



Road Traffic Act 1930

1930 CHAPTER 43

PART IV

REGULATION OF PUBLIC SERVICE VEHICLES.

Classification of Public Service Vehicles.

61 Application of Part IV and classification of public service vehicles.

- (1) Public service vehicles shall, for the purposes of this Part of this Act and the regulations made thereunder, be divided into the following classes :—
- (a) Stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than one shilling for a single journey or such greater sum as may be prescribed), stage by stage, and stopping to pick up or set down passengers along the line of route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined:
 - (b) Express carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (none of which is less than one shilling for a single journey or such greater sum as may be prescribed) and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying the appropriate fares for the journey or journeys in question:
 - (c) Contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum :

Provided that a motor vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of race meetings, public gatherings and other like special occasions it is used to carry passengers at separate fares.

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- (2) It is hereby declared that where persons are carried in a motor vehicle for any journey in consideration of separate payments made by them, whether to the owner of the vehicle or to any other person, the vehicle in which they are carried shall be deemed to be a vehicle carrying passengers for hire or reward at separate fares, whether the payments are solely in respect of the journey or not.

Provided that a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

- (3) Where a person uses or allows to be used without reward for carrying eight or more persons as passengers any motor vehicle ordinarily used for the purposes of agriculture, trade or business, then, except where the persons so carried are workpeople being carried in the course of or to or from their employment, the vehicle shall for the purposes of this Part of this Act be treated as if it was a contract carriage, and the provisions of this Part of this Act and the regulations made thereunder shall apply accordingly.

Traffic Areas and Traffic Commissioners.

62 Constitution of traffic areas.

- (1) For the purposes of this Part of this Act England and Scotland shall be divided into the traffic areas specified respectively in the first column of Part I and Part II of the Third Schedule to this Act, and those traffic areas shall consist of the several areas respectively specified in the second column of that Schedule.
- (2) The Minister may from time to time by order vary the provisions of the said Third Schedule, either by altering the limits of any existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.
- (3) Every order made under this section shall be laid before both Houses of Parliament forthwith, but shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which the House has sat, and, if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.
- (4) Any order made under this section may be revoked or altered by a subsequent order.

63 Traffic commissioners.

- (1) For each traffic area there shall be a body of three commissioners who shall have the power and be charged with the duty of issuing licences under this Part of this Act and shall exercise such other powers and perform such other duties as are conferred or imposed on them by or in pursuance of this Act, and subject as aforesaid shall act under the general directions of the Minister.
- (2) The commissioners for any traffic area shall be appointed by the Minister in manner provided by this section, and in this Part of this Act the expression " the commissioners " means the traffic commissioners for any traffic area.

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

Where the Minister proposes to appoint a person to be traffic commissioner for any traffic area he shall, before making the appointment, require the person whom he proposes to appoint to declare whether he has any, and if so what, financial interest in any transport undertaking which carries passengers.

- (3) One of the commissioners shall be appointed by the Minister from a panel of persons nominated by the councils of the counties whose area, or any part of whose area, is situated in the traffic area, another of the commissioners shall be appointed by the Minister from a panel of persons nominated by the councils of the county boroughs and urban districts whose area, or any part of whose area, is situated in the traffic area, and the other commissioner shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners:
- (4) For the purpose of constituting the panels mentioned in the last foregoing subsection, each of the councils concerned shall nominate one person annually as a member of the panel, and a person so nominated shall continue to be a member of the panel for one year from the date of his nomination, but shall be eligible for re-nomination from time to time.
- (5) The chairman of the commissioners, who shall be required to devote the whole of his time to the duties of his office, shall hold office for such term not exceeding seven years as the Minister may determine at the time of his appointment, and shall be eligible for reappointment from time to time on the expiration of his term of office.
- (6) A commissioner, other than the chairman, shall hold office for such term not exceeding three years as the Minister may determine at the time of his appointment, and shall, if at the date at which his term of office expires his name is still included in the panel from which he was appointed, be eligible for reappointment.
- (7) In the case of illness, incapacity or absence of the chairman, the Minister may appoint such person as he thinks fit to act as deputy to the chairman, and in the case of illness, incapacity or absence of either of the other commissioners, the Minister may appoint some other person, being a person whose name is included in the panel from which that commissioner was appointed to act as deputy for that commissioner.
- (8) Subject to the approval of the Treasury, the Minister may appoint such persons to act as officers and servants of the commissioners as he considers requisite for the purpose of enabling them to discharge their duties under this Part of this Act.
- (9) The Minister may by regulation make provision as to the dates on which nominations to panels are to be made and as to the filling of casual vacancies.
- (10) If any person being a commissioner for any traffic area acquires any financial interest in any transport undertaking which carries passengers he shall within four weeks after so doing give notice thereof in writing to the Minister specifying the interest so acquired, and the Minister after taking the matter into consideration may, if he thinks fit, declare that the commissioner has vacated his office.
- (11) The Minister may remove any commissioner from his office for inability or misbehaviour.
- (12) A person shall be disqualified from being appointed or being a commissioner so long as he is a member of the Commons House of Parliament.

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64 Procedure of traffic commissioners.

- (1) The commissioners shall, for the purpose of hearing and determining applications for the grant and backing of road service licences, and may for any other purpose, if they so think fit, hold public sittings at such places in any part of their area as appears to them convenient.
- (2) Not less than two commissioners shall be present at the hearing of any application, and if where an application is heard by two commissioners only there is a difference of opinion between them, the matter shall be reheard and determined by all the commissioners.
- (3) The commissioners may delegate to any one of their members any of their functions other than those requiring to be discharged at a public sitting or that of advising the Minister on any order made by a local authority under this Part of this Act.

65 Traffic commissioners to make annual report to Minister.

The commissioners shall make an annual report to the Minister on their proceedings containing particulars with respect to such matters as the Minister may direct.

66 Information to be given to commissioners as to licences issued before commencement of Act.

It shall be the duty of a local authority to produce to the commissioners all registers kept by the local authority relating to the grant or refusal by them before the commencement of this Act of licences to ply for hire, and to furnish to the commissioners such other information relating to the matters aforesaid as the commissioners may require for the purpose of carrying out their duties under this Act.

Public Service Vehicle Licences.

67 Public service vehicle licences.

- (1) No person shall cause or permit a motor vehicle to be used on any road as a stage carriage an express carriage or a contract carriage unless he is the holder of a licence (in this Act referred to as "a public service vehicle licence") to use it as a vehicle of that class in accordance with the provisions of this Part of this Act:

Provided that—

- (a) a person who is the holder of a licence to use a vehicle as a stage carriage may use it as a contract carriage or, subject to any condition attached to his road service licence, as an express carriage, and a person who is the holder of a licence to use a vehicle as an express carriage may use it as a contract carriage; and
 - (b) in the case of a service of stage carriages, a vehicle licensed as an express carriage may be used on the service if the commissioners of each of the traffic areas in which the vehicle is to be so used think that it may in any special circumstances, including the character of the service, properly be so used and consent in writing thereto.
- (2) A public service vehicle licence may be refused or, if it has already been granted, may at any time be suspended or revoked by the commissioners by whom it was granted if,

having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used, it appears to them that he is not a fit person to hold such a licence.

- (3) If any person causes or permits a vehicle to be used in contravention of this section, he shall be guilty of an offence.

68 Certificates of fitness of vehicles.

- (1) Subject to the provisions of this section relating to vehicles in respect of which a licence to ply for hire has been granted before the commencement of this Act, a licence to use a vehicle adapted to carry eight or more passengers as a stage carriage, express carriage or contract carriage shall not be granted unless a certificate (hereinafter referred to as a certificate of fitness) has been issued by a certifying officer that the prescribed conditions as to fitness are fulfilled in respect of the vehicle and such a certificate is in force in respect of the vehicle:

Provided that the Minister may by regulations extend the provisions of this subsection to stage carriages and express carriages adapted to carry seven passengers or any smaller number of passengers specified in the regulations.

- (2) A public service vehicle licence of any class shall not be refused on the ground that the construction or fixed equipment of the vehicle is not suitable if a certificate of fitness as a vehicle of that class has been issued and is in force with respect to the vehicle :

Provided that, if the commissioners are satisfied that the structure of the vehicle or the fixed equipment thereof has become defective or has been so altered as no longer to comply with the prescribed conditions as to fitness, they may refuse to grant a public service vehicle licence until a new certificate of fitness has been obtained.

- (3) A certificate of fitness shall, unless previously revoked or cancelled, continue in force for five years, or, if the certifying officer thinks fit, for such shorter period, not being less than one year, as may be specified in the certificate.
- (4) The Minister may at any time revoke a certificate of fitness, and if on the inspection of a public service vehicle it appears to the certifying officer that the vehicle does not comply with the prescribed conditions as to fitness, that officer may revoke the certificate of fitness, and where by reason of the revocation of a certificate of fitness or otherwise a vehicle ceases to be a vehicle in respect of which a certificate of fitness is in force, any licence granted in respect of that vehicle shall cease to have effect unless or until a new certificate of fitness is obtained.
- (5) Where the Minister is satisfied in respect of one vehicle of a particular type that the prescribed conditions as to fitness are fulfilled in respect of the Vehicle, he may, on payment of the prescribed fee, approve the vehicle as a type vehicle, and where a type vehicle has been so approved and a declaration in the prescribed form has been made by a person authorised by the Minister in that behalf that any other vehicle conforms in design, construction and equipment with the type vehicle, the certifying officer may, after examining such other vehicle, issue a certificate in the prescribed form that the vehicle conforms to the type vehicle, and such a certificate shall for the purposes of this Part of this Act be deemed to be a certificate of fitness and shall have effect accordingly.

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The Minister may at any time withdraw his approval of any type vehicle, and thereupon any certificate that any other vehicle conforms to that type vehicle shall cease to have effect as a certificate of fitness.

- (6) With a view to spreading the certification of vehicles over a term of years the commissioners may during the first four years after the commencement of this Act grant public service vehicle licences in respect of such vehicles, being vehicles in respect of which licences to ply for hire were granted before the commencement of this Act, as they think fit, notwithstanding that the provisions of subsection (1) of this section have not been complied with, and the Minister may by order provide that as and when the said subsection becomes applicable to any such vehicle, the requirements of the regulations prescribing the conditions as to fitness shall be relaxed in relation to that vehicle to such extent as may be specified in the order.

69 Certifying officers and public service vehicle examiners.

- (1) For the purpose of the provisions of this Part of this Act with respect to the certification of fitness of vehicles, the Minister may, with the approval of the Treasury, appoint such officers (in this Part of this Act referred to as certifying officers) as he thinks fit, and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of fitness and otherwise, as the Minister may require.
- (2) The Minister shall appoint as public service vehicle examiners, such persons as he considers necessary for the purpose of the inspection of public service vehicles within the several traffic areas and for the purpose of the discharge of such other duties as the Minister considers can conveniently be discharged by persons acting as such examiners, and for that purpose may, with the concurrence of the Secretary of State, make arrangements with any police authority for the appointment of members of their police force for this purpose.
- (3) Any certifying officer or public service vehicle examiner shall at any time on production, if so required, of his authority, be entitled to enter and inspect any public service vehicle, and for that purpose may require any public service vehicle to be stopped, and 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 a public service vehicle is kept, and if any person obstructs any such officer or examiner in the performance of his duty, or when required so to do fails to stop the vehicle, he shall be guilty of an offence.

70 Notice to be given to commissioners of failure in, damage to, or alteration of vehicles.

- (1) It shall be the duty of the holder of a public service vehicle licence on the happening to the vehicle in respect of which the licence was granted of any failure or damage of a nature calculated to affect the safety of the passengers or of persons using the road, as soon as may be to report the matter to the commissioners for the traffic area in which the failure or damage happened.
- (2) It shall be the duty of the holder of a public service vehicle licence on any alteration otherwise than by way of replacement of parts being made in the structure or fixed equipment of the vehicle forthwith to give notice of the alteration to the commissioners for the traffic area in which the licence was issued.

- (3) If any person fails to comply with the provisions of this section, he shall be guilty of an offence.

71 Suspension of vehicle licences for defects.

- (1) If on the inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner that the vehicle, owing to any defects therein, is or is likely to become unfit for service until the defects have been remedied, he may suspend the public service vehicle licence in respect of the vehicle :

Provided that, where in the opinion of the officer or examiner the defects are such as can be remedied within forty-eight hours, and are not defects which involve danger to the public, the suspension shall not operate before the expiration of forty-eight hours, nor shall it operate after the expiration of that time if the licensee before the expiration of that time furnishes evidence to the satisfaction of the officer or examiner that the defects have been or are in the course of being remedied.

- (2) Where a certifying officer or public service vehicle examiner suspends a licence under this section he shall forthwith give notice of the suspension to the' commissioners who granted the licence, and to the licensee, and a suspension under this section which becomes operative shall continue in force until it is removed or ceases in accordance with the provisions hereinafter contained.
- (3) Where a licence has been suspended under this section, the suspension may be removed by any certifying officer or public service vehicle examiner and where any such officer or examiner removes any suspension of a licence, he shall forthwith give notice of the removal to the commissioners by whom the licence was granted.
- (4) Where a public service vehicle examiner for any traffic area refuses to remove the suspension of a public service vehicle licence, the holder of the licence may make an application to the commissioners of that area to have the vehicle inspected by the certifying officer for that area, and where any such application is made, a certifying officer, on the matter being referred to him, shall, if he considers that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, remove the suspension.

Road Service Licences.

72 Road service licences.

- (1) Subject to the provisions of this section the commissioners may grant to any person applying therefor a licence (in this Act referred to as a " road service licence") to provide such a road service as may be specified therein, and a vehicle shall not be used as a stage carriage or an express carriage except under such a licence.
- (2) For the purposes of this section a vehicle used as a stage carriage, or as an express carriage, shall not be deemed to be so used under a road service licence unless it is so used by the holder of the licence and in accordance with the provisions thereof.
- (3) The commissioners shall not grant a road service licence in respect of any route if it appears to them from the particulars furnished in pursuance of subsection (5) of this section that the provisions of Part I of this Act relating to the speed of motor vehicles are likely to be contravened, and in exercising their discretion to grant or to refuse a

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road service licence in respect of any routes and their discretion to attach conditions to any such licence shall have regard to the following matters :—

- (a) the suitability of the routes on which a service may be provided under the licence;
- (b) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;
- (c) the extent to which the proposed service is necessary or desirable in the public interest ;
- (d) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services), and the co-ordination of all forms of passenger transport, including transport by rail;

and take into consideration any representations which may be made by persons who are already providing transport facilities along or near to the routes or any part thereof or by any local authority in whose area any of the routes or any part of any of the routes is situate.

- (4) Subject to the provisions of this section and to any regulations made by the Minister, the commissioners may attach, to a road service licence such conditions as they may think fit with respect to the matters to which they are required to have regard under the preceding subsection, and in particular for securing that—

- (a) the fares shall not be unreasonable;
- (b) where desirable in the public interest the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the route or any part thereof, or in proximity thereto;
- (c) copies of the time-table and fare-table shall be carried and be available for inspection in vehicles used on the service;
- (d) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;

and generally for securing the safety and convenience of the public; and the commissioners may from time to time vary in such manner as they think fit the conditions attached to a road service licence.

- (5) Every person applying for a road service licence shall submit to the commissioners—

- (a) particulars of the type or types of vehicle to be used; and
- (b) in the case of regular services, the time-tables and fare-tables of the services which it is proposed to provide under the licence; and
- (c) in any other case, such particulars as to the frequency of the services and the times to be taken on the journeys included in those services as the commissioners may require.

- (6) If where an application has been made for a road service licence it is represented to the commissioners by any person interested in or affected by the application that it is necessary or desirable in the public interest that the commissioners should fix the minimum or maximum fares for any service which the applicant proposes to provide under the licence, the commissioners may, subject to the provisions of this section fix such fares and make it a condition of the licence that fares shall not be charged under or in excess of the minimum or maximum:

- (7) In any case where provision is made by any Act for the fixing of fares or maximum fares in respect of any service or stage of any service, nothing in this section shall be

taken to authorise the commissioners to fix maximum fares in respect of that service or stage, or to fix a minimum fare for any stage in excess of any fare or maximum fare for the time being fixed for that stage under any such Act.

- (8) A road service licence in respect of any route shall be required notwithstanding that the provision of a service of stage carriages or express carriages is authorised under Part V of this Act or by a special Act or an order having the force of an Act.
- (9) The commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to every chief officer of police and every local authority in whose district or area any such service is to be provided.
- (10) If any person uses a vehicle or causes or permits it to be used in contravention of this section, or being the holder of a road service licence willfully or negligently fails to comply with any of the conditions attached to that licence, he shall be guilty of an offence:

Provided that failure in any case to comply with any such conditions shall not be an offence if the alleged offender proves that the commissioners for the traffic area in which the offence is alleged to have been committed had dispensed with compliance in that case.

- (11) In this section the expression " local authority " means the council of any county, county borough, or county district.

73 Validity of licences in other areas and backing of licences.

- (1) A road service licence granted by the commissioners of any traffic area shall not be valid in any other traffic area through which the route to be followed runs, but a road service licence granted by the commissioners of one traffic area may be backed in the prescribed manner by the commissioners of another traffic area, and if so backed, shall in the area of the commissioners by whom the licence is backed have effect as if it were a road service licence granted by them.
- (2) The commissioners of any traffic area, on backing a road service licence, may as respects their area impose any condition which they might have imposed on granting the licence, or vary any condition attached to the licence by the commissioners by whom the licence was granted, and all the provisions of this Part of this Act as to applications for road service licences and the granting, refusal, suspension or revocation of such licences and matters connected therewith shall apply to the backing of road service licences, subject to the modification that references in the said provisions to the commissioners by whom the licence was granted shall be construed as references to the commissioners by whom the licence was backed.
- (3) Save as aforesaid, any licence issued under this Part of this Act by the commissioners of any traffic area shall be valid in every other traffic area.

74 Power to revoke or suspend licences for non-compliance with conditions.

- (1) A road service licence may be revoked or suspended by the commissioners who granted the licence on the ground that any condition subject to which the licence was granted has not been complied with :

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Provided that the commissioners shall not revoke such a licence unless, owing to the frequency of the breach of conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the commissioners are satisfied that the licence should be revoked or suspended.

- (2) The commissioners, on revoking or suspending a road service licence, shall send notice thereof to every chief officer of police and to every local authority in whose district or area the service to which such licence relates was provided.

75 Returns to be made by persons operating public service vehicles.

- (1) It shall be the duty of any person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Minister such financial and statistical returns, and in such manner and at such times, as the Minister may from time to time require.
- (2) If any person fails to comply with the provisions of this section, he shall be liable to a fine not exceeding twenty pounds, and in the case of a continuing offence to a fine not exceeding five pounds for every day during which the offence continues.

76 Licence holders to supply particulars of arrangements with other persons as to provision of passenger transport facilities.

- (1) It shall be the duty of every person who applies for or holds any road service licence to supply to the commissioners within the prescribed time particulars in the prescribed form—
- (a) of any agreement or arrangement, affecting in any material respect the provision within the area of the commissioners of passenger transport facilities entered into by him with any other person by whom such facilities are provided, whether within or without the area;
 - (b) of any financial interest (whether as a partner or shareholder or as a result of any loan, guarantee, or other financial transaction) which any other person providing passenger transport facilities or controlling (either wholly or in conjunction with any other person) the business of any person who provides such facilities has in the business of the applicant or holder of the licence, and in the case of the applicant or holder who is a company of any right which any such person as aforesaid has to nominate any director of the company;
 - (c) of any such interest or right as aforesaid which the applicant or holder has in the business of any other person who provides passenger transport facilities within the area of the commissioners.
- (2) If any person refuses or fails to supply within the prescribed time any particulars which he is required to supply under this section, or knowingly supplies any particulars which are false in any respect, he shall be liable to a fine not exceeding twenty pounds, and in the case of a continuing offence, to a fine not exceeding five pounds for every day during which the offence continues.

Drivers and Conductors Licences.

77 Drivers' and conductors' licences.

- (1) A person shall not drive or act as conductor of a public service vehicle on a road unless he is licensed for the purpose under this Part of this Act, and a person shall not employ any person who is not so licensed to drive or act as conductor of a public service vehicle on a road.
- (2) A person shall be disqualified for obtaining a licence to drive or act as conductor of a public service vehicle unless he is, in the case of a licence to drive, over the age of twenty-one, and in the case of a licence to act as conductor, over the age of eighteen, and fulfils such other conditions as may be prescribed:

Provided that the above-mentioned limits of age shall be dispensed with if the applicant shows to the satisfaction of the commissioners that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, regularly employed as a driver or conductor, as the case may be, of a public service vehicle.
- (3) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.
- (4) A licence to drive or act as conductor of a public service vehicle may at any time be suspended or revoked by the commissioners by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence.
- (5) If a person acts in contravention of this section he shall be guilty of an offence.

General Provisions as to Licences.

78 Commissioners to whom applications for licences to be made.

- (1) An application for a public service vehicle licence shall be made to the commissioners for the traffic area within or from which the vehicle is intended to be ordinarily operated.
- (2) An application for a road service licence shall be made to any commissioners within whose area the proposed route or any part thereof is situate.
- (3) An application for a licence to act as driver or conductor of a public service vehicle shall be made to the commissioners for the traffic area in which the applicant resides.

79 Procedure on applications for licences, and &c.

Subject to the provisions of this Part of this Act, the Minister may make regulations as to the procedure on applications for and the determination of questions in connection with the grant, suspension and revocation of licences by commissioners, and the surrender of licences, and those regulations may make provision as to the particulars to be furnished and the persons to whom notices are to be given, the manner in which notices are to be published or served, and as to the manner in which objections may be made.

80 Duration of licences.

- (1) A licence under this Part of this Act, not being a road service licence, shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect.
- (2) The Minister may prescribe to the dates in the year on which road service licences shall expire and a road service licence shall, unless previously revoked, continue in force up till and including that one of the prescribed dates which occurs next before the expiration of one year from the date on which the licence is expressed to take effect or by till and including such earlier date, being one of the prescribed dates, as the commissioners may at the time of the granting of the licence for special reasons determine.

Provided that, if on the date of the expiration of a licence proceedings are pending before the commissioners of any traffic area on an application for the grant of a new road service licence in substitution for an existing road service licence held by the applicant or for the backing of any such new licence the existing road service licence and any backings thereon shall continue in force until the application is disposed of.

- (3) Nothing in this section shall prevent the attachment to a road service licence of a condition that the service shall be limited to one or more particular periods or occasions.
- (4) Where a licence under this Part of this Act is suspended under the provisions of this Part of this Act, it shall during the time of suspension be of no effect.

81 Appeals to the Minister in connection with public service vehicle licences, road service licences and certificates of fitness.

- (1) Any person who—
 - (a) being an applicant for the grant of a public service vehicle licence or road service licence, is aggrieved by the refusal or failure of the commissioners to grant the licence, or with any condition imposed by the commissioners; or
 - (b) being a local authority which, or a person providing transport facilities who, has opposed the grant of a road service licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or
 - (c) being the holder of a public service vehicle licence or road service licence, is aggrieved at the revocation or suspension thereof, by the commissioners or by any variation of the conditions attached thereto; or
 - (d) being the holder of a public service vehicle licence, is aggrieved by the refusal of a certifying officer to remove the suspension thereof; or
 - (e) being an applicant for or the holder of a certificate of fitness, is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration proposed by the certifying officer or by the revocation of a certificate;

may within the prescribed time and in the prescribed manner appeal to the Minister.

- (2) On any such appeal, the Minister shall have power to make such order as he thinks fit (including an order revoking a licence), and any such order shall be binding upon the commissioners or certifying officer.

- (3) Where a person who has applied for a new licence in substitution for a licence held by him and in force at the date of his application appeals to the Minister on the ground that his application has been refused or has not been granted, the existing licence, and, if that licence is a road service licence, any backing thereof, shall continue in force until the appeal has been disposed of, notwithstanding the provisions of this Act as to the expiration of the licence by effluxion of time, without prejudice however to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.
- (4) Where the holder of any road service licence appeals to the Minister against any variation of the conditions attached to that licence that variation shall not have effect until the appeal has been disposed of.

82 Appeals to courts of summary jurisdiction in connection with drivers' and conductors' licences.

- (1) Any person who, being the holder of or an applicant for a licence to act as driver or conductor of a public service vehicle feels aggrieved by the refusal or failure of the commissioners to grant or by the suspension or revocation of such a licence, or by any limitation imposed thereon, may by notice in writing to the commissioners require them to reconsider the matter, and shall on the reconsideration be entitled to be heard either personally or by his representative.

Any person who is so aggrieved as aforesaid or who is dissatisfied with 'the decision of the commissioners on the reconsideration of the matter may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides, and on any such appeal the court may make such order as it thinks fit and any order so made shall be binding on the commissioners.

- (2) Where the applicant for such a licence, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of, notwithstanding the provisions of this Act as to the expiry of the licence by the effluxion of time.

83 Records of licences under Part IV.

- (1) The commissioners of every traffic area shall keep a record in such form and containing such particulars as may be prescribed of all licences granted or backed by them under this Part of this Act.
- (2) Any police constable or any person authorised for the purpose by a local authority shall, without payment, and any other person appearing to the commissioners to have a reasonable ground for claiming so to do shall, upon payment of the prescribed fee, be entitled at any reasonable time to inspect and take copies of or extracts from the record, and the record shall be admissible in evidence of the matters required under this Part of this Act to be entered therein, and a copy of an entry made in the record in pursuance of this section purporting to be signed by or on behalf of the commissioners and to be certified to be a true copy shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the same.

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Drivers, Conductors and Passengers.

84 Regulation of conduct of passengers.

- (1) The Minister may make regulations generally as to the conduct of passengers in public service vehicles and any such regulations may in particular, without prejudice to the generality of the foregoing provision—
 - (a) authorise the removal from a public service vehicle of any person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by any police constable;
 - (b) require a passenger in a public service vehicle who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a police constable or to the driver or conductor on demand;
 - (c) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of such journey and to accept any ticket provided therefor;
 - (d) require, on demand being made for the purpose by the driver or conductor or other person authorised by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him ;
 - (e) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;
 - (f) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.
- (2) If any person contravenes or fails to comply with any provision of any such regulations, he shall be liable to a fine not exceeding five pounds.

85 Regulation of conduct of drivers and conductors.

- (1) The Minister may make regulations as to the conduct of persons licensed to act as drivers or conductors of public service vehicles when acting as such.
- (2) If any person to whom any such regulations apply contravenes or fails to comply with any of the provisions of the regulations, he shall be liable to a fine not exceeding five pounds, and the court by which he is convicted may, if it thinks fit, cause particulars of the conviction to be endorsed upon the licence granted to that person under this Part of this Act.
- (3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, shall be guilty of an offence.

Financial Provisions.

86 Fees in respect of licences and certificates.

- (1) Such fees as the Minister may prescribe shall be charged by the commissioners in respect of the grant or backing of licences and in respect of the issue of certificates of fitness under this Part of this Act.

- (2) Any fees received by the commissioners shall be paid into the Road Fund in such manner as the Treasury may direct.

87 Salaries and expenses of traffic commissioners and staff, and &c.

- (1) There shall be paid to the chairman of the traffic commissioners and to the persons acting as officers and servants of the commissioners such salaries or remuneration as the Minister may, with the consent of the Treasury, determine, and to the two other commissioners or any person appointed to act as a deputy for any commissioner such remuneration and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.
- (2) There shall be paid to or in respect of the certifying officers and the public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Minister may, with the consent of the Treasury, determine.
- (3) There shall be paid as part of the expenses of the roads department of the Ministry of Transport in every year such sums as the Minister may, with the consent of the Treasury, direct in respect of the salaries, remuneration, establishment charges, and other expenses of the traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Minister for the purposes of this Part of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.

88 Accounts of traffic commissioners and audit.

- (1) The commissioners for each traffic area shall cause proper accounts and other records in relation thereto to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.
- (2) All accounts kept under this section shall, for the purposes of subsection (5) of section three of the Roads Act, 1920, be deemed to be part of the account of the Road Fund which under that subsection is to be prepared by the Minister.

89 Amendment of s. 3 of Roads Act, 1920.

Paragraph (b) of subsection (4) of section three of the Roads Act, 1920 (which provides for the payment out of the Road Fund to local and police authorities of sums representing the amounts which they would have received on account of fees and charges for the purposes of the licensing of mechanically propelled hackney carriages) shall apply only in respect of such mechanically propelled hackney carriages as are not public service vehicles within the meaning of this Act.

Miscellaneous.

90 Power of local authorities with respect to use of highways by public service vehicles and with respect to stations for such vehicles.

- (1) A local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon stands for public service vehicles and as to the places

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at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places.

- (2) Where in pursuance of the powers conferred by section sixty-eight of the Public Health Act, 1925, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if it thinks fit—
 - (a) by order appoint that parking place as a station for such vehicles;
 - (b) by regulation declare that subsection (7) of that section (which prohibits persons employed in connection with vehicles within a parking place plying for hire or accepting passengers for hire) shall not apply to public service vehicles either absolutely or to such extent as may be specified in the regulation.
- (3) Where a parking place is appointed under this section as a station for public service vehicles the local authority may
 - (a) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as a station for public service vehicles, and in particular provide and maintain waiting-rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith, and
 - (b) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and
 - (c) make regulations as to the use of any such accommodation.
- (4) Where any local authority propose to make an order under subsection (1) or subsection (2) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.
- (5) An order made under subsection (1) or subsection (2) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for the traffic area in which the area or any part of the area of the local authority is situate.
- (6) The Minister may confirm an order made under subsection (1) or subsection (2) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.
- (7) An order made and confirmed under subsection (1) of this section unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and may at any time be altered or revoked by an order made in like manner and subject to the like provisions as the original order.
- (8) The confirmation of an order under subsection (1) or subsection (2) of this section shall be evidence that the requirements of this section have been complied with.
- (9) In subsection (1) of this section the expression "local authority" means as regards a county borough or an urban district having a population according to the last census for the time being of over twenty thousand, and any other urban or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county.

- (10) The purposes of this section shall be purposes for which a local authority may borrow in the case of a county council under the Local Government Act, 1888, and in the case of a borough or district council under and subject to the provisions of the Public Health Acts, 1875 to 1926.

91 Power of Minister to modify restrictions on user of roads by public service vehicles.

- (1) In any case where the running of public service vehicles on a road is restricted or prohibited by a local Act or order the council of the county borough or of the county district in which the road or any part thereof is situate or any local authority or person providing or proposing to provide a service of public service vehicles on that road, or any part thereof may apply to the Minister for an order modifying or revoking the restrictions or prohibition.
- (2) The Minister, on receiving an application under this section, shall, unless he is of opinion that it is made without reasonable cause, direct a public inquiry to be held into the subject-matter of the application, and shall consider the report made to him by the person holding such inquiry.

Not less than one month's notice of the inquiry shall be given to the council of the county borough or county district in which the road is situate, to the applicants, where the application is not made by that authority, and to every local authority or person in whose favour the restrictions or prohibition appear to the Minister to have been imposed or who, in the opinion of the Minister, are affected by the application.

- (3) If as a result of the inquiry the Minister is satisfied that it is in the public interest that the restrictions or prohibition should be modified or revoked he may make an order modifying or revoking them, and may by such order modify or revoke to such extent as appears to him to be equitable in the circumstances any obligations imposed upon any person in connection with such restrictions or prohibition.
- (4) Every order made under this section shall be laid before both Houses of Parliament, and shall not come into force until it has been approved by both Houses.

92 Protection of public interests.

- (1) It is hereby declared that nothing in this Part of this Act is to be treated as conferring on the holder of any licence granted under this Part of this Act any right to the continuance of any benefits arising from the provisions of this Part of this Act or from any licence granted thereunder or from any conditions attached to any such licence.
- (2) In the event of any undertaking by which a service of public service vehicles is provided being purchased compulsorily by any local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account. .

93 Wages and conditions of employment of persons employed in connection with public service vehicles.

- (1) The wages paid by the holder of any road service licence to persons employed by him in connection with the operation of a public service vehicle and the conditions of their employment shall not be less favourable to them than the wages which would be

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payable and the conditions which would have to be observed under a contract which complied with the requirement of any resolution of the House of Commons for the time being in force applicable to contracts with Government departments.

- (2) Any organisation representative of the persons engaged in the road transport industry may make representations to the commissioners to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of any road service licence are not in accordance with the requirements of the preceding subsection, and if the matter in dispute is not otherwise disposed of it shall be referred by the Minister of Labour to the Industrial Court for settlement.
- (3) If it is decided by the Industrial Court that any person has been guilty of a breach of the provisions of this section, he shall be liable to be dealt with in all respects as if he had failed to comply with a condition attached to his road service licence.

94 General power of making regulations.

The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act, and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

- (a) the forms to be used for the purposes of this Part of this Act;
- (b) applications for and the issue of licences and of certificates of fitness;
- (c) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;
- (d) the fees to be payable under this Part of this Act and the persons liable to pay the same;
- (e) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;
- (f) the badges to be worn by drivers and conductors of public service vehicles;
- (g) the custody, production and cancellation on revocation or expiration of licences and certificates of fitness, and the return to the commissioners of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;
- (h) the determination of the number of passengers a public service vehicle is adapted to carry and the number who may be carried;
- (i) the carriage of luggage and goods on public service vehicles;
- (j) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges made in respect thereof;
- (k) the equipment to be carried by public service vehicles;
- (l) for providing that any provisions of this Part of this Act shall in relation to public service vehicles brought into Great Britain for the purpose of carrying persons making only a temporary stay therein, have effect, subject to such modifications and adaptations as may be prescribed;

and different regulations may be made as respects different classes or descriptions of public service vehicles, and as respects the same class and description of public service vehicles in different circumstances.

95 Restriction on institution of proceedings in England.

Proceedings for an offence under this Part of this Act, other than a breach of the regulations as to the conduct of passengers in public service vehicles, shall not in England be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by commissioners of a traffic area a chief officer of police or the council of a county, county borough, or county district.

96 Transitory provisions.

- (1) The Minister may by order make such provision as he considers necessary for the transition from the enactments superseded by this Part of this Act to the provisions of this Part of this Act, and may by any such order provide that any licence relating to a public service vehicle or the driver or conductor thereof in force immediately before the commencement of this Act shall continue in force for such period and with such effect for the purposes of this part of this Act as may be provided by the order.
- (2) The Minister may revoke, vary, or amend an order made under this section.

97 Avoidance of contracts so far as restrictive of liability in respect of death of or injury to passengers in public service vehicles.

Any contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

98 Provisions with respect to the Metropolitan traffic area.

- (1) This Part of this Act shall apply to the Metropolitan traffic area subject to the exceptions and modifications contained in this section and subject also to the special provisions contained in the next succeeding section with respect to the City of London and the Metropolitan police district.
- (2) The following provisions of this Part of this Act shall not apply" to the Metropolitan traffic area, that is to say, subsections (3), (4), (5), (6), (7), and (9) of section sixty-three in subsection (2) of section sixty-three the words "in manner provided by this section," and subsections (2) and (3) of section sixty-four and section seventy-two of this Act in its application to the metropolitan traffic area shall have effect as if the references to a local authority were omitted therefrom.
- (3) For the Metropolitan traffic area there shall be appointed one traffic commissioner only who shall have all such powers and duties and act under such general directions as are mentioned in subsection (1) of section sixty-three of this Act and any reference in this Act or in any other enactment to the commissioners for a traffic area shall in relation to the Metropolitan traffic area be construed as a reference to the commissioner appointed under this section.
- (4) Before the Minister gives to the commissioner for the Metropolitan traffic area any such general directions as aforesaid or gives to the commissioners of any traffic area any directions relating specifically to the London Traffic Area constituted under the London Traffic Act, 1924, the question of issuing the directions shall be referred by

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him to the London and Home Counties Traffic Advisory Committee constituted under the said Act.

- (5) The commissioner for the Metropolitan traffic area shall hold office for such term not exceeding three years as the Minister may at the time of his appointment determine, but shall be eligible for reappointment at the expiration of any term of office, and shall receive such salary or remuneration as the Minister, with the consent of the Treasury, may determine.

In the case of illness, incapacity, or absence of the commissioner, the Minister may appoint some other person to act as deputy for the commissioner.

99 Special provisions with respect to the City of London and the Metropolitan police district.

- (1) The provisions of this section shall have effect in relation to the area consisting of the City of London and the Metropolitan police district (in this section referred to as "the special area.")
- (2) The following enactments, that is to say, the Metropolitan Public Carriage Act, 1869 (in this section referred to as "the Act of 1869"), sections eight and fourteen of the Metropolitan Streets Act, 1867, the London Cab and Stage Carriage Act, 1907, and section six of the London Traffic Act, 1924, shall not apply to any public service vehicle, or to the driver or conductor thereof, unless the vehicle plies for hire as a stage carriage by short stages within the special area in maintaining a regular service on an approved route within the meaning of section six of the London Traffic Act, 1924.

For the purposes of this section a vehicle shall be deemed to ply for hire by short stages within the special area if the following conditions are complied with but not otherwise, that is to say, if its route, so far as it lies within that area, is divided into stages, and if from any point on its route within the area a passenger may travel for a fare not exceeding twopence to the next point at which a stage ends.

- (3) Where a public service vehicle is licensed under section six of the Act of 1869, there shall be deemed to have been attached to the licence in pursuance of section six of the London Traffic Act, 1924, a condition that the vehicle shall not, without the consent of the licensing authority, be used within the special area otherwise than in plying for hire in the manner specified in the last preceding subsection, and that, while being so used, it shall ply for hire throughout its route, so far as that route lies within the special area.
- (4) A road service licence under this Part of this Act shall not be required, nor shall such a licence be granted, in respect of the use within the special area of a public service vehicle plying for hire by short stages within that area in accordance with the terms of a licence granted under section six of the Act of 1869.
- (5) Before determining the conditions to be attached to a road service licence with respect to routes, stopping places, or terminal points within the special area, the traffic commissioners concerned shall consult with the Commissioner of Police, and if the Commissioner of Police is dissatisfied by any condition attached to a road service licence with respect to a route, stopping place, or terminal point within his police district, he may appeal to the Minister, who shall make such order in the matter as he thinks fit, and any order so made by the Minister shall be binding on the traffic commissioners.

- (6) The power of making orders conferred upon local authorities by subsection (1) of section ninety of this Act shall not be exercised within the special area by any local authority, but the Commissioner of Police may within his police district exercise with respect to contract carriages the power of making orders under the said subsection, and the provisions of subsections (3) to (7) of that section shall apply in relation to any order so made by the Commissioner of Police as they apply in relation to an order made by a local authority.
- (7) Subject to the foregoing provisions of this section the Minister, for the purpose of adapting the provisions of this Part of this Act to the special area, may, after consultation with the Secretary of State and after reference to the London and Home Counties Traffic Advisory Committee constituted under the London Traffic Act, 1924, by order—
- (a) provide for the exercise by the authority having power to grant licences under the Act of 1869 of any of the powers or duties conferred or imposed by this Part of this Act on traffic commissioners and on certifying officers, other than those relating to the grant or backing of road service licences;
 - (b) provide for the appointment by the Secretary of State of public service vehicle examiners, who shall act under his direction ;
 - (c) provide for the payment of fees in respect of the grant or issue of any licences or certificates under this Part of this Act, or under the Act of 1869, by the said licensing authority;
 - (d) provide for the payment by the Minister, as part of the expenses of the roads department of the Ministry of Transport, into the Metropolitan police fund of such sum in respect of any licence or certificate granted or issued under this Part of this Act or under the Act of 1869 by the said licensing authority as the Treasury, after consultation with the Minister, may from time to time determine;
 - (e) provide that any licence or certificate granted or issued under this Part of this Act or under the Act of 1869 shall have such effect for the purposes of this Part of this Act as may be provided in the order;
- and the provisions of this Part of this Act shall have effect in the special area and in relation to any licences or certificates granted or issued by the said licensing authority, subject to such adaptations and modifications as may be necessary for the purposes aforesaid and as may be specified in the order.
- (8) An order made by the minister under the last preceding subsection shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which that House has sat and, if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.
- (9) Any order made under this section may be revoked or altered by a subsequent order made in the like manner and subject to the like conditions.
- (10) In this section the expression " the Commissioner of Police " means, in relation to the City of London, the Commissioner of Police of the City of London, and in relation to the Metropolitan police district, the Commissioner of Police of the Metropolis.

100 Application to Scotland.

This Part of this Act shall apply to Scotland subject to the following modifications :—

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- (a) In the application of section sixty-three the expression " county borough " shall mean a large burgh as defined in the Local Government (Scotland) Act, 1929:
- (b) Section eighty-two shall have effect with the substitution for an appeal to a court of summary jurisdiction of an appeal to the sheriff within whose jurisdiction the applicant resides:
- (c) The expression " local authority " means a county or town council, provided that the local authority for the purpose of the provisions of section sixty-six and subsection (1) of section ninety shall be in a burgh the magistrates of the burgh, and in a county the county council:
- (d) The provisions of subsections (4), (5), (6), and (8) of section ninety shall have effect subject to the provisions of subsection (11) of section one hundred and twenty of this Act;
- (e) In the application of section ninety a reference to the council of a county or burgh shall be substituted for any reference to the council of a county borough or county district.