

SCHEDULES

TWELFTH SCHEDULE

Sections 118, 160, 234, 240 and 247.

CONDITIONS AFFECTING CLASSIFICATION OF PUBLIC SERVICE VEHICLES

PART I

RACE MEETINGS, PUBLIC GATHERINGS, &C

- 1 The journey on which the passengers are being carried must be made on the occasion of a race meeting, public gathering or other like special occasion.

PART II

CONDITIONS RELATING TO CERTAIN JOURNEYS FOR VEHICLES CARRYING FOUR PASSENGERS OR LESS

- 2 The number of passengers carried must not exceed four.
- 3 The making of the agreement for the payment of separate fares must not have been initiated by the driver or by the owner of the vehicle, by the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, or by any person who receives any remuneration in respect of the arrangements for the journey:

Provided that the agreement may have been initiated by the driver or owner if the passengers are not being carried in the course of a business of carrying passengers.
- 4 The journey must be made without previous advertisement to the public of facilities for its being made by passengers to be carried at separate fares.
- 5 The journey must not be one on which passengers are carried at separate fares frequently, or as a matter of routine, in the same vehicle or in vehicles (other than vehicles used under a road service licence) belonging to the same owner or belonging partly to one person and partly to another who is a party to a hiring agreement or hire-purchase agreement of which any of the vehicles is the subject.
- 6 The journey must not be made in conjunction with, or in extension of, a service provided under a road service licence if the vehicle is owned by, or made available under any arrangement (including a hiring agreement or hire-purchase agreement) with, the holder of the licence or any person who receives any remuneration in respect of the service provided thereunder or in respect of arrangements for that service.

PART III

PARTIES OF OVERSEAS VISITORS

- 7 Each of the passengers making the journey must have been outside Great Britain at the time of concluding his arrangements to make the journey.

PART IV

ALTERNATIVE CONDITIONS AFFECTING CLASSIFICATION

- 8 Arrangements for the bringing together of all the passengers for the purpose of making the journey must have been made otherwise than by, or by a person acting on behalf of,—
- (a) the holder of the public service vehicle licence in respect of the vehicle, if such a licence is in force,
 - (b) the driver or the owner of the vehicle or the person who has let the vehicle for hire by any hiring agreement or hire-purchase agreement, if no such licence is in force,
- and otherwise than by any person who receives any remuneration in respect of the arrangements.
- 9 The journey must be made without previous advertisement to the public of the arrangements therefor.
- 10 All the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey.
- 11 No differentiation of fares for the journey on the basis of distance or of time must be made.
- 12 In the case of a journey to a particular destination the passengers must not include any person who frequently, or as a matter of routine travels, at or about the time of day at which the journey is made, to or to the vicinity of that destination from a place from or through which the journey is made.

PART V

SUPPLEMENTARY

- 13 For the purposes of paragraphs 4 and 9 of this Schedule no account shall be taken of any such advertisement as follows, that is to say,—
- (a) a notice displayed or announcement made at or in any place of worship in the manner in which notices or announcements for the information of persons attending that place of worship are normally displayed or made, or
 - (b) a notice displayed in any periodical published for the information of persons who attend a particular place of worship or a place of worship in a particular place, and circulating wholly or mainly among persons who attend or might reasonably be expected to attend there.
- 14 (1) A vehicle adapted to carry eight or more passengers shall not be treated as having been used in circumstances in which the conditions set out in Part III or Part IV of this Schedule were fulfilled unless, within such time as may be prescribed, the holder

of the public service vehicle licence in respect of the vehicle makes, or causes to be made, a record in such form as may be prescribed containing such particulars, other than particulars of fares or prices, relating to the journey and the circumstances in which it was arranged as may be prescribed.

- (2) A vehicle adapted to carry eight or more passengers shall not be treated as being used as aforesaid unless the driver of the vehicle carries a work ticket in such form and containing such particulars as may be prescribed, being particulars appearing to the Minister requisite for enabling records made under the last foregoing sub-paragraph to be traced and identified.
- (3) The driver of a vehicle shall, on demand by a police constable in uniform or by a person authorised by the traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this paragraph for inspection by the constable or person authorised; and if the driver fails so to do 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) The holder of a public service vehicle licence who has made or caused to be made such a record as aforesaid shall preserve it for a period of six months from the date on which it is made and shall, if required so to do at any time during that period, produce it for inspection by a person authorised by the traffic commissioners, on production if so required of that person's authority, and if he fails so to preserve or produce it he shall be liable on summary conviction to such punishment as is specified in the last foregoing sub-paragraph.

15 In this Schedule " owner ", in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement.