 of the Road Traffic Act 1960, or the corresponding provision of the law of Northern Ireland, relating to a vehicle adapted to carry more than eight passengers ; or

S.I. 1952/900.

(b) he was by virtue of a permit under Regulation 20 of the Public Service Vehicles (Licences and Certificates) Regulations 1952, or the corresponding provision of the law of Northern Ireland, deemed to be the holder or one of the joint holders of such a licence ; or

(c) he was so authorised under the law of another member State ; or

(d) he was the transport manager of a person within paragraph (a), (b) or (c).

9.—(1) An individual or company authorised to engage in the occupation of road passenger transport operator at any time before 1st January 1978 shall be deemed until the contrary is proved to satisfy the requirements to be of good repute and appropriate financial standing and, if so authorised before 1st January 1975, also to satisfy the requirement as to professional competence.

(2) An applicant for a PSV operator's licence, or for the variation of such a licence, shall not be obliged to furnish to the traffic commissioners in support of his application information relating to a requirement which is deemed to be satisfied by virtue of subparagraph (1) unless it appears to the commissioners that there are grounds for thinking that the requirement is not in fact satisfied.

10. For the purpose of this Part of this Act, an individual shall be regarded as professionally competent if he was authorised to engage in the occupation of road passenger transport operator before 1st January 1978, and was so authorised—

(a) for a period of, or for periods amounting in the aggregate to, two years during the period 1st January 1975 to 31st December 1979 ; or

(b) at any time in the period 1st January 1970 to 31st December 1974.

Section 40.

SCHEDULE 4

INCREASE OF PENALTIES IN THE 1960 ACT

<i>Provision creating offence</i>	<i>General nature of offence</i>	<i>Existing maximum punishment</i>	<i>New maximum punishment</i>	<i>Amendment</i>
Section 144 ...	Unlicensed person driving public service vehicle, or employment of such a person.	£100	£500	In section 144(8) for "£100" substitute "£500".
Section 146(2) ...	Contravention of regulations as to conduct of persons licensed to act as drivers of public service vehicles.	£20	£50	In section 146(2) for "£20" substitute "£50".
Section 146(3) ...	Failure to produce driver's licence for purpose of endorsement.	£100	£200	In section 146(3) for "£100" substitute "£200".
Section 147(2) ...	Contravention of regulations as to conduct of passengers in public service vehicles.	£100	£200	In section 147(2) for "£100" substitute "£200".
Section 157(2) ...	Failure by person carrying on the business of operating public service vehicles to keep accounts and records and to make financial and statistical returns.	£100	£200	In section 157(2) for "£100" substitute "£200".
Section 235 ...	Making of false statements.	£200	£500	In section 235(3) for "£200" substitute "£500".
Section 249(2) ...	Failure to comply with an order requiring evidence to be given or documents to be produced at an inquiry.	£25	£200	In section 249(2) for the words from "to a fine" onwards substitute "to a fine not exceeding £200".

Section 43.

SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PUBLIC SERVICE VEHICLES

PART I

AMENDMENTS OF ROAD TRAFFIC ACT 1960 (c.16)

1.—(1) Section 128 (certifying officers and public service vehicle examiners) shall be amended as follows.

(2) In subsection (1) (appointment and duties of certifying officers) before “fitness”, where last occurring, insert “initial”.

(3) In subsection (2) (appointment of public service vehicle examiners), for “shall appoint” substitute “may, with the approval of the Minister for the Civil Service, appoint”.

(4) For subsection (3) substitute—

“(3) A certifying officer or public service vehicle examiner shall, in exercising any of the functions of such an officer or examiner, act under the general directions of the Minister.”

2. In section 130 (approval of type vehicles), in subsection (3) (withdrawal of approval), for the words from “and” onwards substitute “and thereafter no certificate that any other vehicle conforms to the type vehicle shall be issued; but as regards any such certificate previously issued, the withdrawal of the approval shall not affect the operation of that certificate for the purposes of section 17 of the Transport Act 1980 (certificates of initial fitness or their equivalents).”.

3.—(1) Section 131 (certificates of fitness for experimental vehicles) shall be amended as follows.

(2) For subsection (1) (and the side-note), substitute—

“Modification of s. 17 of Transport Act 1980 in relation to experimental vehicles.

131.—(1) Where it appears to the Minister expedient to do so for the purpose of the making of tests or trials of a vehicle or its equipment, he may by order made in respect of that vehicle for the purposes of section 17 of the Transport Act 1980 dispense with such of the prescribed conditions as to fitness referred to in subsection (1)(a) of that section as are specified in the order.

(1A) While such an order is in force in respect of a vehicle, the said section 17 shall have effect in relation to the vehicle as if the prescribed conditions as to fitness referred to in subsection (1)(a) of that section did not include such of those conditions as are dispensed with by the order.”.

(3) For subsections (4) and (5) substitute—

“(4) Where an order under this section in respect of a vehicle is revoked or otherwise ceases to have effect, any certificate of initial fitness issued under section 17 of the Transport Act 1980 in respect of the vehicle while the order was in force shall, for the purpose of that section as regards any use of the vehicle

after the order has ceased to have effect, be deemed never to have been issued.”.

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4. In section 144 (drivers' licences)—

- (a) in subsection (3), for “either such” substitute “such a”;
- (b) in subsection (6) (duration of licences), for “three years” substitute “five years”; and
- (c) after subsection (8) insert—

“ (9) Notwithstanding section 2(1) of the Transport Act 1980, in this section and sections 145 to 148 of this Act “public service vehicle” shall be construed as meaning a stage, express or contract carriage.”.

5.—(1) Section 146 (regulation of conduct of drivers and conductors) shall be amended as follows.

(2) For subsection (1) (power to make regulations as to conduct of drivers or conductors of public service vehicles) substitute—

“(1) Regulations may make provision for regulating the conduct, when acting as such, of—

- (a) persons licensed to act as drivers of public service vehicles; and
- (b) conductors of such vehicles.”.

(3) In subsection (2) (penalty for contravention of regulations), after the words “£20, and” insert “, in the case of an offence by a person acting as driver,”.

6.—(1) Section 146 (regulation of conduct of drivers and conductors) and section 147 (regulation of conduct of passengers) shall apply in relation to inspectors as they apply in relation to conductors.

(2) In sub-paragraph (1) “inspector”, in relation to a public service vehicle, means a person authorised to act as such by the holder of the PSV operator's licence under which the vehicle is being used.

(3) In section 147(1)(d) the words “or other person authorised by the licensee of the vehicle” shall be omitted.

7. Section 149 (power of Minister to modify restrictions on use of roads by public service vehicles) shall cease to have effect.

8. In section 152 (wages and conditions of employment of persons employed in connection with public service vehicles), for any reference to, or to the holder of, a public service vehicle licence or to the holder of a road service licence there shall be substituted a reference to, or to the holder of, a PSV operator's licence.

9.—(1) Section 153 (procedure of traffic commissioners) shall be amended as follows.

(2) Omit subsection (2) (requirement to hold public sittings for certain purposes).

(3) In subsection (3), for “of an application” substitute “of an opposed application for the grant of a road service licence”, and after “where” insert “such”.

(4) In subsection (4) (power of commissioners to delegate functions to one of their members), for “requiring to be discharged at a

SCH. 5 public sitting" substitute "of hearing and determining opposed applications for the grant of road service licences".

(5) After subsection (4) insert—

"(5) So much of subsection (3) above as requires not less than two commissioners to be present at the hearing of an opposed application for the grant of a road service licence shall not apply—

(a) to so much of the hearing of any such application as is devoted to determining whether the commissioners are satisfied as mentioned in section 8(1) or 9(1) of the Transport Act 1980 (grant of road service licences for services on routes not otherwise served, or for certain excursions or tours); or

(b) to the remainder of the hearing of any such application in the case of which the commissioners have determined that they are so satisfied.

(6) In this section 'opposed application' means an application with respect to which an objection has been made and not withdrawn, being an objection to which the traffic commissioners are obliged to have regard by virtue of section 5(3)(c) of the Transport Act 1980."

10. In section 158 (power to regulate procedure on applications for licences etc.), in paragraph (a)—

(a) for "public service vehicle licences" substitute "PSV operators' licences"; and

(b) after "road service licences", in the second place where it occurs, insert "or PSV operators' licences".

11. In section 160(1) (regulations for purposes of Part III)—

(a) in paragraphs (b) and (g), before "fitness" insert "initial";

(b) in paragraph (cc) for "section 5(6)" substitute "section 5(2)";

(c) for paragraphs (k) to (n) substitute—

"(k) for providing that this Part of this Act, or any provision thereof, shall have effect in relation to—

(i) public service vehicles registered in Great Britain, while making journeys to or from places outside Great Britain; and

(ii) public service vehicles registered outside Great Britain,

with such additions, omissions, alterations or other modifications (whether conditional or not) as may be prescribed;"; and

(d) for "and different regulations may be made" substitute "and regulations under this section may make different provision for different circumstances, and may in particular make different provision".

12. The documents to which section 233 (forgery and misuse of documents, etc.) applies shall include—

(a) a certificate of initial fitness under section 17 of this Act;

(b) an operator's disc under section 24 of this Act;

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- (c) a certificate under section 27 of this Act as to the repute, financial standing or professional competence of any person ;
- (d) a certificate under section 130 of the 1960 Act that a vehicle conforms to a type vehicle ; and
- (e) a document evidencing the appointment of a person as a certifying officer or public service vehicle examiner ;

and in section 235 (false statements to obtain licence, etc.) the reference to obtaining the grant of a licence shall include a reference to obtaining the issue of such a certificate or disc.

13. In section 248 (power to hold inquiries) after "the London Government Act 1963" insert "or section 23A of the Transport (London) Act 1969".

14. In section 257(1) (general interpretation), for the words from "and the expressions" onwards substitute "and any expression used in this Part of this Act which is defined for the purposes of Part III of this Act or Part I of the Transport Act 1980 has the same meaning in this Part of this Act as in those Parts."

15. In section 260(2) (consultation before regulations are made), for "or they think" substitute "thinks".

PART II

OTHER AMENDMENTS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1953 (c. 26)

In section 4 (power of local authority to provide bus shelters), in subsection (4) (definitions), for the words from "and the references" onwards substitute "and "public service vehicle" has the meaning which it would have in Part I of the Transport Act 1980 if in section 2(1) of that Act the words "(other than a tramcar)" were omitted."

LOCAL GOVERNMENT (OMNIBUS SHELTERS AND QUEUE BARRIERS) (SCOTLAND) ACT 1958 (c. 50)

In section 7(1) (interpretation), after the definition of "local authority" insert—

" "public service vehicle" has the meaning which it would have in Part I of the Transport Act 1980 if in section 2(1) of that Act the words "(other than a tramcar)" were omitted."

TRANSPORT ACT 1962 (c. 46)

In section 4(5) (by virtue of which the Railways Board are not authorised to carry passengers by road in certain hackney carriages adapted to carry less than eight passengers), for "eight" substitute "nine".

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FINANCE ACT 1965 (c. 25)

In section 92 (grants towards duty charged on bus fuel), in the definition of "operator" in subsection (8), after paragraph (c) insert—

"(d) if and to the extent that the service operates within a trial area (within the meaning of Part I of the Transport Act 1980), the person by whom the service is provided ;".

ROAD TRAFFIC REGULATION ACT 1967 (c. 76)

1. So much of subsection (3) of section 1 as prevents a prohibition or restriction on waiting imposed by a traffic regulation order under that section from applying to an express carriage shall cease to have effect.

2. In sections 6(8) and 9(8), for the words from "section 135(8)" to "1960" substitute "section 28 of the Transport Act 1980".

3. In section 104(1) (interpretation), for the words from "shall be construed" onwards substitute "have the same meaning as in Part I of the Transport Act 1980".

4.—(1) Schedule 5 (speed limits for vehicles of certain classes) shall be amended as follows.

(2) In paragraph 1—

(a) for "7 passengers", wherever occurring, substitute "8 passengers";

(b) in sub-paragraphs (1) and (5), for the words from "in respect" to "force" substitute "while being used under a PSV operator's licence"; and

(c) in sub-paragraph (2), for the words from "and" onwards substitute "while being used otherwise than under a PSV operator's licence".

(3) In paragraph 26, after the definition of "maximum gross weight" insert—

"PSV operator's licence" means a PSV operator's licence granted under Part I of the Transport Act 1980 ;".

(4) This paragraph does not affect the power to vary Schedule 5 by regulations under section 78.

TRANSPORT ACT 1968 (c. 73)

In section 159(1) (interpretation)—

(a) for the definition of "excursion or tour" substitute—

" "excursion or tour" means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places and back ; " ; and

(b) for the definition of "bus service" substitute—

" "bus service" means a stage carriage service within the meaning of Part I of the Transport Act 1980 which is neither—

(a) an excursion or tour ; nor

- (b) a service as regards which the condition specified in section 3(3)(a) of the Transport Act 1980 (long journeys only) is satisfied ; ”.

TRANSPORT (LONDON) ACT 1969 (c. 35)

1. In section 23(7) (regulation of London bus services : interpretation) after the definition of “ road service licence ” insert—

“ “ service of express carriages ” means an express carriage service within the meaning of Part I of the Transport Act 1980 or a stage carriage service within the meaning of that Part as to which the condition in section 3(3)(a) of that Act (long journeys only) is satisfied.”.

2. In section 24(4)(c), for “ sections 135(8) and 163(1) ” substitute “ section 163(1) ”.

ROAD TRAFFIC ACT 1972 (c. 20)

In section 44(4) (test certificates: exemption for certain public service vehicles), for “ eight ” substitute “ nine ”.

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

1. In section 4(2)(b) (circumstances in which drivers of foreign public service vehicles may be required to produce certain documents)—

(a) for “ section 127(1) of the Road Traffic Act 1960 ” substitute section 19(1) of the Transport Act 1980 ” ; and

(b) for “ brought into Great Britain to carry persons staying there temporarily ” substitute “ registered outside Great Britain ”.

2. In section 7 (interpretation), in the definition of “ public service vehicle ” for “ sections 117 and 118 ” substitute “ Part III ”.

3. In Schedule 1 (enactments conferring functions on examiners), for “ Section 128(3) of the Road Traffic Act 1960 ” substitute “ Section 16(1) of the Transport Act 1980 ”.

ROAD TRAFFIC ACT 1974 (c. 50)

An order under section 24(4) of the Road Traffic Act 1974 appointing a day for the coming into operation of the repeal by that Act of section 130 of the 1960 Act may include provision, to take effect on that day, for the repeal of sections 17(1)(b) and 28(6)(b) of, and paragraphs 2 and 12(d) of Part I of Schedule 5 to, this Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (c. 57)

1. In section 63(3)(b) (hackney carriage stands not to be appointed so as to impede use of authorised stopping places by public service vehicles), for the words from “ granted ” to “ 1968 ” substitute “ or PSV operator’s licence granted under Part I of the Transport Act 1980 ”.

2. In section 80(1) (interpretation of Part II)—

(a) in the definition of “ private hire vehicle ”, for “ fewer than eight passengers ” substitute “ fewer than nine passengers ” ; and

(b) in the definition of “ public service vehicle ”, for “ section 117 ” substitute “ Part III ”.

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ENERGY ACT 1976 (c. 76)

In Schedule 1 (permissible relaxations of road traffic and transport law), in paragraph 1(1)—

- (a) for "use, or cause or permit the use of," substitute "provide any stage carriage service or use";
- (b) in paragraph (a), for "permit" substitute "certificate";
- (c) at the end of paragraph (b) insert "; and
- (c) notwithstanding that any conditions attached to any licence under Part I of the Transport Act 1980 are not complied with; and
- (d) without being obliged to comply with the requirements of section 14 of that Act (duty to publish particulars of stage carriage services in trial areas)."

PASSENGER VEHICLES (EXPERIMENTAL AREAS) ACT
1977 (c. 21)

1. In section 2(8) (authorised vehicle in experimental area not to be regarded as a public service vehicle) at the beginning insert "Subject to subsection (8A) below," and after that subsection insert—

“(8A) Nothing in subsection (8) above shall affect the operation of section 14 of the Transport Act 1980 (duty to publish particulars of stage carriage services in trial areas).”

2. In section 2(9)—

- (a) in the definition of "commercial vehicle", for "not more than five passengers" substitute "not more than eight passengers"; and
- (b) for "section 118(3) of the Road Traffic Act 1960" substitute "section 2(5) of the Transport Act 1980".

3. In the Schedule, in paragraph 14—

- (a) after "notice", in both places where it occurs, insert "or announcement"; and
- (b) for "section 118(3) of the Road Traffic Act 1960" substitute "paragraph 9 of Schedule 1 to the Transport Act 1980".

MINIBUS ACT 1977 (c. 25)

In section 4(2)(c) for the words from "as if" onwards substitute "in accordance with section 2(5) of the Transport Act 1980".

TRANSPORT ACT 1978 (c. 55)

1. In section 1(5) (power of non-metropolitan counties to make grants) for paragraph (b) substitute—

“(b) to persons providing facilities for sharing motor vehicles not adapted to carry more than eight passengers with a view to meeting the social and welfare needs of one or more communities.”

2. For subsections (1) to (9) of section 5 (community bus services) substitute the following subsections—

“(1) Where on an application in that behalf the traffic commissioners for any traffic area grant a road service licence

under Part I of the Transport Act 1980 in respect of a community bus service—

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- (a) the licence shall state that it is granted in respect of such a service ;
- (b) the conditions specified in subsection (2) below shall be attached to the licence ; and
- (c) such provision as is mentioned in subsection (3) below may be included in the licence with respect to the use of the community bus otherwise than in the operation of the community bus service.

(2) The conditions to be attached in every case to a road service licence granted in respect of a community bus service are—

- (a) that any vehicle used in the course of the service is adapted to carry more than eight but not more than sixteen passengers ;
- (b) that the driver of any vehicle being used in the course of the service—
 - (i) is a volunteer ; and
 - (ii) if not the holder of a public service vehicle driver's licence, fulfils any prescribed conditions for drivers of community buses ;
- (c) that any vehicle used in the course of the service fulfils the prescribed conditions of fitness for use as a community bus ; and
- (d) that there is displayed on any vehicle being used in the course of the service such disc or other document issued by the traffic commissioners as may be prescribed for a vehicle used as a community bus ;

and the powers conferred by section 6(3) and (5) of the Transport Act 1980 to alter, remove or dispense from compliance with conditions attached to a road service licence shall not apply to conditions attached under this subsection.

(3) Traffic commissioners on granting a road service licence in respect of a community bus service may, if they are satisfied that in all the circumstances it is reasonable to do so with a view to providing financial support for that service, include in the licence provision authorising the use of the community bus as a contract carriage or as an express carriage (or both), subject to such restrictions (if any) as the commissioners think fit to impose ; and where such provision is included in a licence, the conditions attached under subsection (2) to the licence shall apply to the use of the community bus as a contract carriage or express carriage as they apply to the use of a vehicle in the course of the community bus service.

(4) None of the following provisions, that is to say—

- (a) section 144 of the Road Traffic Act 1960 (public service 1960 c. 16. vehicle drivers' licences) ;

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- (b) section 17 of the Transport Act 1980 (certificate of initial fitness, or equivalent, required for use of public service vehicle) ;
- (c) section 18 of that Act (power to prohibit driving of unfit public service vehicle) ; and
- (d) section 19(1) of that Act (PSV operator's licence required for use of vehicle as stage, express or contract carriage),

shall apply to the driving or use of a vehicle in the course of a community bus service or in the course of its use as a contract carriage or express carriage in accordance with any such provision as is mentioned in subsection (3) above.

1969 c. 35.

(5) Where a community bus service is provided in whole or in part in Greater London, that service or part shall not be regarded as a London bus service within section 23 of the Transport (London) Act 1969 (under which the agreement or consent of the London Transport Executive is required instead of a road service licence) ; but where the traffic commissioners for the Metropolitan Traffic Area propose—

(a) to grant a road service licence in respect of such a service ; or

(b) to vary the conditions attached to such a licence,

they shall consult the London Transport Executive about the proposal.

(6) Subsection (7) of section 4 of the Transport Act 1980 (penalty for breach of condition attached to a road service licence) shall apply in relation to a condition so attached under subsection (2) above as it applies in relation to a condition so attached under section 6 of that Act.

(7) Regulations may provide that, in relation to any community bus service provided in whole or in part within a trial area, the preceding provisions of this section shall have effect with such additions, omissions, alterations or other modifications as may be prescribed.

(8) In this section—

“community bus service” means a stage carriage service provided—

(a) by a body of persons (whether corporate or unincorporate) concerned for the social and welfare needs of one or more communities ; and

(b) without a view to profit, either on the part of those persons or of anyone else ;

and in relation to such a service “the community bus” means any vehicle used on a regular basis in the course of the service ;

“volunteer”, in reference to the driver of a vehicle on any journey, means that he is not paid for driving the vehicle on that journey, disregarding—

(a) any payment of reasonable expenses incurred by him in making himself available to drive ; and

(b) any payment representing earnings lost as a result of making himself available to drive in exceptional circumstances ;

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and section 1(3) and (4) of the Transport Act 1980 (construction as one, etc) shall have effect as if references in those subsections to Part I of that Act included a reference to this section.”.

3. Section 6 shall be omitted.

4. In section 7(3) (vehicles excluded from regulation as private hire vehicles)—

(a) for the words “section 118 of the 1960 Act” there shall be substituted the words “section 2(3) of the Transport Act 1980” ;

(b) for the words “no more than 7 passengers” there shall be substituted the words “no more than 8 passengers” ; and

(c) for the words “8 to 16 seaters” substitute “9 to 16 seaters”.

SCHEDULE 6

Section 45.

SUPPLEMENTARY PROVISIONS WITH RESPECT TO TRANSFER UNDER SECTION 45

Legal remedies and pending proceedings

1.—(1) Where any right, liability or obligation is transferred to the successor company by virtue of section 45 that company and all other persons shall, on and after the appointed day, have the same rights, powers and remedies (and, in particular, the same rights as to the taking or resisting of legal proceedings) for ascertaining, perfecting or enforcing that right, liability or obligation as they would have had if it had at all times been a right, liability or obligation of that company.

(2) Any legal proceedings by or against the Corporation which relate to any property, right, liability or obligation transferred to the successor company by virtue of section 45 and are pending on the appointed day, may be continued on and after that day by or against that company.

(3) Any reference in sub-paragraph (1) or (2) to legal proceedings shall be construed as including a reference to any application to an authority, and any reference to the taking or resisting of legal proceedings shall be construed accordingly.

Powers of other bodies

2. The transfer to the successor company by virtue of section 45 of the property, rights, liabilities and obligations of the Corporation shall have effect notwithstanding any statutory or other restriction on the powers of any other body affected by the transfer.

Modification of agreements

3. Where immediately before the appointed day there is in force an agreement which confers or imposes on the Corporation any

SCH. 6 rights, liabilities or obligations which are transferred to the successor company by virtue of section 45, that agreement shall have effect on and after that day as if—

- (a) the successor company had been a party to the agreement ; and
- (b) for any reference (in whatever terms and whether expressly or by implication) to the Corporation there were substituted, in relation to anything falling to be done on or after that day, a reference to the successor company ; and
- (c) for any reference (in whatever terms and whether expressly or by implication) to an officer or employee of the Corporation, not being a party to the agreement and beneficially interested therein, there were substituted, in relation to anything falling to be done on or after that day, a reference to such person as the successor company may appoint or, in default of appointment, to the officer or employee of that company who corresponds as nearly as may be to the officer or employee of the Corporation.

Loss of office by members of Corporation

4.—(1) Subject to sub-paragraph (2), no right, liability or obligation under any agreement for the rendering by any person of services to the Corporation as a member of the Corporation shall be transferred by virtue of section 45.

(2) Sub-paragraph (1) does not apply to any liability for remuneration or allowances payable in respect of any period before the appointed day.

(3) If it appears to the Minister that a person who was a member of the Corporation immediately before the appointed day should receive compensation for loss of office, he may, subject to sub-paragraph (4), require the successor company to pay that person such sum as the Minister, with the approval of the Minister for the Civil Service, may determine.

(4) No such requirement as is mentioned in sub-paragraph (3) shall be made after the expiration of the period of three months beginning with the appointed day.

Compensation payments arising from earlier reorganisations

5. The obligations of the Corporation transferred by virtue of section 45 include any obligations of the Corporation to make payments under regulations made under section 135 of the Transport Act 1968 or section 2(4) of the Transport Holding Company Act 1972 (compensation for loss of employment, etc. in consequence of reorganisations under those Acts).

Pensions of former members of the Corporation

6. The obligations of the Corporation transferred by virtue of section 45 include any obligation of the Corporation to comply with a determination of the Minister under paragraph 8(1) of Schedule

1 to the Transport Act 1962 relating to the pension (within the meaning of that Act) payable to or in respect of a former member of the Corporation. SCH. 6 1962 c. 46.

Pension schemes

7.—(1) Subject to sub-paragraph (2), the provisions of section 74 of the Transport Act 1962 (Minister's powers to make provision about pensions in the nationalised transport industry) shall have effect on and after the appointed day as if—

- (a) the expression "Board" included the successor company ; and
- (b) the references in subsection (1)(a)(ii) of that section to the Commission included references to the Corporation ; and
- (c) the reference in subsection (2)(a) of that section to a pension scheme in which employees of the Commission, or a subsidiary of the Commission, participated before the date there mentioned included a reference to a pension scheme in which employees of, or of a subsidiary of, the Corporation participated before the appointed day.

(2) Except on the application of the successor company, no order shall be made under the said section 74 on or after the appointed day which has the effect of placing the successor company or a subsidiary of the successor company in any worse position ; but for this purpose the successor company or a subsidiary shall not be regarded as being placed in a worse position because an order provides that any changes in a pension scheme are not to be effected without the consent of the Minister.

(3) An order such as is mentioned in sub-paragraph (2) which is made without the application of the successor company shall not be invalid because in fact it does not have the effect of securing that the successor company and its subsidiaries are not placed in any worse position, but except in so far as the successor company approves the effect of the order the Minister shall as soon as may be make the necessary amending order.

(4) Subject to sub-paragraph (6), any order under the said section 74 and any regulations to which paragraph 17 of Schedule 7 to the Transport Act 1962 applies (which continues in force certain earlier pension provisions) which—

- (a) are in force immediately before the appointed day ; and
- (b) relate to the Corporation, its employees or its pensions schemes,

shall continue in force, subject to any provision made by virtue of sub-paragraph (1), and as respects anything falling to be done on or after the appointed day shall have effect as if for any reference (however worded and whether express or implied) to the Corporation there were substituted a reference to the successor company.

(5) A person who on the appointed day—

- (a) ceases to be employed by the Corporation and becomes employed by the successor company ; or

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(b) is employed by a company which immediately before the appointed day was a subsidiary of the Corporation but on that day becomes a subsidiary of the successor company, shall not thereby cease to be eligible to participate in any pension scheme in which he was a participant immediately before the appointed day.

(6) Subject to sub-paragraph (5), a person who on or after the appointed day leaves or enters the employment of the group consisting of the successor company and its subsidiaries (in this sub-paragraph referred to as "the NFC group") shall not be eligible by virtue of any provision of an order under the said section 74 made before that day—

- (a) to participate in any of the Corporation's pension schemes by reason of any employment outside the NFC group; or
- (b) to participate in a pension scheme other than one of the Corporation's pension schemes by reason of his employment within the NFC group.

(7) In this paragraph—

(a) "participant", in relation to a pension scheme, means—

(i) in relation to a scheme under which benefits are or will be receivable as of right, a person who has pension rights under the scheme (whether he has contributed or not); and

(ii) in relation to a scheme under which benefits are not or will not be receivable as of right, a person who (whether he is referred to in the scheme as a member, as a contributor or otherwise) has contributed under the scheme and has pension rights thereunder;

and "participate" and "eligible to participate" shall be construed accordingly;

(b) "pension", "pension rights" and "pension scheme" have the same meaning as in section 74 of the Transport Act 1962; and

(c) references to the Corporation's pension schemes are to schemes established by the Corporation or in relation to which the rights, liabilities and functions of the Transport Holding Company were transferred to the Corporation by the British Transport (Pensions of Employees) (No. 1) Order 1968.

1962 c. 46.

S.I. 1968/2011.

Grants in respect of certain capital expenditure

8.—(1) The obligations of the Corporation transferred by virtue of section 45 include any obligation to comply with terms and conditions attached to a grant made under section 18 of the Transport Act 1978 (grants in respect of capital expenditure by National Carriers Limited or its subsidiaries).

1978 c. 55.

(2) For the reference in that section to the Corporation there shall be substituted, as from the appointed day, a reference to the successor company.

(3) In considering the exercise of his powers under that section in favour of the successor company, the Minister shall take into account any capital expenditure within that section not previously taken into account, including expenditure incurred before the appointed day; and the financial limits set by subsection (2) of that section shall apply in relation to such an exercise of the Minister's powers as if grants made to the Corporation at any time before the appointed day had been made to the successor company at that time.

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Reimbursement for certain travel concessions

9.—(1) The obligations of the Corporation transferred by virtue of section 45 include any obligation to comply with terms attached to a payment made under section 21 of the Transport Act 1978 (reimbursement of amounts paid in connection with travel concessions enjoyed by certain employees and others). 1978 c. 55.

(2) For the references in that section to the Corporation there shall be substituted, as from the appointed day, references to the successor company.

(3) In considering the exercise of his powers under that section in favour of the successor company, the Minister shall take into account any amounts paid as mentioned in that section and not previously taken into account, including amounts paid by the Corporation and amounts paid in respect of concessionary travel enjoyed before the appointed day.

Rating

10.—(1) The obligations of the Corporation transferred by virtue of section 45 include any obligation of the Corporation under subsection (2) of section 162 of the Transport Act 1968 to make a payment to the British Railways Board in respect of any period of occupation before the appointed day by the Corporation or a subsidiary of premises which by virtue of subsection (1) of that section are to be treated for rating purposes as occupied by the Board. 1968 c. 73.

(2) If any dispute between the Board and the Corporation as to the amount so payable stands referred to the Minister immediately before the appointed day, it shall be dealt with thereafter as if the successor company had at all times been a party to the reference.

(3) Any dispute arising on or after the appointed day between the Board and the successor company as to the amount due under the said subsection (2) shall be referred to the Minister for determination, and his determination shall be final.

SCHEDULE 7

Section 51.

AMENDMENTS CONSEQUENTIAL ON PART II

TRANSPORT ACT 1968 (c.73)

1. In section 7 substitute the words "the Board"—

(a) in subsection (1)(a) for the words from "the authority" to the end;

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- (b) in subsection (3) for the words "the authority or authorities making it"; and
 - (c) in subsection (4) for the words "the authority or authorities by whom the scheme was prepared".
2. In section 8(1) (b) for "either of those authorities" substitute "the Railways Board".
3. In section 29(6) for the words from "subsection (2) of the said section" to the end substitute "subsection (1)(b) of the said section 7 or, as the case may be, to an order under subsection (1)(b) of the said section 8 making any such provision as is mentioned in the said section 7(1)(b), but as if for the reference in subsection (6)(a) of the said section 8 to the Railways Board there were substituted a reference to the Scottish Group and the Railways Board".
4. In section 45(5) for "the authority to whom the directions are given" substitute "the Board".
5. In paragraph 4 of Schedule 16 for the words from "subsection (1)" to "of that section" substitute "subsection (2) of section 67 of the Act of 1962".
6. In paragraph 5 of Schedule 16—
- (a) in sub-paragraph (2), for "either of the authorities to whom this section applies" substitute "the Scottish Group" and for "authority" in both places where it occurs substitute "Group";
 - (b) in sub-paragraph (3), for "the authority or subsidiary in question" substitute "the Scottish Group or, as the case may be, the subsidiary in question";
 - (c) in sub-paragraph (4), for "either or both of the authorities to whom this paragraph applies" substitute "the Scottish Group" and for the words from "authority" to "each of those authorities" substitute "Group".

Section[60.

SCHEDULE 8

B.R. PENSION SCHEMES

British Railways Superannuation Fund:

New Section

GWR Section

LMSR Section

LNER Section so far as relating to persons admitted to the
London and North Eastern Railway Superannuation
Fund before 1st June 1957

LNER Section so far as not so relating

RCS Section

SR Section

British Railways (Wages Grades) Pension Fund

British Transport Police Force Superannuation Fund

B.R. (1974) Pension Fund

Great Eastern Railway New Pension Fund and New Pension
(Supplemental) Fund Trust Account

Great Northern Railway Superannuation Fund
 Great Western Railway Inspectors and Foremen's Special Pension Fund
 Great Western Railway Pension Society
 Great Western Railway Salaried Staff Supplemental Pension Fund
 Great Western Railway Supplemental Pensions Reserve Fund
 Great Western Railway Widows and Orphans' Benevolent Fund
 Lancashire and Yorkshire Railway Pension Fund Society
 London, Brighton and South Coast Railway Pension Fund
 London Midland and Scottish Railway (L.N.W.) Insurance Society
 London Midland and Scottish Railway (L.N.W.) Provident and Pensions Society
 London Midland and Scottish Railway (L.N.W.) Supplementary Pension Fund and Locomotive Foremen's Pension Fund
 London Midland and Scottish Railway Midland Friendly Society
 London Midland and Scottish Railway (North Staffordshire Section) Friendly Society
 North British Railway Insurance Society
 North Eastern and Great Eastern Superannuation Societies and Pensions Funds Joint Trust Account
 Southern Railway (South Eastern & Chatham Section) Enginemen & Motormen's Pension Fund Society
 Thomas Bantock & Co. Superannuation Fund.

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SCHEDULE 9

Section 69.

REPEALS

PART I

PUBLIC SERVICE VEHICLES

Chapter	Short title	Extent of repeal
1 & 2 Eliz. 2. c. 33.	Education (Miscellaneous Provisions) Act 1953.	Section 12.
2 & 3 Eliz. 2. c. 64.	Transport Charges &c. (Miscellaneous Provisions) Act 1954.	Section 2. Schedule 1.
3 & 4 Eliz. 2. c. 26.	Public Service Vehicles (Travel Concessions) Act 1955.	In section 1(7), the words "and two".
6 & 7 Eliz. 2. c. 50.	Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958.	In section 7(1), the words from "and the references" onwards.
8 & 9 Eliz. 2. c. 16.	Road Traffic Act 1960.	Sections 117 and 118. In section 119(3)(a), the words "or backed". Section 127.

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Chapter	Short title	Extent of repeal
8 & 9 Eliz. 2. c. 16— <i>contd.</i>	Road Traffic Act 1960— <i>contd.</i>	In section 128(2), the words from "In the application" onwards. Section 129. In section 130, in subsection (2), the words from "and such" onwards. Sections 132 to 140. Section 143. In section 144, the words "or act as conductor of", wherever occurring, and, in subsection (3), the words from "and for" to "eighteen". In section 145(1), the words "or act as conductor of". In section 147(1)(d) the words "or other person authorised by the licensee of the vehicle". Section 149. Section 153(2). In section 154, the words "or act as conductor of". In section 155, the words "or act as conductor of". In section 156(1), the words "or backed". In section 158, the words "or act as conductor of". In section 160— (a) in subsection (1), the words "or the Twelfth Schedule thereto"; (b) in subsection (1)(f), the words "and conductors"; (c) in subsection (2), the words "and the Twelfth Schedule thereto". In section 163(1), the words "or act as conductor of." Section 234. Section 240. In section 247(2), the words from "or (in a case" onwards. In section 257(1), the definitions of "owner" and "road service licence". Section 258. Schedule 12. In Schedule 17, the entries relating to the Local Government (Miscellaneous Provisions) Act 1953 and the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act 1958.

Chapter	Short title	Extent of repeal
10 & 11 Eliz. 2. c. 46.	Transport Act 1962.	In Schedule 2, in Part I, the entries relating to section 12 of the Education (Miscellaneous Provisions) Act 1953 and section 135 of the 1960 Act.
1963 c. 33.	London Government Act 1963.	In section 9(6)(b), the words from "except" to "1960". Section 14(6)(d). In Schedule 5, in Part I, paragraph 25.
1965 c. 25.	Finance Act 1965.	In section 92(8), the definition of "road service licence".
1967 c. 76.	Road Traffic Regulation Act 1967.	In section 1(3), the words "or express carriage". In Schedule 6, the amendment of section 135(2) of the 1960 Act.
1968 c. 73.	Transport Act 1968.	Section 21(1). Section 30. Section 35(1), (2) and (3)(a). In section 138, in subsection (1)(a) the words from "subject" to "granted or backed", and in subsection (3)(a) the words "subject as mentioned in subsection (1)(a) of this section". Section 145(1). In section 159(1), in the definition of "road service licence" the words from "and except" onwards.
1969 c. 35.	Transport (London) Act 1969.	In section 23(6), the words from "except" to "that section". In section 23(7), in the definition of "road service licence" the words from "and includes" onwards. In section 24(2), the words "or act as conductor of". Section 24(3). Section 24(4)(b) and (d). In Schedule 3, in paragraph 8, in the subsection substituted in section 92 of the Finance Act 1965, the definition of "road service licence"; and paragraph 11.
1971 c. 62.	Tribunals and Inquiries Act 1971.	Section 13(5). In section 13(6)(a) the words from "or to a decision" to "traffic commissioners". In Schedule 1, in paragraph 30(a), the words from "and" onwards.

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Chapter	Short title	Extent of repeal
1972 c. 20.	Road Traffic Act 1972.	In section 44(4)— (a) the words from “ to public service vehicles ” to “ passengers or ”; (b) the words from “ but shall apply ” to “ 1978 ”; (c) the words from “ if no ” to the end.
1972 c. 68.	European Communities Act 1972.	In Schedule 4, paragraph 10.
1972 c. 70.	Local Government Act 1972.	Section 186(3).
1973 c. 65.	Local Government (Scotland) Act 1973.	In Schedule 18, paragraphs 26 and 30 to 35.
1974 c. 50.	Road Traffic Act 1974.	In Schedule 2, paragraphs 1 and 3 to 5. In Schedule 5, all the entries in Part I except those relating to sections 148(2) and 239 of the 1960 Act. In Schedule 6, paragraph 1 and, in paragraph 2, the words “ or act as conductor of ”. In Schedule 7, the entry relating to section 131(1)(b) of the 1960 Act.
1976 c. 76.	Energy Act 1976.	In Schedule 1, in paragraph 2, the words “ or act as conductor of ” in both places where they occur.
1978 c. 55.	Transport Act 1978.	Section 5(10). Section 6. Section 7(1) and (2). Section 8. Schedule 1. Schedule 2, except paragraph 5.

PART II

REPEALS TAKING EFFECT ON PASSING OF THIS ACT

Chapter	Title	Extent of repeal
1960 c. 16.	Road Traffic Act 1960.	In section 232(1)(b), the words “ or 71 ”.
1968 c. 73.	Transport Act 1968.	Section 6. In section 7(5), the words “ or under section 6(1) of this Act ”. In section 8(6)(a), sub-paragraph (iv). In section 45(6)(a), the words “ or under section 6(1) of this Act ”.

Chapter	Title	Extent of repeal
1968 c. 73 — <i>cont.</i>	Transport Act 1968— <i>cont.</i>	In section 71— (a) subsections (1) to (5); (b) in subsection (6), the words “this section and”; (c) subsection (7); (d) in subsection (8) the definition of “pallet”; (e) subsections (9) and (10). Sections 72 to 80. In section 81(3), the words from “(or, if” to “last vehicle)”. In section 82— (a) in subsection (1), the words “record or other”, “76 or”, “record or other” and “record or”; (b) in subsection (2), the words “records or” and “record or”. In section 83, the words “record or other”, “76 or” and “record or”. In section 84— (a) in paragraph (a), the words “a special authorisation”; (b) in paragraph (b), the words “or authorisation”; (c) in paragraph (c), the words “or special authorisation”; (d) in paragraph (d), the words “a special authorisation”; (e) in paragraph (f), the words “or authorisation”. Section 85(1)(b). In section 86, the words “and a special authorisation” and “or special authorisation”. In section 87, subsection (2) and in subsection (3) the words “or 79”. In section 89(1), the words “and special authorisations”. In section 91— (a) in subsection (1)(a), the words “and special authorisations”; (b) in subsection (1)(b), the words “and special authorisations”, “or authorisations” and “or authorisations”; (c) in subsection (1)(c), the words from “or as vehicles” to the end;

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Chapter	Title	Extent of repeal
1968 c. 73 — <i>cont.</i>	Transport Act 1968— <i>cont.</i>	(d) in subsection (1)(d), the words “and special authorisations”, “or authorisations” and “or 79”; (e) in subsection (1)(e), the words “or special authorisation”; (f) in subsection (2), the words “or as vehicles used under a special authorisation” and “or special authorisation”; (g) subsection (4)(b). In section 92(6), the words “or authorisation” in both places where they occur. In section 94, subsections (4) to (6) and in subsection (8) the words from “but if” to the end. Section 150. In section 162(2), the words from “who may” to “their recommendations”. In Schedule 10, in Part I— (a) in the amendment of section 233(1)(a) of the Road Traffic Act 1960, the words “or authorisation”; (b) in the amendment of section 233(1)(c) of that Act, the words from “and that paragraph” to the end; (c) in the amendment of section 235(1) of that Act the words “or authorisation”; (d) in the amendment of section 263(1) of that Act, the words from “and the references” to the end. In Schedule 10, in Part II, in the amendment of section 232(1) (b) of the Road Traffic Act 1960, the words “or 71”.
1969 c. 48.	Post Office Act 1969.	In Schedule 4, paragraph 88.
1974 c. 48.	Railways Act 1974.	Sections 5 to 7.
1975 c. 24.	House of Commons Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Freight Integration Council.
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the Freight Integration Council.
1978 c. 55.	Transport Act 1978.	Sections 19 and 20.

PART III

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REPEALS TAKING EFFECT ON APPOINTED DAY UNDER PART II OF THIS ACT

Chapter	Title	Extent of repeal
1938 c. 44.	Road Haulage Wages Act 1938.	In section 4(2), the words "the National Freight Corporation,".
1964 c. 40.	Harbours Act 1964.	In section 57(1), in the definition of "the Boards", the words "the National Freight Corporation" and "Corporation or" .
1966 c. 27.	Building Control Act 1966.	In the Schedule, the entry relating to the National Freight Corporation.
1966 c. 34.	Industrial Development Act 1966.	In Schedule 2, the entry relating to the National Freight Corporation.
1968 c. 73.	Transport Act 1968.	Sections 1 to 5. In section 7— (a) in subsection (1), the words from "or the Freight Corporation" to "acting jointly" and in paragraph (b) the words "the Corporation" and "or Corporation"; (b) subsection (2); (c) in subsection (3), the words "subsection (1) or (2) of"; (d) in subsection (4), in paragraph (a) the words "or the Freight Corporation" and "respective" and paragraph (b); (e) in subsection (5), the words "or subsection (2)"; (f) in subsection (6), the words "or subsection (2)"; (g) in subsection (7), the words from "and in the application" to the end. In section 8— (a) in subsection (1), paragraph (a) and in paragraph (b) the words "or paragraph (b) of subsection (4)"; (b) subsection (2); (c) in subsection (3), the words "subsection (1) or (2) of"; (d) in subsection (4), the words "subsection (1) of" and the words from "and in the case" to "of this section";

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Chapter	Title	Extent of repeal
1968 c. 73— <i>cont.</i>	Transport Act 1968— <i>cont.</i>	(e) in subsection (5), the words from " and in the application " to the end; (f) in subsection (6), the words from the beginning to " Corporation; and " and in paragraph (a), sub-paragraph (i), in sub-paragraph (ii) the words from " in the case " to " of this section " and sub-paragraph (iii). In section 44— (a) in subsection (1)(a)(iii), the words " 3(1) or " and the words " the Freight Corporation or "; (b) in subsection (1)(b)(iii), the words " the Freight Corporation or "; (c) in the concluding words of subsection (1)(b), the reference to section 3(1). In section 45— (a) in subsection (1), paragraph (b), the word " and " immediately preceding that paragraph and the words " or, as the case may be, the Corporation "; (b) in subsection (2), the words " or, as the case may be, the Corporation " in both places where they occur; (c) in subsection (3), the words " or the Freight Corporation "; (d) in subsection (5), the words " or the Freight Corporation or each of them " and " respective "; (e) in subsection (6), the words " or the Freight Corporation ". In section 52(2), the words " and the Freight Corporation ", " or the Corporation " and " or Corporation ". In section 55— (a) in subsection (1)(b), the words " the Freight Corporation and " and the words " of that Corporation or "; (b) in subsection (1)(ii), the words " but including a reference to the Freight Corporation ";

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Chapter	Title	Extent of repeal
1968 c. 73 — <i>cont.</i>	Transport Act 1968— <i>cont.</i>	(c) in subsection (1)(iii), the words “or the Freight Corporation”; (d) subsection (1)(iv); (e) in subsection (4) the words “or with the Freight Corporation” and the words “or Corporation” in both places where they occur. In section 121, in subsection (1) the words from “and sections 116 and 117” to the end and in subsection (2)(a) the words “the Freight Corporation or the subsidiaries of that Corporation”. In section 125(4), the words “and to the Freight Corporation”. In section 134(3)(b), the reference to section 2(1)(g)(ii) and (m). In section 156(1), the words “the Freight Corporation”, “or Corporation”, “Corporation or”, “the Minister or, in the case of the Scottish Group”, and “the Minister or, as the case may be,”. In section 159(1), the definition of “the Freight Corporation” and in the definition of “the new authorities” the words “the Freight Corporation”. In section 160(3), paragraph (a) and in paragraph (b) the reference to section 4(1). In section 162— (a) in subsection (1), paragraph (b) and the word “or” immediately preceding it, the words “or (b)” and the words from “or, as the case may be”, to “that Corporation”; (b) subsection (2); (c) in subsection (3), the words “or the Freight Corporation” and the words “or that Corporation”; (d) in subsection (4), the words “or (b)” and the words “of the Freight Corporation or”.

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Chapter	Short title	Extent of repeal
1968 c. 73 — <i>cont.</i>	Transport Act 1968— <i>cont.</i>	In Schedule 1, paragraph 1 and in paragraph 5 the words from “and, in the case ” to the end. In Schedule 2, in paragraph 3(a), the words “5(3)(a) or”. Schedule 3. In Schedule 4, in paragraph 5 the words from “by or on behalf” to “Freight Corporation, or” and in paragraph 6 the words “the Freight Corporation”. In Schedule 10, in Part I, in the second amendment to section 4(2) of the Road Haulage Wages Act 1938, the words “the National Freight Corporation.” In Schedule 16— (a) paragraphs 1 and 2; (b) in paragraph 4, in sub-paragraph (1) the words “the Corporation and”, sub-paragraph (2) and in sub-paragraph (5) the words “the Freight Corporation” and “Corporation”; (c) in paragraph 5, sub-paragraph (1); (d) in paragraph 7(1), the words “to the Freight Corporation and” and “of the Freight Corporation or”; (e) in paragraph 8, in sub-paragraph (1)(d)(i), the words “the National Freight Corporation” and “Corporation or” and in sub-paragraph (2) the words “the Freight Corporation”; (f) in paragraph 9, the words “The National Freight Corporation”; (g) in paragraph 10, the words “The National Freight Corporation”.
1974 c. 8.	Statutory Corporations (Financial Provisions) Act 1974.	In Schedule 2, in the first column of the entry amending section 19(2) of the Transport Act 1962, the reference to the National Freight Corporation.
1975 c. 24.	House of Commons Dis- qualification Act 1975.	In Schedule 1, in Part II, the entry relating to the National Freight Corporation.

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Chapter	Title	Extent of repeal
1975 c. 25.	Northern Ireland Assembly Disqualification Act 1975.	In Schedule 1, in Part II, the entry relating to the National Freight Corporation.
1977 c. 20.	Transport (Financial Provisions) Act 1977.	Section 2.
1978 c. 55.	Transport Act 1978.	Section 17.

PART IV
OTHER REPEALS

Chapter	Title	Extent of repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	Section 100.