



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART III

#### PUBLIC SERVICE VEHICLES

##### *Classification of Public Service Vehicles*

#### **117    Meaning of "public service vehicle", "stage carriage", "express carriage" and "contract carriage"**

- (1) For the purposes of this Act a public service vehicle is a motor vehicle used for carrying passengers for hire or reward which either—
- (a) is carrying passengers at separate fares, or
  - (b) is not carrying passengers at separate fares but is adapted to carry eight or more passengers.

In this subsection "motor vehicle" does not include a tramcar or a trolley vehicle.

- (2) For the purposes of this Act a stage carriage is a public service vehicle carrying passengers at separate fares, not being an express carriage.
- (3) For the purposes of this Act an express carriage is a public service vehicle carrying passengers at separate fares none of which is less than one shilling or such greater sum as may be prescribed; and for the purposes of this subsection—
- (a) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount, and
  - (b) no account shall be taken of any fare which is charged in the case of passengers of particular descriptions if a fare of not less than one shilling, or such greater sum as may for the time being be prescribed by virtue of the foregoing provisions of this subsection, is charged for the like service in the case of all passengers not falling within any of those descriptions.
- (4) For the purposes of this Act a contract carriage is a public service vehicle not carrying passengers at separate fares.

(5) This section has effect subject to the next following section.

## **118 Circumstances affecting classification of public service vehicles**

- (1) A vehicle carrying passengers at separate fares in circumstances in which the conditions set out in Part I, II, III or IV of the Twelfth Schedule to this Act are fulfilled shall be treated as not being a public service vehicle unless it is adapted to carry eight or more passengers.
- (2) A public service vehicle carrying passengers at separate fares shall be treated as a contract carriage, and not as a stage carriage or an express carriage, when used in circumstances in which the conditions set out in either Part III or Part IV of the Twelfth Schedule to this Act are fulfilled.
- (3) For the purposes of this and the last foregoing section and of the Twelfth Schedule to this Act—
  - (a) a vehicle is to be treated as carrying passengers for hire or reward if payment is made for, or for matters which include, the carrying of passengers, irrespective of the person to whom the payment is made and, in the case of a transaction effected by or on behalf of a member of any association of persons (whether incorporated or not) on the one hand and the association or another member thereof on the other hand, notwithstanding any rule of law as to such transactions;
  - (b) a payment made for the carrying of a passenger shall be treated as a fare notwithstanding that it is made in consideration of other matters in addition to the journey and irrespective of the person by or to whom it is made;
  - (c) a payment shall be treated as made for the carrying of a passenger if made in consideration of a person's being given a right to be carried, whether for one or more journeys and whether or not the right is exercised;
  - (d) in a case where one or more passengers are being carried for hire or reward otherwise than in the course of a business of carrying passengers, the vehicle shall be treated as carrying passengers at separate fares.
- (4) Notwithstanding anything in the last foregoing subsection a motor vehicle used for providing transport in pursuance of arrangements made under subsection (1) of section fifty-five of the Education Act, 1944—
  - (a) if belonging to a local education authority, shall not for the purposes of this Part of this Act be treated as carrying passengers for hire or reward;
  - (b) if not belonging to a local education authority, shall not for those purposes be treated as carrying passengers at separate fares;by reason only of the carriage therein of a person who is charged a fare by virtue of subsection (1) of section twelve of the Education (Miscellaneous Provisions) Act, 1953.
- (5) For the purposes of this Part of this Act a motor vehicle used in pursuance of subsection (1) of section one of the National Health Service (Amendment) Act, 1957, for the purpose therein mentioned shall not be treated as carrying passengers for hire or reward.
- (6) For the purposes of this Part of this Act a vehicle when being used, at any time during the period of six months beginning with the first day of June in any year, for the purpose of carrying persons engaged in agricultural work to or from that work, shall

be deemed not to be a public service vehicle, notwithstanding that those persons are carried for hire or reward.

### *Traffic Areas and Traffic Commissioners*

#### **119 Traffic areas**

- (1) For the purposes of this Part of this Act Great Britain shall be divided into the Metropolitan, Northern, Yorkshire, North-Western, West Midland, East Midland, Eastern, South Wales, Western, South-Eastern and Scottish Traffic Areas.
- (2) The Minister may from time to time by order vary the provisions of this Part of this Act constituting traffic areas, either by altering the limits of an existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.
- (3) An order under this section for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions—
  - (a) as to the effect of licences previously issued or backed, and consents previously given, by the traffic commissioners for any traffic area abolished or otherwise affected;
  - (b) as to the effect of applications for licences or consents previously made to any such traffic commissioners, as to the traffic commissioners to whom applications relating to any such area may be made between the date of the order and the date as from which the abolition of, or other change in, the area is to have effect, and as to the traffic commissioners by whom and the places at which any such application as aforesaid may be heard, either before or after the last-mentioned date;
  - (c) as to the continuance of appeals pending against decisions of the traffic commissioners for any traffic area abolished or otherwise affected; and
  - (d) as to the recovery of any sums due, at the date as from which a traffic area is abolished, to the traffic commissioners for that area,as appear to the Minister to be necessary or expedient in consequence of the variations of areas to be effected by the order.
- (4) An order under this section may be revoked or altered by a subsequent order of the Minister.
- (5) The power to make orders conferred by this section shall be exercisable by statutory instrument which shall be laid before Parliament after being made, and an order under this section shall not have effect unless and until it has been approved by a resolution of each House of Parliament.

#### **120 Traffic commissioners**

- (1) For each traffic area constituted for the purposes of this Part of this Act, other than the Metropolitan Traffic Area, there shall be a body of three commissioners, to be known as traffic commissioners for the area, 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 Part of this Act, and subject as aforesaid shall act under the general directions of the Minister.

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

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- (2) For the Metropolitan Traffic Area there shall be a single commissioner, to be known as the traffic commissioner for the area, who shall have such powers and duties (except as regards licences to drive, or act as conductor of, public service vehicles), and act under such general directions, as aforesaid.
- (3) Before the Minister gives any general directions to the traffic commissioner for the Metropolitan Traffic Area or gives to the traffic commissioners for any other traffic area any directions relating specifically to the London Traffic Area, the question of issuing the directions shall be referred to the London and Home Counties Traffic Advisory Committee.
- (4) Except where the context otherwise requires, in this Act " the traffic commissioners " means the traffic commissioners for any traffic area constituted for the purposes of this Part of this Act, and references in this Act or in any other enactment to the traffic commissioners for such a traffic area include, except where the context otherwise requires, references to the traffic commissioner for the Metropolitan Traffic Area.

## **121 Appointment and terms of service of traffic commissioners outside Metropolitan Traffic Area**

- (1) The following provisions of this section shall have effect as respects the appointment and terms of service of the traffic commissioners for each traffic area other than the Metropolitan Traffic Area.
- (2) The commissioners shall be appointed by the Minister.
- (3) Where the Minister proposes to appoint a person to be one of the commissioners he shall, before making the appointment, require the person whom he proposes to appoint to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers.
- (4) Of the three commissioners—
  - (a) one shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners,
  - (b) one shall be appointed by the Minister from a panel of persons nominated by the councils of the counties whose area, or any part of whose area, is situated in the traffic area, and
  - (c) the third shall be appointed by the Minister from a panel of persons nominated by the councils of the boroughs and urban districts whose area, or any part of whose area, is situated in the traffic area.

In the application of this subsection to Scotland for the reference to boroughs there shall be substituted references to large burghs as defined in the Local Government (Scotland) Act, 1929.

- (5) 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, and provision may be made by regulations as to the dates on which nominations to panels are to be made and as to the filling of casual vacancies.
- (6) The chairman of the commissioners shall hold office during Her Majesty's pleasure, and shall be required to devote the whole of his time to the duties of his office.

- (7) The chairman of the commissioners shall vacate his office on attaining the age of seventy years.
- (8) 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 on which his term of office expires his name is still included in the panel from which he was appointed, be eligible for reappointment.
- (9) The Minister may remove a commissioner from his office for inability or misbehaviour.
- (10) If a commissioner acquires a financial interest in a 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.

## **122 Appointment and terms of service of metropolitan traffic commissioner**

- (1) The traffic commissioner for the Metropolitan Traffic Area shall be appointed by the Minister and shall hold office during Her Majesty's pleasure.
- (2) Where the Minister proposes to appoint a person to be the traffic commissioner for the Metropolitan Traffic Area he shall, before making the appointment, require the person whom he proposes to appoint to declare if he has any, and if so what, financial interest in any transport undertaking which carries passengers.
- (3) The traffic commissioner for the Metropolitan Traffic Area shall vacate his office on attaining the age of seventy years.
- (4) The Minister may remove the traffic commissioner for the Metropolitan Traffic Area from his office for inability or misbehaviour.
- (5) If the traffic commissioner for the Metropolitan Traffic Area acquires a financial interest in a 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.

## **123 Appointment and terms of service of deputies to chairmen and other traffic commissioners**

- (1) In the case of illness, incapacity or absence of a traffic commissioner, the Minister may appoint some other person to act as his deputy, so however that the person appointed to act as deputy for a traffic commissioner appointed from a panel shall be a person whose name is included in that panel.
- (2) If the Minister considers that, owing to the number of applications under this Part of this Act and Part IV thereof, the duties to be performed by the traffic commissioner for the Metropolitan Traffic Area, the chairman of the traffic commissioners for any other traffic area, or any deputy appointed under the foregoing subsection to the said commissioner or any such chairman, cannot conveniently or efficiently be performed by one person, the Minister may appoint a person to act as deputy or, as the case may be, as additional deputy to the said commissioner or chairman.

- (3) A person appointed under the last foregoing subsection shall be appointed upon such terms and conditions, including conditions as to the time which he is to devote to the duties of his office, as the Minister may determine, and shall act for the traffic commissioner or chairman of traffic commissioners whose deputy he is in such matters, whether arising under this Part of this Act or Part IV thereof, as the traffic commissioner or chairman, or any deputy appointed by reason of the traffic commissioner's or chairman's illness, incapacity or absence, may from time to time direct or as the Minister may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the traffic commissioner or chairman.

**124 Traffic commissioners' staff**

Subject to the approval of the Treasury, the Minister may appoint such persons to act as officers and servants of the traffic commissioners for any traffic area as he considers requisite for the purpose of enabling them to discharge their duties under this Part of this Act.

**125 Remuneration of traffic commissioners, deputies and staff**

- (1) There shall be paid to the traffic commissioner for the Metropolitan Traffic Area, to the chairman of the traffic commissioners for any other traffic area, and to the persons acting as officers or servants of the traffic commissioners for any traffic area, such salaries or remuneration as may be determined by the Minister with the consent of the Treasury.
- (2) There shall be paid to any member, other than the chairman, of any body of traffic commissioners, and to any person appointed to act as deputy to the chairman or any other member of any body of traffic commissioners or to the traffic commissioner for the Metropolitan Traffic Area, such remuneration and such allowances, if any, as may be determined as aforesaid.

**126 Pensions of chairmen of traffic commissioners and metropolitan traffic commissioner**

The Superannuation Acts, 1834 to 1950, shall apply to persons holding the office of chairman of the traffic commissioners for each of the traffic areas (other than the Metropolitan Traffic Area) or of traffic commissioner for the Metropolitan Traffic Area.

*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.
- (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 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 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 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.

### *Road Service Licences*

### **134 Road service licences**

- (1) Subject to the provisions of the next following section, any person applying therefor may be granted 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 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, except in so far as compliance with the provisions of the licence may have been dispensed with by the traffic commissioners for the traffic area in which the vehicle is being used, in accordance with the provisions thereof.

- (3) If a 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 wilfully or negligently fails to comply with any of the conditions attached to the licence (other than conditions as respects which he proves that compliance therewith had been dispensed with by the traffic commissioners for the traffic area in which the offence is alleged to have been committed) 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) 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 the Road Traffic Act, 1930, or by a special Act or an order having the force of an Act.

### **135 Grant and variation of road service licences**

- (1) The authority having power to grant a road service licence is the traffic commissioners for any traffic area within which the proposed route or any part thereof is situated, but such a licence shall not authorise the use of a vehicle as a stage carriage or express carriage except in the traffic area of the commissioners granting the licence or in any other area for which the licence is backed as hereinafter provided.
- (2) Traffic commissioners shall not grant a road service licence in respect of a route if it appears to them from the particulars furnished on the application for the licence that section twenty-four of this Act is likely to be contravened, and in exercising their discretion to grant or refuse a 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 shall 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 (except as respects so much of any route as is situated in the Metropolitan Traffic Area) by the council of any county, county borough or county district in England or Wales, and any county or town council in Scotland, in whose area any of the routes or any part of any of the routes is situated.

- (3) For the avoidance of doubt it is hereby declared that the matters to which traffic commissioners are to have regard in exercising their discretion to grant or refuse applications for road service licences do not include the duty imposed upon the British Transport Commission by paragraph (c) of subsection (1) of section three of the Transport Act, 1947 (which requires the Commission to provide, in such places and to such extent as may appear to them to be expedient, certain transport services).

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

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- (4) Subject to any regulations, traffic 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 subsection (2) of this section 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 shall 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.
- (5) The traffic commissioners may from time to time vary in such manner as they think fit the conditions attached to a road service licence granted by them; and where the holder of such a licence makes application to the commissioners to exercise their powers under this subsection it shall be their duty to consider whether they shall exercise those powers.
- (6) If, where an application has been made for a road service licence, it is represented to the traffic commissioners by a 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 traffic commissioners may 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) The traffic commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to the chief officer of police of every police district in which any such service is to be provided and (except where the granting authority is the commissioner for the Metropolitan Traffic Area) to the council of every county, county borough and county district in England or Wales, and every county and town council in Scotland, in whose area any such service is to be provided.
- (8) Before determining the conditions with respect to routes, stopping places or terminal points within the metropolitan police district or the City of London to be attached to a road service licence granted by him, the traffic commissioner for the Metropolitan Traffic Area shall consult with, as the case may be, the commissioner of police of the metropolis or the commissioner of police for the City of London, and if the commissioner of police consulted is dissatisfied with 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 an order so made by the Minister shall have effect as if it were an order made by the said traffic commissioner.

### **136 Revocation and suspension of road service licences**

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

Provided that the commissioners shall not revoke or suspend a road service 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) On revoking or suspending a road service licence the traffic commissioners shall send notice thereof to the chief officer of police of every police district in which the service to which the licence relates was provided and (except where the revoking or suspending authority is the commissioner for the Metropolitan Traffic Area) to every local authority in England or Wales, and every county and town council in Scotland, in whose area that service was provided.
- (3) A road service licence suspended under this section shall during the time of suspension be of no effect.

### **137 Backing of road service licences**

- (1) A road service licence granted by the traffic commissioners for one traffic area may be backed in the prescribed manner by the traffic commissioners for another traffic area, and if so backed shall in that other area have effect as if it were a road service licence granted by them.
- (2) On backing a road service licence the traffic commissioners may as respects their traffic 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 it 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 traffic commissioners by whom the licence was granted shall be construed as references to the traffic commissioners by whom the licence was backed.

### **138 Provisions as to corridor areas**

- (1) Where from the particulars submitted on an application for a road service licence made to the traffic commissioners for any traffic area it appears that the applicant proposes to provide a service on a route running through another traffic area (in this section referred to as a "corridor area") in which the following conditions will be observed, that is to say—
- (a) that passengers will not be taken up or set down therein,
  - (b) that passengers will not be permitted to alight therein for the purpose of sight-seeing, or for any other purpose requiring the vehicle to be halted for a period of more than fifteen minutes,
- the commissioners may grant a licence subject to observance of those conditions, and a licence so granted shall have validity in the corridor area as if it had been backed in the prescribed manner by the traffic commissioners for the corridor area.

- (2) The traffic commissioners, before granting a licence having validity under the foregoing subsection, shall consult the commissioners for the corridor area as to the route to be followed in the corridor area in connection with the provision of the service under the licence, and may attach to the licence such conditions as they may think fit with respect to the route to be followed.

### **139 Duration of road service licences**

- (1) Regulations may specify the dates in the year on which road service licences shall expire and, subject to the provisions of this section, a road service licence shall, unless previously revoked, continue in force up till and including that one of the specified dates which occurs next before the expiration of one year from the date on which the licence is expressed to take effect unless at the time of the granting of the licence the traffic commissioners for special reasons determine that it shall continue in force only up till and including an earlier date (being one of those specified), in which case it shall, unless previously revoked, continue in force only up till and including that date.
- (2) If on the date of the expiration of a road service licence proceedings are pending before the traffic commissioners 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) Regulations may direct that, as respects licences to provide a road service of a kind specified in the regulations granted after a date therein specified, subsection (1) of this section shall have effect with the substitution for the words " one year " of the words " three years".

### **140 Particulars to be provided by applicants for, and holders of, road service licences**

- (1) Every person applying for a road service licence shall submit to the traffic commissioners particulars of the type or types of vehicle to be used, and—
- (a) 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
  - (b) 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.
- (2) It shall be the duty of every person who applies for or holds a road service licence to supply to the traffic 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 share holder or as a result of a loan, guarantee or other financial transaction) which any other person providing passenger transport facilities or controlling (either wholly or in

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conjunction with any other person) the business of a 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;

and if a person refuses or fails to supply within the prescribed time any particulars which he is required to supply under this subsection, or knowingly supplies any such particulars which are false in any respect, he shall be liable on summary conviction 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.

*Special Provisions as to British Transport Commission's  
road Services in London Passenger Transport Area*

**141 Commission to operate on approved routes in London special area**

- (1) The provisions of this Part of this Act relating to road service licences shall not apply to a road service provided by the British Transport Commission or an Executive wholly within the London special area, and, in the case of a road service provided by the Commission or an Executive partly within and partly without the London special area, shall not apply to that service in so far as it is within the London special area; but it shall not be lawful for the Commission or an Executive to use a vehicle as a stage carriage or express carriage on a road within the London special area except on a route approved by the traffic commissioner for the Metropolitan Traffic Area (in this section referred to as the "metropolitan commissioner").
- (2) The metropolitan commissioner, in approving a route, may define it by reference to the streets or parts of streets which may be traversed and to the terminal points, if such points are within the London special area, and may attach to his approval conditions for securing that—
  - (a) no vehicles, except vehicles of such class or description, or vehicles used for such purposes, as may be specified in the condition, shall be used on that route;
  - (b) passengers shall not be taken up or shall not be set down except at or between specified points, or shall not be taken up or shall not be set down between specified points; and
  - (c) vehicles on reaching the end of the approved route shall turn at such places, or by using such streets or parts of streets, as may be specified ;

and for the purposes of this subsection the Minister after consultation with the commissioner of police of the metropolis may give directions to the metropolitan commissioner requiring him to attach to his approval of any route specified conditions relating to the construction of vehicles to be used on the route either in the case of all routes or in the case of particular routes any part of which lies within the metropolitan police district or the City of London.

- (3) The metropolitan commissioner before approving a route, or a part of a route, which lies within the metropolitan police district, or within the City of London, shall consult with the commissioner of police.
- (4) If the British Transport Commission or an Executive having applied to the metropolitan commissioner for his approval of a route are aggrieved by the refusal of

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the commissioner to approve it, or by a condition attached by him to his approval (other than a condition attached by him in pursuance of a direction of the Minister given under subsection (2) of this section), or if the commissioner of police is aggrieved by the approval of a route within his district or by a condition attaching to the approval (other than as aforesaid), the applicant or . commissioner of police, as the case may be, may appeal to the Minister.

Upon any such appeal the Minister may approve the route, or part of the route, in question either unconditionally or subject to such conditions, whether the same conditions as those imposed by the metropolitan commissioner or not, as he may think fit, or may refuse approval, and the decision of the Minister shall have effect as if it were a decision of the metropolitan commissioner.

- (5) The metropolitan commissioner, either on the application of the commissioner of police or of the British Transport Commission or an Executive or without any such application, may at any time alter an approved route or revoke his approval of a route under this section or alter or revoke a condition attached by him to his approval.

(6) If—

- (a) the commissioner of police is aggrieved by the failure of the metropolitan commissioner to revoke an approval of a route under this section; or
- (b) the commissioner of police or the British Transport Commission or an Executive is aggrieved by—
  - (i) an alteration of a route or revocation by the metropolitan commissioner of his approval of a route or the alteration or revocation of a condition attached by the metropolitan commissioner to his approval (other than a condition attached by him in pursuance of a direction of the Minister given under subsection (2) of this section); or
  - (ii) the failure of the metropolitan commissioner to alter an approved route or to alter or revoke a condition attached by him to his approval (other than as aforesaid);

the commissioner of police or, as the case may be, the British Transport Commission or Executive may appeal to the Minister, and upon any such appeal the Minister shall be entitled to take any action which the metropolitan commissioner might have taken in the first instance, and the decision of the Minister shall have effect as if it were the decision of the metropolitan commissioner.

- (7) If the British Transport Commission or an Executive use a vehicle in contravention of subsection (1) of this section or in using a vehicle as a stage carriage or an express carriage on a route approved under this section act in contravention of, or fail to comply with, a condition attaching to the approval, they 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:

Provided that neither the said Commission nor an Executive shall be deemed to be acting in contravention of this section by reason only of the fact that on such special occasions and under such conditions as the metropolitan commissioner may approve, either in relation to vehicles generally or a particular class of vehicles specified by him in his approval, they are using a vehicle for the purpose of conveying passengers at separate fares to or from a specified destination.

- (8) In this section "the commissioner of police " means, in relation to the metropolitan police district, the commissioner of police of the metropolis, and in relation to the City of London, the commissioner of police for the City of London.



**142 Special provisions as to Commission's road service licences for certain routes**

- (1) In considering whether to grant or back a road service licence to the British Transport Commission or an Executive in respect of a route or part of a route which is outside the London special area but within the London Passenger Transport Area, the traffic commissioners shall, in addition to the matters specified in subsection (2) of section one hundred and thirty-five of this Act, have regard to the duty of the Commission to provide or secure the provision of an adequate and properly coordinated system of passenger transport for the London Passenger Transport Area.
- (2) In this section " the London Passenger Transport Area " means the area defined in Part I of the Seventh Schedule to the London Passenger Transport Act, 1933.

*Appeals in connection with Licences and Certificates for Public Service Vehicles*

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

- (1) An applicant for the grant of a public service vehicle licence or road service licence who is aggrieved by the refusal or failure of the traffic commissioners to grant the licence, or by a condition attached by them or by their refusal to attach a condition, or by the attachment of a condition differing from that desired, may appeal to the Minister.
- (2) Where the traffic commissioners entertain an application for them to exercise their powers of varying the conditions attached to a road service licence or give the prescribed notice of a proposal that they should exercise those powers, but refuse to vary the conditions, the holder of the licence or, if they have made representations in favour of the exercise of the said powers, any of the following persons, that is to say—
  - (a) the council of any county, county borough or county district in England or Wales, or any county or town council in Scotland, in whose area the route to which the licence relates or any part of that route is situated, or
  - (b) any person providing transport facilities along or near that route or any part thereof,may appeal to the Minister.
- (3) Where a road service licence is granted—
  - (a) any local authority in England and Wales, and any county or town council in Scotland, in whose area the route to which the licence relates or any part of that route is situated, or
  - (b) any person providing transport facilities along or near that route or any part thereof,

being an authority, council or person who has made objections or other representations with respect to the grant, may, if aggrieved by the grant of the licence, by a condition attached thereto, by a refusal to attach a condition or by the attachment of a condition differing from that desired, appeal to the Minister; and where any of the conditions attached to a road service licence are varied, any such local authority, council or person as is mentioned in paragraphs (a) and (b) of this subsection, being an authority, council or person who has made objections or other representations with respect to the variation may, if aggrieved by any variation of the conditions or by any such variation's differing from that desired, appeal to the Minister.

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- (4) The holder of a public service vehicle licence or road service licence who is aggrieved by the revocation or suspension thereof by the traffic commissioners, or by a variation of the conditions attached thereto or by any such variation's differing from that desired, or the holder of a public service vehicle licence who is aggrieved by the refusal of a certifying officer to remove the suspension thereof, may appeal to the Minister.
- (5) An applicant for or holder of a certificate of fitness who is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration imposed by the certifying officer, or by the revocation of a certificate, may appeal to the Minister.
- (6) Any right of appeal conferred by this section shall be conditional on the appeal being made within the prescribed time and in the prescribed manner.
- (7) On an appeal under this section the Minister shall have power to make such order as he thinks fit for giving effect to his decision on the appeal and any such order shall be binding upon the traffic commissioners or certifying officer.
- (8) Notwithstanding the foregoing provisions of this Part of this Act as to the expiration of licences by effluxion of time, 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, without prejudice, however, to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.
- (9) Where the holder of a road service licence appeals to the Minister against a variation of the conditions attached to that licence that variation shall not have effect until the appeal has been disposed of:

Provided that regulations relating to appeals under this section may contain provision whereby the holder of a road service licence who appeals to the Minister is enabled to exclude, wholly or partly, the operation of this subsection.

### *Drivers, Conductors and Passengers*

## **144 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 section, and a person shall not employ a person who is not so licensed to drive, or act as conductor of, a public service vehicle on a road.
- (2) The authority having power to grant under this section a licence to a person to drive, or act as conductor of, a public service vehicle shall be—
  - (a) where the person seeking the grant of the licence is, at the time of application therefor, resident in a traffic area other than the Metropolitan Traffic Area, the traffic commissioners for the traffic area in which he then resides;
  - (b) where the person seeking the grant of the licence is, at the time aforesaid, resident in the Metropolitan Traffic Area, the commissioner of police of the metropolis.

- (3) A person shall be disqualified for obtaining a licence to drive a public service vehicle unless he is over the age of twenty-one, and for obtaining a licence to act as conductor of a public service vehicle unless he is over the age of eighteen, and a person shall be disqualified from obtaining either such licence unless he fulfils such other conditions as may be prescribed.
- (4) A licence to drive a public service vehicle may be limited to such type or types of vehicle as may be specified in the licence.
- (5) A licence to drive, or act as conductor of, a public service vehicle may at any time be suspended or revoked by the authority 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; and a licence suspended under this subsection shall during the time of suspension be of no effect.
- (6) A licence to drive, or act as conductor of, a public service vehicle shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect.
- (7) A licence granted under this section to a person resident in any traffic area shall be valid in every other traffic area.
- (8) A person who contravenes subsection (1) of this section 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.

#### **145 Appeals to courts of summary jurisdiction in connection with drivers' and conductors' licences**

- (1) A person who, being the holder of or an applicant for a licence to drive, or act as conductor of, a public service vehicle, feels aggrieved by the refusal or failure of the traffic commissioners or the commissioner of police of the metropolis, 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 or commissioner, as the case may be, require them or him to reconsider the matter and shall on the reconsideration be entitled to be heard either personally or by his representative.
- (2) A person who is so aggrieved as aforesaid or who is dissatisfied with the decision of the commissioners or commissioner on the reconsideration of the matter may appeal—
  - (a) if he resides in England or Wales, to a magistrates' court acting for the petty sessions area in which he resides,
  - (b) if he resides in Scotland, to the sheriff within whose jurisdiction he resides,and on any such appeal the court or sheriff may make such order as it or he thinks fit and any order so made shall be binding on the commissioners or commissioner.
- (3) 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 the last foregoing section as to the expiry of the licence by effluxion of time.

#### **146 Regulation of conduct of drivers and conductors**

- (1) Regulations may make provision as to the conduct of persons licensed to act as drivers or conductors of public service vehicles when acting as such.
- (2) If a person to whom regulations having effect by virtue of this section apply contravenes, or fails to comply with, any of the provisions of the regulations, he shall be liable on summary conviction 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 section one hundred and forty-four 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 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.

#### **147 Regulation of conduct of passengers**

- (1) Regulations may make provision generally as to the conduct of passengers in public service vehicles and in particular (but without prejudice to the generality of the foregoing provision) for—
  - (a) authorising the removal from a public service vehicle of a person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by a police constable;
  - (b) requiring 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) requiring 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 that journey and to accept any ticket provided therefor;
  - (d) requiring, 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) requiring 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) requiring 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 a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

#### **148 Control of number of passengers**

- (1) Regulations may make provision with respect to public service vehicles providing for—
  - (a) the determination by or under the regulations of the number of the seated passengers and standing passengers respectively whom a vehicle is constructed or adapted and fit to carry;

- (b) the determination by or under the regulations of the number of such passengers respectively who may be carried in a vehicle;
  - (c) the marks to be carried on a vehicle showing the numbers aforesaid and the manner in which those marks are to be carried.
- (2) If a person contravenes, or fails to comply with, a provision of regulations having effect by virtue of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

### *General and Supplementary*

## **149 Power of Minister to modify restrictions on use of roads by public service vehicles**

- (1) In a case where the running of public service vehicles on a road is restricted or prohibited by a local Act or order passed or made before the first day of August, nineteen hundred and thirty, the council of the county borough or county district in which the road or any part thereof is situate, or a 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 the 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 by statutory instrument make an order modifying or revoking them or it, and may by the 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 the restrictions or prohibition.
- (4) Every order made under this section shall be laid before Parliament after being made, and shall not come into force until it has been approved by both Houses.
- (5) In the application of this section to Scotland, the expression " local authority " means a county or town council and for any reference to the council of a county borough or county district there shall be substituted a reference to the council of a county or burgh.

## **150 Exclusion of certain enactments as respects Metropolitan Traffic Area**

- (1) As respects the Metropolitan Traffic Area the following enactments, that is to say, sections eight and fourteen of the Metropolitan Streets Act, 1867, the Metropolitan Public Carriage Act, 1869, and the London Cab and Stage Carriage Act, 1907, shall not apply to a public service vehicle or to the driver or conductor thereof.

- (2) As respects the Metropolitan Traffic Area no local authority shall exercise under the Town Police Clauses Act, 1847, as amended, extended, or applied by any subsequent enactment, any powers with respect to public service vehicles or the licensing thereof or of their drivers or conductors.

**151      Avoidance of contracts so far as restrictive of liability in respect of "death of, or injury to, passengers in public service vehicles"**

A 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 a person in respect of a claim which may be made against him 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.

**152      Wages and conditions of employment of persons employed in connection with public service vehicles**

- (1) The wages paid by the holder of a 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 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 traffic commissioners to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of a road service licence are not in accordance with the requirements of the foregoing 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) Where a matter is referred to the Industrial Court under the last foregoing subsection the Court, in arriving at its decision, shall have regard to any determination which may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates and contained in a decision of a joint industrial council, conciliation board or other similar body, or in an agreement between organisations representative of employers and workpeople.
- (4) If it is decided by the Industrial Court that a 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.

**153      Procedure of traffic commissioners**

- (1) The traffic commissioners may for any purpose, if they so think fit, hold public sittings at such places as appear to them convenient.
- (2) For the purpose of hearing and determining applications for the grant and backing of road service licences the traffic commissioners shall exercise their powers under the foregoing subsection, except that it shall not be obligatory on them to do so for the hearing or determination of an application for the grant or backing of a road service licence where it appears from the particulars submitted that the services which it is

proposed to provide will not be operated on more than six days in any period of twelve months and that passengers will not be carried on a journey included in those services otherwise than at day return fares.

- (3) Not less than two commissioners shall be present at the hearing of an 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.
- (4) The traffic commissioners may delegate to any one of their members any of their functions other than those requiring to be discharged at a public sitting, and other than those of advising the Minister on an order made by a local authority under section thirty-nine of this Act or by a local authority in England or Wales under section eighty-three thereof.
- (5) The two last foregoing subsections do not apply to the Metropolitan Traffic Area.

#### **154 Accounts of traffic commissioners and metropolitan police commissioner**

- (1) The traffic 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) As regards his functions with respect to licences to drive, or act as conductor of, public service vehicles, the commissioner of police of the metropolis 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.

#### **155 Annual report of traffic commissioners and metropolitan police commissioner**

The traffic commissioners for each traffic area shall make an annual report to the Minister on their proceedings containing particulars with respect to such matters as the Minister may direct and the commissioner of police of the metropolis shall make a like report as regards the exercise of his functions with respect to licences to drive, or act as conductor of, public service vehicles.

#### **156 Records of licences**

- (1) The traffic commissioners for each traffic area, and the commissioner of police of the metropolis, shall keep a record in such form and containing such particulars as may be prescribed of all licences granted or backed by them or him under this Part of this Act.
- (2) A police constable or a person authorised for the purpose by a local authority shall, without payment, and any other person appearing to the traffic 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 kept under this section by them; and a police constable or a person authorised as aforesaid shall, without payment, and any other person appearing to the commissioner of police of the metropolis to have a reasonable ground for claiming so to do shall, upon payment of such fee as aforesaid, be entitled at any reasonable time to inspect and take copies of, or extracts from, the record so kept by him.

- (3) A record kept under this section 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 such a record in pursuance of this section purporting to be signed by or on behalf of the authority by whom the record is kept 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.
- (4) In the application of this section to Scotland, "local authority " means a county or town council.

**157 Returns to be provided by persons operating public service vehicles**

- (1) It shall be the duty of a 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 a person fails to comply with the requirements of the foregoing subsection, he shall be liable on summary conviction 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.
- (3) This section shall not apply to the British Transport Commission or an Executive.

**158 Power to regulate procedure on applications for licences, and c**

Subject to the provisions of this Part of this Act, provision may be made by regulations as to the procedure on—

- (a) applications for the grant of public service vehicle licences, road service licences and licences to drive, or act as conductor of, public service vehicles, and applications for the variation of conditions attached to road service licences,
- (b) the determination of questions in connection with the grant, suspension and revocation of such licences and in connection with any such variation as aforesaid, and
- (c) 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 the manner in which objections or other representations with respect to the determination of such questions as aforesaid may be made.

**159 Fees for grant of licences, and c**

- (1) Such fees as may be prescribed shall be charged—
  - (a) by the traffic commissioners for each traffic area in respect of the grant or backing of public service vehicle licences and road service licences and in respect of the issue of certificates of fitness under this Part of this Act;
  - (b) by the traffic commissioners for each traffic area and by the commissioner of police of the metropolis in respect of the issue of licences to drive, or act as conductor of, public service vehicles.



- (2) Any fees received by virtue of this section by the traffic commissioners shall be paid into the Exchequer in such manner as the Treasury may direct.
- (3) Any fees payable by virtue of this section to the commissioner of police of the metropolis shall be paid to the Receiver for the metropolitan police district or a person authorised by him to receive payments or give receipts on his behalf.

## **160 Regulations for purposes of Part III**

- (1) 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 or the Twelfth Schedule thereto, 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 or, as the case may be, the commissioner of police of the metropolis, of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;
  - (h) the carriage of luggage and goods on public service vehicles;
  - (i) 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;
  - (j) the equipment to be carried by public service vehicles;
  - (k) 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 or as respects the same class or description of public service vehicles in different circumstances.
- (2) In this Part of this Act and the Twelfth Schedule thereto "prescribed" means prescribed by regulations and "regulations" means regulations made under this section.

## **161 Restriction on institution in England and Wales of proceedings under Part III**

- (1) Subject to the provisions of this section, proceedings for an offence under this Part of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic

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

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commissioners, a chief officer of police, or the council of a county, county borough or county district.

- (2) The foregoing subsection shall not apply to proceedings for an offence under section one hundred and forty-one of this Act, but such proceedings shall not be instituted except by or by the direction of the Director of Public Prosecutions, the traffic commissioner for the Metropolitan Traffic Area or a chief officer of police.
- (3) Subsection (1) of this section shall not apply to proceedings for a breach of regulations having effect by virtue of section one hundred and forty-seven or one hundred and forty-eight of this Act.
- (4) Subsection (1) of this section shall not prevent the institution by or on behalf of the Minister of proceedings for an offence under section one hundred and fifty-seven of this Act.

## **162 Payment of expenses under Part III**

- (1) There shall be paid in every year out of moneys provided by Parliament 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.
- (2) There shall be paid into the metropolitan police fund out of moneys provided by Parliament such sums in respect of the costs incurred under this Part of this Act by the commissioner of police of the metropolis as the Treasury, after consultation with the Minister, may from time to time determine.

## **163 Power of Minister to transfer licensing functions under Part III of metropolitan police commissioner**

- (1) The Minister may by order provide that, as regards persons residing in the Metropolitan Traffic Area or any specified part of that area, the functions of the commissioner of police of the metropolis of granting licences to drive, or act as conductor of, public service vehicles, or of any class of such vehicles, shall be transferred to the traffic commissioner for the Metropolitan Traffic Area, and an order under this subsection may be revoked or altered by a subsequent order of the Minister; but no order under this subsection conferring any power, or imposing any duty, on the said commissioner of police shall be made save with the concurrence of the Secretary of State.
- (2) An order under the foregoing subsection may make such adaptations and modifications of this Part of this Act as may be necessary for giving effect to the transfer of functions effected by the order.
- (3) Without prejudice to the foregoing provisions of this section, the Minister may by order, subject to revocation or alteration by a subsequent order made by him, suspend the operation of subsection (2) of the last foregoing section.
- (4) The powers conferred on the Minister by this section shall be exercisable by statutory instrument.