



Road Traffic Act 1930

1930 CHAPTER 43

PART IV

REGULATION OF PUBLIC SERVICE VEHICLES.

Miscellaneous.

- 90 Power of local authorities with respect to use of highways by public service vehicles and with respect to stations for such vehicles.**
- (1) A local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon stands for public service vehicles and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places.
 - (2) Where in pursuance of the powers conferred by section sixty-eight of the Public Health Act, 1925, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if it thinks fit—
 - (a) by order appoint that parking place as a station for such vehicles;
 - (b) by regulation declare that subsection (7) of that section (which prohibits persons employed in connection with vehicles within a parking place plying for hire or accepting passengers for hire) shall not apply to public service vehicles either absolutely or to such extent as may be specified in the regulation.
 - (3) Where a parking place is appointed under this section as a station for public service vehicles the local authority may
 - (a) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as a station for public service vehicles, and in particular provide and maintain waiting-rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith, and
 - (b) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and

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- (c) make regulations as to the use of any such accommodation.
- (4) Where any local authority propose to make an order under subsection (1) or subsection (2) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.
- (5) An order made under subsection (1) or subsection (2) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for the traffic area in which the area or any part of the area of the local authority is situate.
- (6) The Minister may confirm an order made under subsection (1) or subsection (2) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.
- (7) An order made and confirmed under subsection (1) of this section unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and may at any time be altered or revoked by an order made in like manner and subject to the like provisions as the original order.
- (8) The confirmation of an order under subsection (1) or subsection (2) of this section shall be evidence that the requirements of this section have been complied with.
- (9) In subsection (1) of this section the expression "local authority" means as regards a county borough or an urban district having a population according to the last census for the time being of over twenty thousand, and any other urban or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county.
- (10) The purposes of this section shall be purposes for which a local authority may borrow in the case of a county council under the Local Government Act, 1888, and in the case of a borough or district council under and subject to the provisions of the Public Health Acts, 1875 to 1926.

91 Power of Minister to modify restrictions on user of roads by public service vehicles.

- (1) In any case where the running of public service vehicles on a road is restricted or prohibited by a local Act or order the council of the county borough or of the county district in which the road or any part thereof is situate or any 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 such inquiry.

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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 make an order modifying or revoking them, and may by such 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 such restrictions or prohibition.
- (4) Every order made under this section shall be laid before both Houses of Parliament, and shall not come into force until it has been approved by both Houses.

92 Protection of public interests.

- (1) It is hereby declared that nothing in this Part of this Act is to be treated as conferring on the holder of any licence granted under this Part of this Act any right to the continuance of any benefits arising from the provisions of this Part of this Act or from any licence granted thereunder or from any conditions attached to any such licence.
- (2) In the event of any undertaking by which a service of public service vehicles is provided being purchased compulsorily by any local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account. .

93 Wages and conditions of employment of persons employed in connection with public service vehicles.

- (1) The wages paid by the holder of any 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 commissioners to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of any road service licence are not in accordance with the requirements of the preceding 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) If it is decided by the Industrial Court that any 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.

94 General power of making regulations.

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, and generally for the purpose of carrying this Part of this Act

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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 of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;
- (h) the determination of the number of passengers a public service vehicle is adapted to carry and the number who may be carried;
- (i) the carriage of luggage and goods on public service vehicles;
- (j) 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;
- (k) the equipment to be carried by public service vehicles;
- (l) 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, and as respects the same class and description of public service vehicles in different circumstances.

95 Restriction on institution of proceedings in England.

Proceedings for an offence under this Part of this Act, other than a breach of the regulations as to the conduct of passengers in public service vehicles, shall not in England be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by commissioners of a traffic area a chief officer of police or the council of a county, county borough, or county district.

96 Transitory provisions.

- (1) The Minister may by order make such provision as he considers necessary for the transition from the enactments superseded by this Part of this Act to the provisions of this Part of this Act, and may by any such order provide that any licence relating to a public service vehicle or the driver or conductor thereof in force immediately before the commencement of this Act shall continue in force for such period and with such effect for the purposes of this part of this Act as may be provided by the order.
- (2) The Minister may revoke, vary, or amend an order made under this section.

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97 Avoidance of contracts so far as restrictive of liability in respect of death of or injury to passengers in public service vehicles.

Any 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 any person in respect of any claim which may be made against that person 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.

98 Provisions with respect to the Metropolitan traffic area.

- (1) This Part of this Act shall apply to the Metropolitan traffic area subject to the exceptions and modifications contained in this section and subject also to the special provisions contained in the next succeeding section with respect to the City of London and the Metropolitan police district.
- (2) The following provisions of this Part of this Act shall not apply" to the Metropolitan traffic area, that is to say, subsections (3), (4), (5), (6), (7), and (9) of section sixty-three in subsection (2) of section sixty-three the words "in manner provided by this section," and subsections (2) and (3) of section sixty-four and section seventy-two of this Act in its application to the metropolitan traffic area shall have effect as if the references to a local authority were omitted therefrom.
- (3) For the Metropolitan traffic area there shall be appointed one traffic commissioner only who shall have all such powers and duties and act under such general directions as are mentioned in subsection (1) of section sixty-three of this Act and any reference in this Act or in any other enactment to the commissioners for a traffic area shall in relation to the Metropolitan traffic area be construed as a reference to the commissioner appointed under this section.
- (4) Before the Minister gives to the commissioner for the Metropolitan traffic area any such general directions as aforesaid or gives to the commissioners of any traffic area any directions relating specifically to the London Traffic Area constituted under the London Traffic Act, 1924, the question of issuing the directions shall be referred by him to the London and Home Counties Traffic Advisory Committee constituted under the said Act.
- (5) The commissioner for the Metropolitan traffic area shall hold office for such term not exceeding three years as the Minister may at the time of his appointment determine, but shall be eligible for reappointment at the expiration of any term of office, and shall receive such salary or remuneration as the Minister, with the consent of the Treasury, may determine.

In the case of illness, incapacity, or absence of the commissioner, the Minister may appoint some other person to act as deputy for the commissioner.

99 Special provisions with respect to the City of London and the Metropolitan police district.

- (1) The provisions of this section shall have effect in relation to the area consisting of the City of London and the Metropolitan police district (in this section referred to as "the special area.")
- (2) The following enactments, that is to say, the Metropolitan Public Carriage Act, 1869 (in this section referred to as "the Act of 1869"), sections eight and fourteen of the

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Metropolitan Streets Act, 1867, the London Cab and Stage Carriage Act, 1907, and section six of the London Traffic Act, 1924, shall not apply to any public service vehicle, or to the driver or conductor thereof, unless the vehicle plies for hire as a stage carriage by short stages within the special area in maintaining a regular service on an approved route within the meaning of section six of the London Traffic Act, 1924.

For the purposes of this section a vehicle shall be deemed to ply for hire by short stages within the special area if the following conditions are complied with but not otherwise, that is to say, if its route, so far as it lies within that area, is divided into stages, and if from any point on its route within the area a passenger may travel for a fare not exceeding twopence to the next point at which a stage ends.

- (3) Where a public service vehicle is licensed under section six of the Act of 1869, there shall be deemed to have been attached to the licence in pursuance of section six of the London Traffic Act, 1924, a condition that the vehicle shall not, without the consent of the licensing authority, be used within the special area otherwise than in plying for hire in the manner specified in the last preceding subsection, and that, while being so used, it shall ply for hire throughout its route, so far as that route lies within the special area.
- (4) A road service licence under this Part of this Act shall not be required, nor shall such a licence be granted, in respect of the use within the special area of a public service vehicle plying for hire by short stages within that area in accordance with the terms of a licence granted under section six of the Act of 1869.
- (5) Before determining the conditions to be attached to a road service licence with respect to routes, stopping places, or terminal points within the special area, the traffic commissioners concerned shall consult with the Commissioner of Police, and if the Commissioner of Police is dissatisfied by 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 any order so made by the Minister shall be binding on the traffic commissioners.
- (6) The power of making orders conferred upon local authorities by subsection (1) of section ninety of this Act shall not be exercised within the special area by any local authority, but the Commissioner of Police may within his police district exercise with respect to contract carriages the power of making orders under the said subsection, and the provisions of subsections (3) to (7) of that section shall apply in relation to any order so made by the Commissioner of Police as they apply in relation to an order made by a local authority.
- (7) Subject to the foregoing provisions of this section the Minister, for the purpose of adapting the provisions of this Part of this Act to the special area, may, after consultation with the Secretary of State and after reference to the London and Home Counties Traffic Advisory Committee constituted under the London Traffic Act, 1924, by order—
 - (a) provide for the exercise by the authority having power to grant licences under the Act of 1869 of any of the powers or duties conferred or imposed by this Part of this Act on traffic commissioners and on certifying officers, other than those relating to the grant or backing of road service licences;
 - (b) provide for the appointment by the Secretary of State of public service vehicle examiners, who shall act under his direction ;

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- (c) provide for the payment of fees in respect of the grant or issue of any licences or certificates under this Part of this Act, or under the Act of 1869, by the said licensing authority;
- (d) provide for the payment by the Minister, as part of the expenses of the roads department of the Ministry of Transport, into the Metropolitan police fund of such sum in respect of any licence or certificate granted or issued under this Part of this Act or under the Act of 1869 by the said licensing authority as the Treasury, after consultation with the Minister, may from time to time determine;
- (e) provide that any licence or certificate granted or issued under this Part of this Act or under the Act of 1869 shall have such effect for the purposes of this Part of this Act as may be provided in the order;

and the provisions of this Part of this Act shall have effect in the special area and in relation to any licences or certificates granted or issued by the said licensing authority, subject to such adaptations and modifications as may be necessary for the purposes aforesaid and as may be specified in the order.

- (8) An order made by the minister under the last preceding subsection shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which that House has sat and, if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.
- (9) Any order made under this section may be revoked or altered by a subsequent order made in the like manner and subject to the like conditions.
- (10) In this section the expression " the Commissioner of Police " means, in relation to the City of London, the Commissioner of Police of the City of London, and in relation to the Metropolitan police district, the Commissioner of Police of the Metropolis.

100 Application to Scotland.

This Part of this Act shall apply to Scotland subject to the following modifications :—

- (a) In the application of section sixty-three the expression " county borough " shall mean a large burgh as defined in the Local Government (Scotland) Act, 1929:
- (b) Section eighty-two shall have effect with the substitution for an appeal to a court of summary jurisdiction of an appeal to the sheriff within whose jurisdiction the applicant resides:
- (c) The expression " local authority " means a county or town council, provided that the local authority for the purpose of the provisions of section sixty-six and subsection (1) of section ninety shall be in a burgh the magistrates of the burgh, and in a county the county council:
- (d) The provisions of subsections (4), (5), (6), and (8) of section ninety shall have effect subject to the provisions of subsection (11) of section one hundred and twenty of this Act;
- (e) In the application of section ninety a reference to the council of a county or burgh shall be substituted for any reference to the council of a county borough or county district.