



# Road Traffic Act 1960

## 1960 CHAPTER 16

### PART III

#### PUBLIC SERVICE VEHICLES

##### *Road Service Licences*

#### **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

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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).
- (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

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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.