



Road Traffic Act 1960

1960 CHAPTER 16

PART III

PUBLIC SERVICE VEHICLES

Licensing of Public Service Vehicles

127 Public service vehicle licences

- (1) No person shall cause or permit a motor vehicle to be used on a road as a stage carriage, an express carriage or a contract carriage unless he is the holder of a licence (in this Part of this Act referred to as a "public service vehicle licence") so to use the vehicle in accordance with the provisions of this Part of this Act.
- (2) A licence to use a vehicle as a stage carriage shall authorise the holder to use the vehicle as an express carriage or as a contract carriage.
- (3) A licence to use a vehicle as an express carriage shall authorise the holder to use the vehicle as a contract carriage.
- (4) In the case of a service of stage carriages, a licence to use a vehicle as an express carriage shall authorise the use of the vehicle on the service if the traffic commissioners for 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.
- (5) If a person causes or permits a vehicle to be used in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (6) The authority having power to grant a public service vehicle licence shall be the traffic commissioners for the traffic area within or from which the vehicle is, at the time of application for the licence, intended to be ordinarily operated.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (7) 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 traffic commissioners by whom it was granted if, having regard to the conduct of the applicant for 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; and a licence suspended under this subsection, shall during the time of suspension be of no effect.
- (8) A public service vehicle licence granted by the traffic commissioners for one traffic area shall be valid in every other traffic area.
- (9) A public service vehicle licence shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect.

128 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.

In the application of this subsection to England and Wales " police authority" has the same meaning as in the Police Pensions Act, 1921, and in the application of this subsection to Scotland that expression has the same meaning as in the Police (Scotland) Act, 1956.

- (3) A 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 a 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 liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.
- (4) There shall be paid to or in respect of certifying officers and public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Minister may, with the consent of the Treasury, determine.

129 Certificates of fitness, and effect thereof

- (1) 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

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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.

- (2) The provisions of the foregoing subsection may be extended by regulations to stage carriages and express carriages adapted to carry seven passengers or any smaller number of passengers specified in the regulations.
- (3) 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 in respect of the vehicle:

Provided that if the traffic 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.

- (4) A certificate of fitness shall, unless previously revoked or cancelled, continue in force for seven 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.
- (5) 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, the 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.

130 Approval of type vehicles, and effect thereof

- (1) 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.
- (2) Where a type vehicle has been approved under this section 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 that 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.
- (3) The Minister may at any time withdraw his approval of a type vehicle, and thereupon any certificate that any other vehicle conforms to the type vehicle shall cease to have effect as a certificate of fitness.

131 Certificates of fitness for experimental vehicles

- (1) Where it appears to the Minister expedient so to do for the purpose of the making of tests or trials of a vehicle or its equipment, he may by order made as respects that vehicle for the purposes of section one hundred and twenty-nine of this Act dispense with any of the prescribed conditions as to fitness specified in the order; and so long as such an order is in force—
 - (a) that section shall have effect, in relation to the vehicle to which the order relates as if, for the references in subsection (1), in the proviso to

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

subsection (3), and in subsection (5) to the prescribed conditions as to fitness, there were substituted references to such of those conditions as are not dispensed with by the order;

- (b) so much of subsection (4) of that section as fixes a minimum of one year for the duration of a certificate of fitness shall not have effect.
- (2) An order under this section shall specify the period for which it is to continue in force, and may contain, or authorize the imposition of, requirements, restrictions or prohibitions relating to the construction, equipment or use of the vehicle to which the order relates.
 - (3) An order under this section may be varied or revoked by the Minister.
 - (4) Where an order under this section is revoked or otherwise ceases to have effect, any certificate of fitness issued by virtue of the order shall cease to be in force.
 - (5) Where a certificate of fitness is issued by virtue of an order under this section and relates to a vehicle as respects which a previous certificate of fitness is in force, the previous certificate shall thereupon cease to be in force.

132 Notice to be given to traffic 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 traffic 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 traffic commissioners for the traffic area in which the licence was issued.
- (3) If a person fails to comply with the provisions of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or sub-sequent conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months.

133 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 traffic

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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 a suspension of a licence, he shall forthwith give notice of the removal to the traffic commissioners who granted the licence.
- (4) Where a public service vehicle examiner for a traffic area refuses to remove the suspension of a public service vehicle licence, the holder of the licence may make an application to the traffic commissioners for 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, or such of those conditions as are not dispensed with by an order under section one hundred and thirty-one of this Act, are fulfilled in respect of the vehicle, remove the suspension.
- (5) A licence suspended under this section shall during the time of suspension be of no effect.