



CHAPTER 72.

An Act to make provision for the collection and application of the excise duties on mechanically-propelled vehicles and on carriages; to amend the Finance Act, 1920, as respects such duties; and to amend the Motor Car Acts, 1896 and 1903, and the Development and Road Improvement Funds Act, 1909; and to make other provision with respect to roads and vehicles used on roads, and for purposes connected therewith.

A.D. 1920.

[23rd December 1920.]

BE it enacted by the King'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 :

1.—(1) The duties on licences for mechanically-propelled vehicles (in this Act referred to as "vehicles"), imposed by section thirteen of the Finance Act, 1920, as amended by this Act, and the excise duties on licences for carriages imposed by section four of the Customs and Inland Revenue Act, 1888, shall, as from the first day of January, nineteen hundred and twenty-one, be levied by county councils in accordance with provisions to be made for the purpose by Order in Council.

Levying by county councils of duties on mechanically-propelled vehicles and other carriages.
10 & 11 Geo. 5. c. 18.
51 & 52 Vict. c. 8.

(2) Subject to the provisions of this Act and of any Order in Council made under this section, every county council and their officers shall, as from the said first day of January, nineteen hundred and twenty-one, have within their county for the purpose of levying the duties aforesaid (in this Act referred to as "the said duties"), the same powers, duties, and liabilities as the Commissioners of Customs and Excise and their officers have with respect to duties of excise, and to the issue and cancellation of licences on which duties of excise are imposed, and other matters under the Acts relating to duties of excise and excise licences, and all enactments relating to those duties and to punishments and penalties in connection therewith shall apply accordingly.

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(3) Every county council shall, subject to the provisions of any Order in Council made under this section, have as respects the said duties and licences the powers given by the said Acts to the Treasury for the restoration of any forfeiture and the mitigation or remission of any penalty or any part thereof.

(4) The duties levied by a county council under this section shall be paid into the Exchequer in such manner and in accordance with such directions as may be contained in any Order in Council made under this section.

(5) Provision may be made by Order in Council under this section for enabling the Minister to give such directions to county councils as he thinks necessary for securing uniformity of administration and otherwise for carrying the provisions of this Act and of any such Order into effect, and it shall be the duty of county councils to comply with any directions so given.

(6) An Order in Council made under this section may be revoked, varied, or amended, by a subsequent Order so made.

Payment out
of Consoli-
dated Fund
to local taxa-
tion accounts
and Road
Fund.

2.—(1) There shall be charged on and issued out of the Consolidated Fund or the growing produce thereof, in accordance with the directions of the Treasury, a sum equal to the proceeds of the said duties and of all other sums paid into the Exchequer under this Act.

(2) Out of the sum to be issued out of the Consolidated Fund under this section there shall be paid in every year to the Local Taxation Account and the Local Taxation (Scotland) Account the sum of five hundred and thirty-six thousand, nine hundred and fifty-four pounds, eight shillings, and the sum of sixty-four thousand and one pounds, seventeen shillings respectively.

The sum so paid into the Local Taxation Account shall be applied in paying to the councils of counties in England and Wales sums equal to the amounts certified by the Minister of Health to have been collected by those councils respectively during the year ending on the thirty-first day of March, nineteen hundred and nine, in respect of the duties on carriage licences, and the sum so paid into the Local Taxation (Scotland) Account shall be distributed in the same manner as the proceeds of the duties on carriage licences collected in Scotland were distributed in the financial year ending the thirty-first day of March, nineteen hundred and twenty.

The Treasury, in conjunction as respects England and Wales with the Minister of Health, and as respects Scotland with the Secretary for Scotland, may make such adjustments in respect of the payments to be made under the foregoing provision for the financial year ending on the thirty-first day of March, nineteen hundred and twenty-one, as are necessary for securing that local authorities shall, in respect of that year, receive the aforesaid amounts in respect of the duties on carriage licences.

(3) The balance of the sum to be issued out of the Consolidated Fund under this section, after deducting the sums to

be paid to the local taxation accounts under this section, shall be paid into the Road Fund to be established under this Act. A.D. 1920:

3.—(1) There shall be established for the purposes of this Act, in accordance with regulations to be made by the Treasury for the purpose, a fund to be called the Road Fund, and, subject to such regulations as may be made by the Treasury with respect to accounts and investments, the Road Fund shall be subject to the control and management of the Minister. Establishment of Road Fund.

(2) There shall be transferred or paid to the Road Fund all moneys which on the first day of January, nineteen hundred and twenty-one, are standing to the account of the road improvement grant or are payable to that account, and all investments representing accumulations of money standing to the account of the road improvement grant shall be transferred to such persons as the Treasury may direct, and shall, upon a direction in that behalf being given by the Treasury, by virtue of this Act vest in the persons specified in the direction, and shall, subject to the provisions of any regulations made by the Treasury under the foregoing subsection, be held by those persons for the purposes of the Road Fund.

(3) Any sums received by the Minister under Part II. of the Development and Road Improvement Funds Act, 1909, shall be paid by the Minister into the Road Fund in such manner as the Treasury may direct. 9 Edw. 7. c. 47.

(4) There shall be paid out of the Road Fund in every year—

(a) to every county council by whom the said duties are levied an amount equal to the expenses properly incurred by that council in accordance with directions issued by the Minister with the approval of the Treasury in or in connection with the levying of the duties, the registration of vehicles, and the issuing of licences to drivers of vehicles, and such directions may provide for advances being made to county councils from time to time as may be necessary during the year on account of any expenses so incurred by them as aforesaid :

(b) to every local or police authority such sum as the Minister, with the approval of the Treasury, may determine to represent the amount which would, if this Act had not been passed, have been received by the authority on account of fees or charges for the licensing of mechanically-propelled hackney carriages :

(c) such part of the expenses incurred by and in connection with the Roads Department of the Ministry of Transport, including the salaries of the staff of that Department as the Minister may from time to time, with the approval of the Treasury, determine to be expenses so incurred in the administration of this Act :

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(d) any sums paid by the Minister in respect of the salaries and establishment charges of engineers or surveyors to local authorities under subsection (2) of section seventeen of the Ministry of Transport Act, 1919 :

9 & 10 Geo. 5.
c. 50.

(e) all expenses incurred by any other Government Department in connection with the collection of the said duties or otherwise in the administration of this Act :

and, subject to payment of the sums aforesaid and of any sums to be repaid to a local or police authority out of the Road Fund under any other provision of this Act, the moneys standing to the credit of the Road Fund shall be applied by the Minister for the purposes of Part II. of the Development and Road Improvement Funds Act, 1909, as amended by this Act :

Provided that the sums applied out of the Road Fund towards the construction of new roads, or the acquisition of land, or in respect of any loans raised for any such purpose, shall not in any year exceed one-third of the estimated amount to be paid into the Road Fund in that year, after deducting from that amount the estimated amount of the sums to be paid out of the Road Fund under the provisions of this subsection.

(5) The Minister shall cause an account to be prepared and transmitted to the Comptroller and Auditor General for examination on or before the first day of October in every year, showing the receipts into and issues out of the Road Fund in the financial year ending on the thirty-first day of March preceding, and the Comptroller and Auditor General shall certify and report on the same, and the account and report shall be laid before Parliament on or before the thirty-first day of January in the following year if Parliament be then sitting, and if Parliament be not then sitting, within one week after the next meeting of Parliament.

(6) The Minister shall make an annual report to Parliament of his proceedings under this Act and under Part II. of the Development and Road Improvement Funds Act, 1909, as amended by this Act.

Amendment
of 9 Edw. 7.
c. 47.

4. Section seven, twelve and fourteen of the Development and Road Improvement Funds Act, 1909, shall cease to have effect, and the amendments specified in the second column of the First Schedule to this Act shall be made in the provisions of that Act specified in the first column of that schedule.

Provisions as
to licences.

5.—(1) Every person applying for a licence under section thirteen of the Finance Act, 1920, as amended by this Act, or under section four of the Customs and Inland Revenue Act, 1888, shall make such a declaration and furnish such particulars with respect to the vehicle or carriage for which the licence is to be taken out or otherwise as may be prescribed.

(2) Subject to the provisions of this Act as to general licences, every licence issued under section thirteen of the Finance Act, 1920, as amended by this Act, shall be issued in respect of the

vehicle specified in the application for the licence and shall not entitle the person to whom it is issued to use any other vehicle, and a county council shall not be required to issue any licence for which application is made unless they are satisfied that the licence applied for is the appropriate licence for the vehicle specified in the application, and, in the case of an application for a licence for a vehicle purporting to be the first application for a licence in respect of the vehicle, that a licence has not previously been issued in respect of that vehicle. A.D. 1920.

(3) Where any vehicle in respect of which any such licence as aforesaid has been issued is altered after the licence has been issued in such manner as to cause the vehicle to become a vehicle in respect of which a licence at a higher rate of duty or a licence of a different class is required, the licence shall become void, but the holder of the licence shall, on surrendering the same and furnishing the prescribed particulars, be entitled to receive a new licence in respect of the vehicle, to have effect for the period for which the surrendered licence would, if it had not been surrendered, have remained in force, on payment of such amount, if any, as represents the difference between the amount payable on the new licence and the amount paid on the surrendered licence.

(4) Notwithstanding anything in the provisions of the Acts relating to Excise licenses and without prejudice to those provisions, any such licence as aforesaid may be transferred in the prescribed manner.

(5) Subject as may be prescribed, every such licence as aforesaid shall, in the prescribed manner, be fixed to and exhibited on the vehicle in respect of which it is issued.

(6) Sections twenty and twenty-one of the Revenue Act, 1869, shall, subject to such modifications and exceptions as may be prescribed, apply to the declaration to be prescribed under this section, and sections twenty-two and twenty-three of the said Act shall have effect as though references to the declaration to be so prescribed as aforesaid were therein substituted in relation to carriages for references to the declaration under that Act. 32 & 33 Vict.
c. 14.

6.—(1) On the first issue by a county council of a licence under section thirteen of the Finance Act, 1920, as amended by this Act, for a vehicle it shall be the duty of the council to register the vehicle in the prescribed manner without any further application in that behalf by the person taking out the licence, and, subject to the provisions of this section, every such council shall assign a separate number to every vehicle registered with them, and a mark indicating the registered number of the vehicle and the council with which the vehicle is registered shall be fixed on the vehicle or on any other vehicle drawn by that vehicle or on both in the prescribed manner : Registration
and identifi-
cation marks.

Provided that any number which has been assigned to a motor car under section two of the Motor Car Act, 1903, and which is the registered number of that car on the first day of 3 Edw. 7. c. 36.

A.D. 1920. January, nineteen hundred and twenty-one, shall be treated as having been assigned to the car under the provisions of this section and no new number shall be assigned to such a car.

(2) If the mark to be fixed in accordance with this Act is not so fixed, or if, being so fixed, it is in any way obscured or rendered or allowed to become not easily distinguishable, the person driving the vehicle shall for each offence be liable on summary conviction in respect of the first offence to a penalty not exceeding twenty pounds, and in respect of a second or subsequent offence to a penalty not exceeding fifty pounds :

Provided that a person charged under this section with obscuring a mark or rendering or allowing it to become not easily distinguishable, shall not be liable to be convicted on the charge if he proves that he has taken all steps reasonably practicable to prevent the mark being obscured or rendered not easily distinguishable.

A person shall not be liable to a penalty under this section if he proves that he has had no reasonable opportunity of registering the vehicle in accordance with this section, and that the vehicle is being driven on a public road for the purpose of being so registered.

Amendment
of 59 & 60
Vict. c. 36,
3 Edw. 7.
c. 36, and
9 Edw. 7.
c. 37.

7.—(1) References in section ten of the Motor Car Act, 1903, to motor cars shall be deemed to include references to vehicles within the meaning of this Act.

(2) In paragraph (c) of subsection (1) of section four of the Motor Car Act, 1903, the words "may cause" shall be substituted for the words "shall cause," and the words "where any particulars are so endorsed" shall be substituted for the word "also," and in subsection (2) of that section the words, "if so required by the convicting court" shall be inserted after the word "shall."

(3) Where a person who is the holder of a licence which has been endorsed under section four of the Motor Car Act, 1903, or under that section as amended by this Act, has not during a continuous period of not less than three years had any conviction so endorsed on the licence, he shall be entitled, either on applying for a renewal of the licence or, subject to payment of a fee of five shillings, at any time, to have issued to him a new licence free from endorsements.

(4) The Minister may, by order on the application of any county council after holding a public inquiry, prohibit or restrict, subject to such exceptions or conditions as to occasional user or otherwise as may be specified in the order, the driving of vehicles of any specified class on any specified highway within the area of the council in any case in which it appears to him, as the result of the inquiry, to be proved that a vehicle of that class cannot be used on that highway without endangering the safety of the vehicle or the persons therein or of other traffic using the highway, or that the highway is unsuitable for use by a vehicle of that class :

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Provided that—

- (a) the Minister may at any time, after giving notice in that behalf to the county council on whose application the order was made, and after considering any objections made by that council, but without holding any public inquiry, revoke, vary, or amend any order made under this subsection; and
- (b) every order made under this subsection shall require the authority responsible for the maintenance of the highway to which the order relates to give in the prescribed manner notice of the fact that an order has been made under this subsection with respect to that highway.

The provisions contained in the Second Schedule to this Act shall have effect with respect to applications and inquiries under this subsection.

The foregoing provisions of this subsection shall be substituted for section eight of the Motor Car Act, 1903.

(5) The power of the Minister under subsection (2) of section twelve of the Motor Car Act, 1903, to make regulations as to the speed of motor cars exceeding two tons in weight unladen shall include power to make regulations as to the speed on any road of any agricultural tractor whether it exceeds two tons in weight unladen or not.

(6) For the purposes of the Motor Car Acts, 1896 and 1903, and of any other enactments relating to the use of vehicles on roads, the weight unladen of any vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators (other than boilers) used for the purpose of propulsion and of loose tools or loose equipment :

Provided that, in the case of a vehicle which weighs more than seven and a quarter tons and is specially constructed so that all or part of the superstructure is a permanent, or essentially permanent, fixture and the axle weights of which do not exceed the maximum axle weights prescribed under the Motor Car Act, 1903, or any Act amending that Act, the weight unladen of the vehicle shall be deemed to be seven and a quarter tons.

(7) All sums received by a county council by way of fees for licences granted under section three of the Motor Car Act, 1903, and all penalties recovered in respect of offences under the Motor Car Acts, 1896 and 1903, shall be paid into the Exchequer in such manner and in accordance with such directions as may be contained in any Order in Council made under this Act.

(8) The Motor Car (International Circulation) Act, 1909, shall have effect as though the references therein to the Motor Car Act, 1903, included references to this Act.

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Amendment
of s. 13 and
Second
Schedule of
10 & 11
Geo. 5. c. 18.

8.—(1) For the purpose of section thirteen of the Finance Act, 1920, and the Second Schedule to that Act, the expression “ vehicle ” shall not include any vehicle used on tram lines except a tramcar used for the conveyance of passengers.

(2) For the purposes of paragraph 5 of the Second Schedule to the Finance Act, 1920, a vehicle shall not be deemed to be used otherwise than solely for the conveyance of goods in the course of trade by reason only that it is used for the conveyance in the course of their employment of persons who are in the employment of the person keeping the vehicle.

(3) Where a licence has been taken out as for a vehicle to be used solely for a certain purpose and the vehicle is at any time during the period for which the licence is in force used for some other purpose, the person so using the vehicle shall, if the rate of duty chargeable in respect of a licence for a vehicle used for that other purpose is higher than the rate chargeable in respect of the licence held by him, be liable to an excise penalty of an amount equal to three times the difference between the duty actually paid on the licence and the duty payable on a licence appropriate to a vehicle used for that other purpose or twenty pounds, whichever amount is the greater.

(4) Where a hackney carriage is a vehicle of the class mentioned in paragraph 1 or paragraph 2 of the Second Schedule to the Finance Act, 1920, it shall be charged with duty under paragraph 1 or paragraph 2, as the case may be, and not under paragraph 3 of that schedule.

(5) The expression “ weight unladen ” in the Second Schedule to the Finance Act, 1920, shall have the same meaning as in the Motor Car Acts, 1896 and 1903, as amended by this Act.

Provision as
to licence
duty in case
of manu-
facturers or
dealers in
mechanically-
propelled
vehicles.

9.—(1) If any person being a manufacturer of or dealer in vehicles makes, in the prescribed manner, an application in that behalf to the council of the county in which his business premises are situate, that he may be entitled, in lieu of taking out a licence for each vehicle kept by him at the appropriate rate of duty chargeable under the Second Schedule to the Finance Act, 1920, to take out a general licence in respect of all vehicles used by him the council may, subject to the prescribed conditions, issue to him such a licence on payment of duty at the yearly rate of ten pounds, or, in the case of a licence to be used only on vehicles chargeable with duty under paragraph 1 or paragraph 2 of the said schedule, at the yearly rate of thirty shillings :

Provided that—

- (a) licences under this section at the yearly rate of ten pounds may be taken for one quarter of the year only beginning the first day of January, the twenty-fifth day of March, the first day of July, or the first day of October, and in the case of any licence so taken out the duty shall be thirty per cent. of the full annual duty ; and

(b) the holder of any licence issued under this section shall not be entitled by virtue of that licence to use more than one vehicle at any one time, except in the case of a vehicle drawing a trailer and used for the prescribed purpose, or to use any vehicle for any purpose other than such purposes as may be prescribed; and

(c) nothing in this section shall operate to prevent a person entitled to take out a general licence from holding two or more such licences.

(2) Provision may be made by regulations under this Act for assigning a general identification mark to a person holding any licence issued under this section.

(3) If any person is aggrieved by the refusal of a council to issue a general licence under this section, he may appeal to the Minister, and the Minister shall, on any such appeal, make such order in the matter as he thinks just, and the council shall comply with any order so made.

An order made by the Minister under this provision shall be final and not subject to appeal to any court, and shall, on the application of the Minister, be enforceable by writ of mandamus.

10. Where any persons are, whether by virtue of any Act or otherwise, liable to pay any sums, by way of mileage charges or other annual payments, in respect of the use of any road by their vehicles, the Minister may, on an application by those persons in that behalf, and after considering any objections made by any person interested, suspend, modify or determine the liability to make the payment, as he shall think fit.

Power to modify or determine charges for use of vehicles on roads.

11.—(1) There shall, subject to the prescribed exceptions, be exhibited on every vehicle which is chargeable with duty as a hackney carriage, in conjunction with the mark required under this Act to be fixed on the vehicle indicating the registered number of the vehicle, a distinctive sign indicating that the vehicle is a hackney carriage and the number of persons which the vehicle seats, and regulations made by the Minister under this Act shall provide for the sign to be so exhibited.

Special provisions as to hackney carriages.

The penalties imposed by this Act in relation to the identification mark to be fixed to a vehicle shall apply to the sign to be exhibited under this provision as they apply to the identification mark so to be fixed.

(2) Where a licence has been taken out in respect of any vehicle at the rate of duty appropriate to a hackney carriage seating not more than a certain number of persons, the person keeping the vehicle shall, if it is used on any occasion for the purpose of seating more persons than the number aforesaid, be liable to an excise penalty of an amount equal to three times the difference between the duty actually paid on the licence and the duty payable on a licence for a vehicle being a hackney carriage seating that greater number of persons.

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(3) Where not less than twelve vehicles of a similar type, being hackney carriages, and belonging to one owner, are registered with a county council, and the council is satisfied that one of those vehicles (hereinafter referred to as "the old vehicle") has been destroyed or withdrawn permanently from use as a hackney carriage, the council shall, on issuing to that owner a licence in respect of another hackney carriage to be used for the same purpose as the old vehicle allow a rebate from the duty payable on that licence at the rate of one-quarter of the duty paid in respect of the licence for the old vehicle for every complete three months between the date when the old vehicle was destroyed or withdrawn, and the expiration of the licence for that vehicle, and, where any such rebate is so allowed, the licence for the old vehicle shall be forthwith cancelled.

Regulations.

12.—(1) The Minister may make regulations generally for the purpose of carrying this Act into effect, and in particular, without prejudice to the generality of the foregoing provision, may make regulations—

- (a) with respect to the registration of vehicles; and
- (b) requiring county councils to make the prescribed returns with respect to vehicles registered with them, and for making any particulars contained in the register available for use by the prescribed persons; and
- (c) prescribing the size, shape and character of the identification marks or the signs to be fixed on any vehicle and the manner in which those marks or signs are to be displayed and rendered easily distinguishable, whether by night or by day; and
- (d) requiring any person to whom any vehicle is sold or disposed of to furnish the prescribed particulars in the prescribed manner; and
- (e) providing for the issue of registration books in respect of the registration of any vehicle, and for the surrender and production, and the inspection by the prescribed persons, of any book so issued, and for the issue of new registration books and new licences in the place of any such books or licences which may be lost or destroyed, and for the fee (not exceeding five shillings) to be paid on the issue of a new registration book or licence; and
- (f) prescribing the form of, and the particulars to be included in, the register with respect to vehicles for which a general licence has been taken out by a manufacturer or dealer, and the identification marks to be carried by any such vehicle, and defining the purposes for which the holder of a general licence may use a vehicle on a road; and
- (g) extending any provisions as to registration, and provisions incidental to any such provisions, to any vehicles in respect of which duty under section thirteen of the

Finance Act, 1920, is not payable (including vehicles belonging to the Crown), and for providing for the identification of any such vehicles; and

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(h) prescribing any matter which is to be prescribed under this Act.

(2) Every regulation made under this Act shall be laid before each House of Parliament as soon as may be after it is made, and, if an address is presented to His Majesty within twenty-one days on which that House has sat next after any such regulation is laid before it praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(3) County councils shall comply with any regulations so made by the Minister under this Act.

(4) If any person acts in contravention of, or fails to comply with, any regulations made under this Act, he shall, for each offence, be liable on summary conviction to a penalty not exceeding twenty pounds.

13.—(1) If any person uses any vehicle for which a licence under the Finance Act, 1920, as amended by this Act, is not in force, or being the holder of a general licence or general licences issued under this Act uses at any one time a greater number of vehicles than he is authorised to use by virtue of that licence or those licences, he shall be liable to an excise penalty of twenty pounds, or an excise penalty equal to three times the amount of the duty payable in respect of the vehicle or vehicles, whichever is the greater. Penalties.

Proceedings for a penalty under this subsection may be brought at any time within a period of twelve months from the date on which the offence was committed.

(2) If any person in connection with an application for a licence for a vehicle or a carriage makes a declaration which to his knowledge is false or in any material respect misleading, or if any person being required by virtue of this Act to furnish particulars in connection with a change of the registration of any vehicle furnishes any particulars which to his knowledge are false or in any material respect misleading, he shall be liable on summary conviction to a penalty not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months.

(3) If in any proceedings under this section any question arises as to the number of vehicles used or as to the character, weight or horse-power of any vehicle or as to the number of persons seated by a vehicle, or as to the purpose for which any vehicle has been used, the burden of proof in respect of the matter in question shall lie on the defendant.

(4) If any person forges or fraudulently alters or uses or fraudulently lends or allows to be used by any other person any mark for identifying a vehicle or any licence or registration

A.D. 1920. book under this Act, he shall be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding six months.

(5) All penalties and forfeitures recovered under or in pursuance of this Act, whether by a county council or by any other person, shall be paid into the Exchequer in such manner and in accordance with such directions as may be contained in any Order in Council made under this Act.

Local
licensing fees
to cease to be
chargeable.

14.—(1) As from the first day of January, nineteen hundred and twenty-one, any fees or charges, by whatever name called, payable under any general or special Act to any county council, local or police authority in respect of the licensing of any vehicle (other than a tramcar) shall cease to be payable.

(2) Any person who at the commencement of this Act is the holder of any licence issued by any county council or local or police authority in respect of any vehicle (other than a tramcar), being a licence in respect of which a fee or charge exceeding five shillings has been paid, or to whom a general identification mark has been assigned under proviso (b) to subsection (4) of section two of the Motor Car Act, 1903, shall be entitled, on making an application in the prescribed manner to the prescribed county council, local or police authority, to obtain a repayment in respect of the fee or charge paid by him for the licence or mark at the rate of one-twelfth of the amount so paid in respect of every complete month for which the licence or mark continues in force after the thirty-first day of December, nineteen hundred and twenty, and any sums paid under this provision by a county council shall be treated for the purposes of this Act as expenses incurred by the council in the levying of the duties, and any sums so paid by a local or police authority shall be repaid to the authority out of the Road Fund.

(3) Where, upon application for a licence to ply for hire with an omnibus, the licensing authority either refuses to grant a licence or grants a licence subject to conditions, in either case the applicant shall have a right of appeal to the Minister of Transport from the decision of the licensing authority, and the Minister shall have power to make such order thereon as he thinks fit, and such order shall be binding upon the licensing authority.

An order made by the Minister under this subsection shall be final and not subject to appeal to any court, and shall, on the application of the Minister, be enforceable by writ of mandamus.

For the purpose of this subsection, the expression "omnibus" includes every omnibus, char-a-banc, waggonette, brake, stage coach, or other carriage plying for hire or used to carry passengers at separate fares.

15. Paragraph (3) of section twenty-eight of the Highways and Locomotives (Amendment) Act, 1878 (which prescribes the maximum weight of locomotives to be used on highways), shall

Amendment
of s. 28 of
41 & 42 Vict.
c. 77.

have effect as though such weight as may be prescribed were therein substituted for fourteen tons, and different weights may be prescribed with respect to different classes of locomotives. A.D. 1920.

16. The proviso to section four of the Locomotive Act, 1861, in its application to Scotland is hereby repealed, and in lieu thereof it is enacted as follows :— Amendment
of 24 & 25
Vict. c. 70.
s. 4.

Provided that the regulation of weight herein mentioned shall not extend to any wagon carrying only one block, plate cable, roll, vessel of stone or metal, or other single article being of greater weight than sixteen tons, but the fellies, tires, or shoes of such wagon shall not be less than eight inches in breadth, and any damage arising from the user of any such wagon shall be deemed to be damage caused by excessive weight within the meaning of section fifty-seven of the Roads and Bridges (Scotland) Act, 1878. 41 & 42 Vict.
c. 51.

17. In this Act, unless the context otherwise requires,— Interpreta-
tion and
application to
Scotland.

The expression “ county ” includes a county borough, and the expression “ county council ” shall be construed accordingly;

The expression “ the Minister ” means the Minister of Transport;

The expression “ prescribed ” means prescribed by regulations;

The expression “ use ” means use on a public road;

The expression “ police authority ” includes the receiver for the metropolitan police district.

18. In the application of this Act to Scotland— Application to
Scotland.

(a) a reference to paragraph (3) of section three of the Locomotives Amendment (Scotland) Act, 1878, shall be substituted for the reference to paragraph (3) of section twenty-eight of the Highways and Locomotives (Amendment) Act, 1878; and

(b) except in this section, references to a county shall be deemed to include references to a royal, parliamentary, or police burgh containing within its boundaries, as ascertained, fixed, or determined for police purposes, a population according to the census for the time being last taken of or exceeding fifty thousand, and every other burgh shall be deemed to form part of the county within which it is situated, and the expression “ county council ” shall be construed accordingly; and

(c) section four of the Locomotives Act, 1898, with the exception of subsection (3) thereof, shall apply to Scotland with the substitution of arbitration by a single arbiter to be appointed, failing agreement, by the sheriff, for arbitration under the Arbitration 61 & 62 Vict.
c. 29.

A.D. 1920.

52 & 53 Vict.
c. 49.

Act, 1889, and county and town councils may borrow for the purposes of the said section as so applied in like manner as they may borrow for the purposes of the Roads and Bridges (Scotland) Act, 1878.

Provisions
as to default
on the part
of county
councils in
Ireland.
1 & 2 Geo. 5.
c. 45.

19.—(1) This Act, in its application to Ireland, shall have effect with the following modification, namely, a reference to section two of the Public Roads (Ireland) Act, 1911, shall be substituted for the reference to section twenty-eight of the Highways and Locomotives (Amendment) Act, 1878.

(2) Section four of the Locomotives Act, 1898 (which relates to the erection and use of weighing machines), shall apply to Ireland with the following modifications, namely—

- (a) a reference to county councils and urban district councils shall be substituted for the reference to road authorities;
- (b) a reference to the enactments with respect to arbitrations in Ireland shall be substituted for the reference to the Arbitration Act, 1889; and
- (c) a reference to the Public Health Ireland Acts, 1878 to 1919, shall be substituted for the reference to the Public Health Act, 1875.

38 & 39 Vict.
c. 55.

(3) Provision may be made by Order in Council for the discharge by the Minister or otherwise of the functions under this Act and the Motor Car Acts, 1896 and 1903, of any county council in Ireland which, in the opinion of the Minister, neglects or refuses to perform any of those functions, and for carrying the provisions of this Act, and of any such order, or any other order under this Act, into effect as respects the area of such county council.

Short title,
commence-
ment, and
repeal.

20.—(1) This Act may be cited as the Roads Act, 1920.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-one.

(3) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

SCHEDULES.

FIRST SCHEDULE.

AMENDMENTS OF DEVELOPMENT AND ROAD IMPROVEMENT FUNDS ACT, 1909.

Sections 4, 8, 9, 10, 11, 13, and 19, and Schedule. References to the Minister shall be substituted for references to the Road Board.

- Section 8 - - The following paragraph shall be substituted for paragraph (a) of subsection (1)—
 “(a) to make to any highway authority advances in respect of the construction of new roads or the maintenance or improvement of existing roads, or to make such advances in conjunction with a highway authority, to any company or person.”
 In subsection (5) the definition of “roads” shall be extended so as to include road-ferries and footways.
- Section 11 - - In subsection (1) for the words “the Treasury have approved a proposal by the Road Board” there shall be substituted the words “the Minister proposes.”
 Subsection (2) shall cease to have effect.
 In subsection (6) the words from “and any receipts” to the end of the subsection shall be repealed.
- Section 13 - - For the words “the road improvement grant” wherever those words occur there shall be substituted the words “the Road Fund.”

SECOND SCHEDULE.

Section 7.

PROVISIONS AS TO APPLICATIONS AND INQUIRIES WITH RESPECT TO CLOSING OF HIGHWAYS.

(1) Every application by a county council that the driving of vehicles on any highway may be prohibited or restricted shall be made in the prescribed form, and shall state the grounds upon which the application is made.

(2) The Minister, on receiving any such application as aforesaid, shall forthwith take steps for the holding of an inquiry to consider the application, and shall, for that purpose, appoint a competent and impartial person to hold the inquiry and to report to him thereon.

(3) The Minister shall publish in the London, Edinburgh, or Dublin Gazette, as the case requires, and once at least in each of two consecutive weeks in some local newspaper circulating in the district in which the highway to which the application relates is situate, notice of the fact that an inquiry will be held to consider the application, and the notice shall contain sufficient particulars of the application, and shall contain a statement as to the time and place at which the inquiry will be held, and shall also state that all persons interested may attend and be heard at the inquiry.

(4) The inquiry shall be held in public and, subject as hereinbefore provided, all persons interested may appear at the inquiry either in person or by counsel, agent or solicitor :

Provided that no person shall be entitled to be heard at the inquiry unless he has, within one week from the last publication of the notice of the holding of the inquiry, sent a notice in writing to the Minister of his desire to be heard at the inquiry, and the person holding the inquiry may refuse to hear any person if he is satisfied

A.D. 1920. that the views of that person have been adequately stated on the inquiry by some other person.

(5) A witness on the inquiry may, if the person holding the inquiry thinks fit, be examined on oath, and the person holding the inquiry shall, for that purpose, have power to administer an oath.

(6) Subject as aforesaid, the inquiry and all proceedings incidental thereto shall be conducted in the prescribed manner.

Section 20.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
59 & 60 Vict. c. 36.	The Locomotives on Highways Act, 1896.	Subsection (2) of section one.
61 & 62 Vict. c. 29.	The Locomotives Act, 1898.	Sections nine, ten, and eleven; in subsection (1) of section seventeen the definition of "agricultural locomotive"; and subsection (3) of section eighteen.
3 Edw. 7. c. 36.	The Motor Car Act, 1903.	Sections two and five; paragraph (a) of subsection (1) of section seven; in subsection (2) of that section the words "the entry of particulars of the ownership of a car on change of ownership, such fee, not exceeding ten shillings, as may be prescribed by the regulations, and in respect of"; and section eight.
9 Edw. 7. c. 47.	The Development and Road Improvement Funds Act, 1909.	Section seven; subsection (3) of section eight; subsection (2) of section eleven; and sections twelve and fourteen.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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