



Road Traffic Act 1960

1960 CHAPTER 16

PART IV

REGULATION OF CARRIAGE OF GOODS BY ROAD

Carriers' Licences

164 Users of goods vehicles to hold carriers' licences

- (1) Subject to the provisions of this Part of this Act, no person shall use a goods vehicle on a road for the carriage of goods—
- (a) for hire or reward; or
 - (b) for or in connection with any trade or business carried on by him,
- except under a licence granted under this Part of this Act (hereafter in this Part of this Act referred to as a "carrier's licence"):

Provided that this subsection shall not apply to the use of a vehicle in any case such as is mentioned in the Thirteenth Schedule to this Act.

- (2) A person who uses a vehicle in contravention of the foregoing subsection 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.
- (3) For the purposes of this Part of this Act, the driver of a vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan, and in any other case the person whose agent or servant the driver is, shall be deemed to be the person using the vehicle.
- (4) Where at any time goods are carried in a goods vehicle, being a vehicle which has been let on hire by the person who, at the time of the carriage of the goods, is within the meaning of this Part of this Act the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

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- (5) Where goods are carried in a vehicle, those goods shall not, for the purposes of this Part of this Act or the Thirteenth Schedule thereto, be deemed to be carried for hire or reward if—
- (a) they are goods sold, used or let on hire or hire-purchase in the course of a trade or business carried on by the person using the vehicle, and are being delivered or collected by him ; or
 - (b) they are goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by the person using the vehicle, and are being delivered or collected by him; or
 - (c) they are carried, by a person engaged in agriculture in any locality, for or in connection with the business of agriculture carried on by another person in that locality, and the vehicle in which they are carried is one which the person carrying them is authorised by a carrier's licence to use for the carriage of goods for or in connection with his agricultural business; or
 - (d) they are carried in a vehicle which is being used under, and in accordance with the regulations applicable to, a licence taken out by a manufacturer or repairer of, or dealer in, mechanically propelled vehicles under section ten of the Vehicles (Excise) Act, 1949; or
 - (e) they are carried in a vehicle which is being used by a manufacturer, agent or dealer for demonstration purposes.
- (6) It is hereby declared that, for the purposes of this Part of this Act, the performance by a local or public authority of their functions shall be deemed to be the carrying on of a business.

165 The licensing authority

- (1) In relation to each traffic area constituted for the purposes of Part III of this Act, the person who is the chairman of the traffic commissioners for the area (including any person for the time being appointed by the Minister to act as deputy to the chairman) shall be known as the licensing authority and shall exercise the functions relating to carriers' licences conferred on him by this Part of this Act.
- (2) In the exercise of his functions under this Part of this Act the licensing authority shall act under the general directions of the Minister.
- (3) Subsection (1) of this section shall have effect as respects the Metropolitan Traffic Area with the substitution of a reference to the traffic commissioner for the Metropolitan Traffic Area for the reference to the chairman of the traffic commissioners.

166 Classes of carriers' licences, and acts authorised thereby

- (1) Carriers' licences shall be of the following classes, that is to say—
 - (a) public carriers' licences (in this Part of this Act referred to as " A licences ");
 - (b) limited carriers' licences (in this Part of this Act referred to as " B licences "); and
 - (c) private carriers' licences (in this Part of this Act referred to as " C licences ").
- (2) Subject to the provisions of this Part of this Act, an A licence shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for hire or reward, and shall also entitle him to use those vehicles for the carriage of goods for or in connection

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with his business as a carrier of goods (whether that business is conducted by the use of road transport or any other kind of transport).

- (3) Subject to the provisions of this Part of this Act, a B licence shall entitle the holder thereof to use the authorised vehicles, as he thinks fit from time to time,—
- (a) for the carriage of goods for or in connection with a trade or business carried on by him, or
 - (b) subject to any conditions which the licensing authority, in the exercise of his discretion to attach conditions to a B licence, may attach to the licence, for the carriage of goods for hire or reward.
- (4) Subject to the provisions of this Part of this Act, a C licence shall entitle the holder thereof—
- (a) to use the authorised vehicles for the carriage of goods for or in connection with a trade or business carried on by him, or
 - (b) if specially authorised by the licensing authority in a case of emergency, to use an authorised vehicle for the carriage of goods, in accordance with any conditions imposed by the authority in giving the authorisation, for any person to whom he lets the vehicle.

The licensing authority shall not give an authorisation under paragraph (b) of this subsection unless he is satisfied that the needs of the person for whom the goods are to be carried cannot conveniently be met from other sources.

- (5) In relation to an A licence of which the holder is a person carrying on a canal, dock or harbour undertaking, subsection (2) of this section shall have effect as if the following words were inserted at the end of the subsection, that is to say—

“or for or in connection with the canal, dock or harbour undertaking carried on by him”.

167 Authorised vehicles

- (1) The vehicles authorised to be used under a carrier's licence shall be—
- (a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire-purchase agreement, as are specified in the licence;
 - (b) motor vehicles from time to time in the possession of the holder of the licence under an agreement for hire or loan, not exceeding at any time such maximum number as is specified in the licence;
 - (c) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence;
 - (d) in the case of a C licence, subject to the provisions of the next following subsection, any motor vehicle belonging to the holder of the licence or in his possession under a hire-purchase agreement, but acquired by him, or coming into his possession under such an agreement, only after the grant of the licence.

For the purposes of paragraph (b) or paragraph (c) of this subsection, different types of motor vehicles or different types of trailers, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for vehicles or trailers of each type.

- (2) A motor vehicle which, after the grant of a C licence, is acquired by the holder of the licence, or comes into his possession under a hire-purchase agreement, shall cease

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to be an authorised vehicle on the expiration of one month from the date on which it was acquired by him or came into his possession unless before the expiration of that period he delivers to the licensing authority a notice in the prescribed form to the effect that the vehicle has been acquired by him, or has come into his possession, as the case may be.

- (3) A motor vehicle specified in a carrier's licence shall not, while it remains so specified, be capable of being effectively specified in any other carrier's licence.

168 Conditions of carriers' licences

- (1) It shall be a condition of every A licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for or in connection with a trade or business carried on by the holder of the licence (other than a trade or business for or in connection with which the holder of the licence is, by virtue of subsection (2) of section one hundred and sixty-six of this Act, entitled to use that vehicle for the carriage of goods), except such storage or warehousing of goods as may be incidental to his business as a carrier.
- (2) The licensing authority may in his discretion attach to a B licence, as respects the use of the authorised vehicles, or any of them, for the carriage of goods for hire or reward, all or any of the following conditions, that is to say—
- (a) a condition that they shall be so used only in a specified district or between specified places ;
 - (b) a condition that certain classes or descriptions of goods only shall be so carried;
 - (c) a condition that goods shall be so carried only for specified persons;
 - (d) such other conditions (not being conditions with respect to the rates to be charged) as the licensing authority may think fit to impose in the public interest and with a view to preventing uneconomic competition.
- (3) It shall be a condition of every C licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for hire or reward except under an authorisation given under paragraph (b) of subsection (4) of section one hundred and sixty-six of this Act.
- (4) The conditions of a carrier's licence shall not apply in relation to the use of an authorised vehicle for a purpose for which it might lawfully be used without the authority of a carrier's licence.
- (5) Subject to the last foregoing subsection, a person who fails to comply with a condition of a carrier's licence of which he is the holder 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.

169 Duration of carriers' licences

- (1) There shall be specified in every carrier's licence the date on which the licence is to come into force (in this Part of this Act referred to as " the commencement date ").
- (2) Regulations may specify the dates in the year on which carriers' licences shall expire and, subject to the provisions of this section, a carrier's 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 the period (in this Part of this Act referred to as

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" the currency period") applicable to that licence in accordance with subsection (4) of this section, unless at the time of the granting of the licence the licensing authority for special reasons determines 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.

- (3) If at the date on which a carrier's licence is due to expire, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence shall continue in force until the application is disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension, revocation and curtailment conferred by this Part of this Act.
- (4) The currency period shall be—
 - (a) in the case of an A licence, two years or such longer period as may be prescribed;
 - (b) in the case of a B licence, one year or such longer period as may be prescribed;
 - (c) in the case of a C licence, three years or such longer period as may be prescribed:

Provided that regulations may provide that, where the licensing authority is of opinion that such a course is desirable in order to arrange a suitable and convenient programme of work, he may in his discretion grant a licence for a currency period shortened to meet the requirements of that programme.

170 Short-term carriers' licences

- (1) With a view to enabling goods vehicles to be used temporarily—
 - (a) for the purposes of a seasonal business,
 - (b) for the purposes of the execution of a particular piece of work, or
 - (c) for any other purpose of limited duration,a carrier's licence of any class may be granted for a period not exceeding three months.
- (2) Where an application has been made for a carrier's licence having a duration determined by the last foregoing section, the licensing authority, if for administrative reasons he deems it desirable so to do, may, pending the determination of the application, grant to the applicant a carrier's licence for a period not exceeding—
 - (a) in the case of a first application for an A licence, twelve months;
 - (b) in the case of a first application for a B licence, six months; and
 - (c) in any other case, three months.
- (3) If, in a case where an application has been made for a carrier's licence, the licensing authority has granted a licence under the last foregoing subsection, that licence shall cease to have effect on the commencement date of a licence granted on that application and having a duration determined by the last foregoing section.
- (4) A licence granted under this section is hereafter in this Part of this Act referred to as a " short-term licence ".
- (5) Subsections (2) to (4) of the last foregoing section shall not apply to short-term licences.