



# Road and Rail Traffic Act 1933

## 1933 CHAPTER 53

An Act to make provision for regulating the carriage of goods on roads by motor vehicles and for controlling the use of vehicles on certain roads; to amend certain provisions of the Road Traffic Act, 1930; to amend the law relating to railways and to make provision for constituting a council to advise on questions in connection with the means of, and facilities for, transport; and for purposes connected with the matters aforesaid. [17th November 1933.]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### PART I

#### ROAD TRAFFIC.

#### *Goods Vehicles.*

#### **1 Licensing of goods vehicles.**

- (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.
- (2) In this Part of this Act the expression " goods vehicle " means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted, and the expression " licence " means a licence granted under this Part of this Act.

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- (3) When a goods vehicle is being used on a road for the carriage of goods, the driver of the 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, for the purposes of this Part of this Act, be deemed to be the person by whom the vehicle is being used.
- (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.
- (5) For the purposes of this Part of this Act—
- (a) the delivery or collection by a person of goods sold, used or let on hire or hire purchase in the course of a trade or business carried on by him;
  - (b) the delivery or collection by a person of 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 him;
  - (c) the carriage by a person engaged in agriculture in any locality of goods for or in connection with the business of agriculture carried on by another person in that locality, so long as the goods are carried in a vehicle which the person carrying them is authorised by a licence to use for the carriage of goods for or in connection with his agricultural business;
  - (d) the carriage of goods in a vehicle which is being used under, and in accordance with the regulations applicable to, a licence taken out by a manufacturer or dealer under section nine of the Roads Act, 1920, or by a repairer under section fifteen of the Finance Act, 1922;
  - (e) the carriage of goods in a vehicle by a manufacturer, agent, or dealer, whilst the vehicle is being used by him for demonstration purposes,
- shall not be deemed to constitute a carrying of the goods for hire or reward.
- (6) It is hereby declared that, for the purposes of this Part of this Act, the performance by a local or public authority of its functions shall be deemed to be the carrying on of a business.
- (7) This section shall not apply—
- (a) to the use of a vehicle (including a trailer drawn thereby) in any case where the excise duty in respect of the vehicle under section thirteen of the Finance Act, 1920, is chargeable at one of the rates applicable to vehicles specified in sub-paragraph, (a) or sub-paragraph (d) of paragraph 4, or in sub-paragraph (a) of paragraph 5, of the Second Schedule to the Finance Act, 1920, as amended by the Finance Act, 1933, or any subsequent enactment, for any of the agricultural or other ancillary purposes for which exclusively the vehicle must be used if the duty is to remain chargeable at that rate;
  - (b) to the use for any purpose other than the carriage of goods for hire or reward of a trailer when drawn by a vehicle constructed solely for the carriage of not more than seven passengers, exclusive of the driver, and their effects;
  - (c) to the use of a tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or any order having the force of an Act ;
  - (d) to the use of a public service vehicle as a stage carriage, express carriage, or contract carriage in pursuance of a licence granted under the Road Traffic Act, 1930;

- (e) to the use of a hackney carriage as defined in section four of the Customs and Inland Revenue Act, 1888, when being used as such a carriage;
  - (f) to the use of a vehicle for the purposes of funerals;
  - (g) to the use by a local authority, or a person acting in pursuance of a contract with a local authority, of a vehicle for road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools, or for the purposes of the enactments relating to weights and measures or the sale of food and drugs;
  - (h) to the use of a vehicle for police, fire brigade or ambulance purposes;
  - (i) to the use of a vehicle for towing a disabled motor vehicle, or for removing goods from a disabled vehicle to a place of safety;
  - (j) to the use of a vehicle for miners' rescue purposes under the provisions of section eighty-five of the Coal Mines Act, 1911;
  - (k) to the use of a vehicle for any purpose specified in regulations, or the use for any purpose of a vehicle of any class or description so specified.
- (8) If any person uses a vehicle in contravention of this section, he shall be guilty of an offence under this Part of this Act.

## 2 Classes of licences.

- (1) Licences shall be of the following classes:—
- (a) public carriers' licences;
  - (b) limited carriers' licences;
  - (c) private carriers' licences.
- (2) A public carrier's licence (in this Part of this Act referred to as "an A licence ") shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for hire or reward, or for the carriage of goods for or in connection with his business as a carrier of goods, whether by road transport or any other kind of transport, but it shall be a condition of the 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 any other trade or business carried on by him except such storage or warehousing of goods as may be incidental to his business as a carrier.
- In relation to a licence held by a person carrying on a canal, dock or harbour undertaking, the reference in this subsection to the use of vehicles for the carriage of goods for or in connection with the business of the holder of a licence as a carrier of goods shall include a reference to the use of vehicles for the carriage of goods for, or in connection with, that undertaking.
- (3) A limited carrier's licence (in this Part of this Act referred to as " a B licence ") shall entitle the holder thereof to use the authorised vehicles, as he thinks fit from time to time, either for the carriage of goods for or in connection with any trade or business carried on by him, or, 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) A private carrier's licence (in this Part of this Act referred to as " a C licence") shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for or in connection with any trade or business carried on by him, subject to the condition that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for hire or reward.

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Notwithstanding anything in this Part of this Act, the licensing authority may, in a case of emergency and subject to such conditions as he thinks fit to impose, authorise the holder of a C licence to use an authorised vehicle for the carriage of goods for any person to whom he lets the vehicle, if the authority is satisfied that the needs of that person cannot conveniently be met from other sources.

- (5) In this Part of this Act the expression " authorised vehicle " means in relation to any licence a vehicle authorised to be used thereunder.
- (6) The vehicles authorised to be used under a 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 succeeding 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.

- (7) A motor vehicle which is acquired by, or, under a hire purchase agreement comes into the possession of, the holder of a C licence after the grant thereof shall cease 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 the holder delivers to the licensing authority a notice in the prescribed form of the vehicle having been acquired by him or having come into his possession.
- (8) A motor vehicle specified in a licence shall not, while it remains so specified, be capable of being effectively specified in any other licence.
- (9) A person may be the holder of two or more licences whether of the same class or of different classes.

### **3 Duration of licences.**

- (1) Subject to the provisions of this section, the period for which a licence may be granted (in this section referred to as " the currency period ") shall be—
- (a) in the case of an A licence, two years;
  - (b) in the case of a B licence, one year;
  - (c) in the case of a C licence, three years,
- from the date on which it is expressed to take effect.
- (2) The Minister may prescribe the dates in the year on which licences, other than licences hereinafter referred to as short term licences, shall expire, and a licence shall, unless previously revoked, continue in force up to and including that one of the prescribed

dates which occurs next before the expiration of the currency period thereof, or up to and including such earlier date, being one of the prescribed dates, as the licensing authority may, at the time of granting the licence, for special reasons, determine.

- (3) 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 licence of any class may be granted for a period less than the currency period, but not exceeding three months, and any licence granted under this or the next following subsection is in this Part of this Act referred to as a " short-term licence."

- (4) Where an application has been made for a licence for the currency period, 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 short term 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,

but any short-term licence so granted shall cease to have effect as from the date on which a licence granted for the currency period is expressed to take effect.

- (5) If on the date of the expiration of a licence, other than a short-term licence, 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 for the existing licence, 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 and revocation conferred by this Part of this Act.

#### **4 Licensing authority.**

- (1) The person who is the chairman of the traffic commissioners for any traffic area within the meaning of the Road Traffic Act, 1930, including any person for the time being appointed by the Minister to act as deputy to the chairman, shall have the power and be charged with the duty of granting licences under this Part of this Act, and is in this Part of this Act referred to as " the licensing authority. "
- (2) This section shall have effect as respects the Metropolitan traffic area with the substitution of a reference to the traffic commissioner for that area for the reference to the chairman of the traffic commissioners.

#### **5 Procedure on applications for licences.**

- (1) A person applying for a licence shall submit to the licensing authority a statement in the prescribed form—
- (a) containing, as respects motor vehicles proposed to be used under the licence which belong to the applicant or are in his possession under a hire purchase agreement or which, if the application is granted, he intends to acquire or to obtain possession of under such an agreement, such particulars as may be prescribed, so, however, that the particulars shall not require vehicles subject to hire purchase agreements to be distinguished from vehicles belonging to the applicant;

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- (b) stating the number and type of hired motor vehicles and of trailers proposed to be so used; and
  - (c) specifying, in the case of an application for an A licence or a B licence, the facilities for the transport of goods intended to be provided by him under the licence for other persons, including particulars of the district within which, or the places between which, it is intended that the authorised vehicles will normally be used for the purpose of carrying goods for hire or reward.
- (2) A person applying for a licence shall give to the licensing authority any information which he may reasonably require for the discharge of his duties in relation to the application and, in particular, an applicant for an A licence or a B licence, shall, if required by the licensing authority, submit to the licensing authority in the prescribed form—
- (a) such particulars as the licensing authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged by the applicant;
  - (b) particulars of any agreement or arrangement, affecting in any material respect the provision within the area of the licensing authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the area;
  - (c) particulars of any financial interest (whether partner or shareholder or as a result of any loan, guarantee or other financial transaction) which any other person providing facilities for the transport of goods for hire or reward, or controlling (either solely or in conjunction with any other person) the business of any person who provides such facilities, has in the business of the applicant, and in the case of an applicant being a company, of any right which any such person as aforesaid has to nominate any director of the company.
- (3) In the case of A licences or B licences, the application must be made to the licensing authority for the area in which the permanent base or centre from which it is intended that the authorised vehicles will normally be used for the purpose of carrying goods for hire or reward is situate, and a separate application must be made in respect of each such base or centre:
- Provided that where applications for A licences or B licences are made by a person in respect of two or more bases or centres in the area of the same licensing authority, that authority may, if he thinks fit, grant a single licence in respect of those applications or any of them.
- (4) In the case of C licences, the application must be made to the licensing authority either for the area in which the principal place of business of the applicant is situated, or for the area in which his head office is situated.

## **6 Discretion of licensing authority as to grant or refusal of licences.**

- (1) Subject to the provisions of the next succeeding section, the licensing authority—
- (a) on an application for an A licence or for a B licence, shall have full power in his discretion either to grant or to refuse the application, or to grant a licence in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers less in number

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than, or differing in type from, those for the use of which authorisation was applied for; and

- (b) on an application for a C licence, shall grant the application, unless the applicant is the holder of a licence which is suspended, or unless a licence previously held by him has been revoked, in either of which cases the licensing authority shall have full power in his discretion either to grant or to refuse the application.
- (2) The licensing authority in exercising his discretion shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport, and, in particular, shall have regard in the case of an application for an A licence or for a B licence—
- (a) where the applicant is the holder of an existing licence of the same class, to the extent to which he is authorised to 'use goods vehicles thereunder for the carriage of goods for hire or reward;
  - (b) to the previous conduct of the applicant in the capacity of a carrier of goods;
  - (c) to the number and type of vehicles proposed to be used under the licence;
  - (d) in determining the number of vehicles to be authorised, to the need for providing for occasions when vehicles are withdrawn from service for overhaul or repair;
  - (e) to the extent to which the vehicles to be authorised will be in substitution for horse-drawn vehicles previously used by the applicant for the purposes of his business as a carrier,
- and, in the case of an application for a B licence, also to the extent to which the applicant intends that the vehicles proposed to be used under the licence shall be used for the carriage of goods for hire or reward.
- (3) In any case in which the licensing authority refuses to grant a licence, or grants a licence which differs from the licence applied for, or imposes conditions to which the applicant does not agree, the licensing authority shall, if requested by the applicant, state in writing the reasons for his decision.

## **7 Special provisions as to certain applications.**

- (1) If, on an application for an A licence, the applicant satisfies the licensing authority that any of the authorised vehicles will be used exclusively for the purposes of a contract entered into by the applicant with a person carrying on a trade or business (not being the business of carrying or arranging for the carrying of goods) for the carriage of goods for or in connection with that trade or business during any continuous period of not less than one year, the licensing authority shall, unless he is satisfied that, having regard to the previous conduct of the applicant in the capacity of a carrier of goods, he is not a fit person to receive a licence, grant the application so far as regards those vehicles, subject to conditions for securing that those vehicles shall be used exclusively for the purposes of the contract and shall at the termination of the contract cease to be authorised vehicles unless the licensing authority on an application made to him with respect thereto otherwise directs.
- (2) If, on an application for an A licence made not later than the first day of April, nineteen hundred and thirty-four, or such later date as the Minister may appoint, the applicant shows to the satisfaction of the licensing authority that during the year beginning on the first day of April, nineteen hundred and thirty-two, he used any goods vehicles belonging to him, or in his possession under a hire purchase agreement, mainly for

the purpose of the carriage of goods for hire or reward, the licensing authority shall grant the application in respect of vehicles having an aggregate weight unladen not less than the aggregate weight unladen of any such vehicles so used by the applicant at any one time during the said year.

- (3) If, on an application for a B licence made not later than the first day of April, nineteen hundred and thirty-four, or such later date as the Minister may appoint, the applicant shows to the satisfaction of the licensing authority that during the year beginning on the first day of April, nineteen hundred and thirty-two, he used any goods vehicles belonging to him, or in his possession under a hire purchase agreement, partly for the purpose of the carriage of goods for hire or reward, and partly for other purposes, the licensing authority shall grant the application in respect of vehicles having an aggregate weight unladen not less than the aggregate weight unladen of any such vehicles so used by the applicant at any one time during the said year, and shall not, in the exercise of his discretion to attach conditions to a B licence, attach to the licence any conditions which would constitute a substantial interference with the carrying on of any trade or business for the purposes of which the vehicles were used as aforesaid.
- (4) A vehicle shall not be included in a computation of aggregate weight for the purposes of more than one application for a licence by the same applicant, but the applicant may elect as to the application for the purposes of which a vehicle is to be included.

## **8 Conditions of licences.**

- (1) It shall be a condition of every licence—
  - (a) that the authorised vehicles are maintained in ' a fit and serviceable condition;
  - (b) that any provisions (whether contained in any statute or in any statutory rules or orders) with respect to limits of speed and weight, laden and unladen, and the loading of goods vehicles, are complied with in relation to the authorised vehicles;
  - (c) that in relation to the authorised vehicles the requirements specified in section nineteen of the Road Traffic Act, 1930 (as varied or amended by any order under that section or by this Act or any subsequent enactment), with respect to the time for which drivers of certain vehicles may remain continuously on duty and the hours which they are to have for rest, are observed;
  - (d) that the provisions of this Part of this Act relating to the keeping of records are complied with.
- (2) It shall be a condition of every A licence and of every B licence that the provisions of section ninety-three of the Road Traffic Act, 1930, as amended and applied by this Part of this Act, are complied with in relation to the authorised vehicles.
- (3) Subject to the provisions of subsection (3) of the last preceding section, the licensing authority may in his discretion attach to a B licence, as respects the user 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.
- (4) The licensing authority may, from time to time, on the application of the holder of the licence cancel or vary any conditions attached to a B licence in pursuance of subsection (3) of this section.

## **9 Penalty for non-compliance with, and exception from, conditions of licences.**

- (1) Subject to the provisions of this section, any person who fails to comply with any condition of a licence held by him, shall be guilty of an offence under this Part of this Act.
- (2) Notwithstanding that a vehicle is an authorised vehicle, the conditions of the licence shall not apply while the vehicle is being used for any purpose for which it might lawfully be used without the authority of a licence.

## **10 Variation of licences.**

- (1) On the application of the holder of a licence, the licensing authority by whom the licence was granted may at any time during its currency vary the licence by directing that additional vehicles shall be specified therein, or that vehicles specified therein shall be removed therefrom, or that the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (b) and (c) respectively of subsection (6) of section two of this Act shall be increased or reduced.
- (2) The foregoing provisions of this Part of this Act as to applications for licences of any class (except provisions as to the licensing authority to whom applications are to be made), as to the grant or refusal of licences of any class (except the provisions of subsections (2), (3) and (4) of section seven), and as to the attaching of conditions to B licences, shall apply in relation to the variation of a licence of that class:

Provided that the licensing authority shall be bound to grant an application for a variation consisting only of the removal of a specified vehicle from the licence, or of a reduction in the maximum number specified as aforesaid, or of the specification in the licence in substitution for a specified vehicle of a vehicle of the same or of a less weight unladen.

- (3) Where it comes to the knowledge of the licensing authority by whom a licence was granted that a vehicle specified therein has ceased to be used under the licence for any reason other than a fluctuation in business, or is specified in another licence, he may vary the licence by directing that the vehicle shall be removed therefrom.
- (4) When the licensing authority by whom a C licence was granted receives notice under subsection (7) of section two of this Act that the holder of the licence has acquired, or come into possession of, a vehicle as therein mentioned, he shall vary the licence by directing that the vehicle shall be specified therein.

## **11 Objections to certain applications for licences, or variations of licences.**

- (1) The licensing authority shall publish in the prescribed manner notice of an application to which this section applies specifying the time within which, and the manner in which, objections may be made to the grant of the application.

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- (2) It shall be the duty of the licensing authority, on an application to which this section applies, to take into consideration any objections to the application which may be made by persons who are already providing facilities, whether by means of road transport or any other kind of transport, for the carriage of goods for hire or reward in the district, or between the places, which the applicant intends to serve, on the ground that suitable transport facilities in that district, or between those places, are or, if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of retirements, or on the ground that any of the conditions of a licence held by the applicant has not been complied with :

Provided that on an application for the grant or variation of an A licence, the licensing authority shall not be bound to take into consideration objections made by a person who holds a B licence and does not also hold an A licence.

- (3) This section shall apply to every application for the grant for the currency period of an A licence or of a B licence, or for the variation of such a licence by a direction that additional vehicles shall be specified therein or that the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (b) and (c) respectively of subsection (6) of section two of this Act shall be increased, or, in the case of a B licence, that the district specified in the licence within which, or the places so specified between which, the vehicles can be used for the carriage of goods for hire or reward shall be varied or extended, not being—
- (a) an application which the licensing authority is bound to grant; or
  - (b) an application for a licence to expire not later than an existing licence under which the vehicles to which the application relates are authorised to be used for the purposes of a business which the applicant has acquired or intends to acquire ; or
  - (c) an application as respects which the licensing authority is of opinion that, having regard to its trivial character it is not necessary that any opportunity should be given for objection.
- (4) This section shall apply to every application under subsection (3) of section three of this Act for a short-term A licence or short-term B licence, unless the licensing authority is of opinion either—
- (a) that, having regard to the trivial nature of the application, it is not necessary that any opportunity should be given for objection; or
  - (b) that the application has been made with reason able expedition and that the demand for the use of the vehicles to be authorised under the licence is so urgent as to render compliance with the requirements of this section impracticable.
- (5) The licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this Act.
- (6) Where, on an application for the grant of an A licence or a B licence, the licensing authority proposes to grant the application in respect of vehicles other than those of which particulars were contained in the application, he shall publish notice of his proposal as if that proposal were an application to which this section applies, and thereupon the provisions of this section with respect to the making and consideration of objections shall apply accordingly:

Provided that it shall not be necessary for the licensing authority to publish such a notice if he is satisfied that the variation, subject to which he proposes to grant the

application, will not materially increase the total carrying capacity of the authorised vehicles.

## **12 Provisions as to holding and subsidiary companies.**

- (1) Where a holding company on an application for a licence signifies to the licensing authority its desire that the provisions of this section should have effect as respects a subsidiary company specified in the application, then, in relation to the application and to any licence granted thereon to the holding company and to the use of the authorised vehicles, this Part of this Act shall have effect—
  - (a) as if goods vehicles belonging to, or in the possession of, the subsidiary company were vehicles belonging to, or in the possession of, the holding company;
  - (b) as if, where a goods vehicle is used in circumstances in which, but for this provision, the subsidiary company would be deemed to be the user thereof, the holding company were the user thereof;
  - (c) as if a trade or business carried on by the subsidiary company were a trade or business carried on by the holding company;
  - (d) as if a person employed by the subsidiary company as a driver or statutory attendant of an authorised vehicle were a person employed by the holding company;
  - (e) as if the subsidiary company were an applicant for the licence.
- (2) The provisions of this section shall cease to have effect as respects any subsidiary company—
  - (a) if the holding company gives notice to the licensing authority that it desires that this section should, as from any date, cease to apply to that company, as from that date; or
  - (b) as from the date on which that company ceases to be a subsidiary company of the holding company.
- (3) In this section the expression " holding company " means a company which is the beneficial owner of not less than ninety per cent. of the issued share capital of another company, and the expression "subsidiary company," in relation to a holding company, means a company not less than ninety per cent. of the issued share capital of which is in the beneficial ownership of the holding company.

Where a subsidiary company (as hereinbefore defined) is the beneficial owner of any shares of another company, those shares shall be treated for the purposes of the foregoing definitions as if they were in the beneficial ownership of the holding company.

## **13 Power to revoke or suspend licences.**

- (1) A licence may be revoked or suspended by the licensing authority by whom the licence was granted on the ground that any of the conditions of the licence have not been complied with:

Provided that the licensing authority shall not revoke or suspend a licence unless he is satisfied, after holding a public inquiry, if the holder of the licence requests him so to do, that owing to the frequency of the breach of conditions of the licence, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the licence should be revoked or suspended.

- (2) In any case where a licence is revoked or suspended the licensing authority shall, if requested by the licence holder, state in writing the grounds for the revocation or suspension.
- (3) The licensing authority may, in lieu of revoking or suspending a licence, direct that any one or more of the vehicles specified therein shall be removed therefrom, or that the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (b) and (c) respectively of subsection (6) of section two of this Act shall be reduced, and references in this or any other section of this Act to the revocation or suspension of a licence shall be construed as including a reference to the giving of a direction under this subsection.

#### **14 Fees in respect of licences.**

Such fees, payable at such times, and whether in one sum or by instalments, as the Minister may prescribe shall be charged by the licensing authority in respect of the grant or variation of licences.

#### **15 Provisions for appeals in connection with licences and constitution of Appeal Tribunal.**

- (1) Any person who,—
  - (a) being an applicant for the grant or variation of a licence, is aggrieved by the decision of the licensing authority on the application, or, in the case of a B licence, by any condition attached to the licence by the licensing authority; or
  - (b) having duly made an objection to any such application as aforesaid, being an objection which the licensing authority is bound to take into consideration, is aggrieved by the decision of the licensing authority thereon; or
  - (c) being the holder of a licence, is aggrieved by the revocation or suspension thereof,

may within the prescribed time and in the prescribed manner appeal to the Appeal Tribunal to be constituted under this Part of this Act (in this Part of this Act referred to as " the Tribunal").

- (2) The Tribunal shall consist of three members, of whom one (who shall be the chairman of the Tribunal) shall be a person of legal experience.
- (3) The members of the Tribunal shall be appointed by the Minister after consultation, so far as relates to the member who is to be chairman, with the Lord Chancellor, and, so far as relates to the other two members, with the President of the Board of Trade and with the Secretary of State for Scotland.
- (4) A member of the Tribunal shall hold office for such term, not being less than three years, as may be determined at the time of his appointment, but shall be eligible for reappointment at the expiration of that period.
- (5) The Minister may, after such consultation as is hereinbefore required in relation to the appointment of the member in question, appoint deputies to act in the place of members of the Tribunal in the case of illness, incapacity or absence:

Provided that one at least of the persons to be appointed as deputies for the chairman shall be appointed by the Minister after consultation with the Lord President of the Court of Session instead of after consultation with the Lord Chancellor.

- (6) A member of the Commons House of Parliament shall be disqualified for being appointed or being a member or deputy member of the Tribunal.
- (7) Where the Minister proposes to appoint a person to be a member or deputy member of the Tribunal, he shall, before making the appointment, require the person whom he proposes to appoint to declare whether he has any, and if so what, financial interest in any undertaking which provides facilities for the transport of goods.

If any person being a member or deputy member of the Tribunal acquires any financial interest in any undertaking which provides facilities for the transport of goods, 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 such person has vacated his office.

- (8) It shall be lawful for the Minister, after such consultation as is hereinbefore required in relation to the appointment of the member in question, to remove from his office a member or deputy member of the Tribunal for inability to perform his duties or for misbehaviour.
- (9) The Tribunal may from time to time, with the approval of the Lord Chancellor, the Lord President of the Court of Session and the Minister, make rules governing its proceedings, but no such rule shall authorise the Tribunal to exercise its jurisdiction unless by the full number of its members or their respective deputies. Such rules may provide that an appellant shall be entitled to be heard in person in support of his appeal, or by counsel, solicitor or agent.
- (10) An appeal to the Tribunal from a decision of a licensing authority for an area in Scotland shall be heard in Scotland.
- (11) The Tribunal may by notice in writing require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question on an appeal under this section, and, if any person fails without reasonable excuse to comply with any of the provisions of any such notice, he shall be guilty of an offence under this Part of this Act.
- (12) The Tribunal may—
- (a) examine witnesses on oath and administer oaths for that purpose;
  - (b) award to any party to an appeal such costs as the Tribunal considers reasonable, and direct how, and by what parties, they are to be paid, and any such award may be made a rule of court, or in Scotland may be enforced in like manner as a decree of the Court of Session.
- (13) Such fees as may from time to time be fixed by the Tribunal with the approval of the Treasury shall be payable in respect of appeals to the Tribunal, but the Tribunal may remit the whole or part of any fee if the applicant satisfies the Tribunal that by reason of his poverty it is proper so to do.
- (14) The Tribunal shall have power to make such order as it thinks fit on an appeal and the decision of the Tribunal on an appeal shall be final and shall be binding on the licensing authority.
- (15) Where a person who has applied for a new licence in substitution for a licence, other than a short-term licence, held by him and in force at the date of his application appeals to the Tribunal, the existing licence shall, notwithstanding the provisions of this Part

of this Act as to the duration of licences, 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.

- (16) Where any condition attached to a licence has been varied by the licensing authority, the variation shall not have effect until the expiration of the period within which an appeal may be made to the Tribunal against the variation nor, if such an appeal is made, until the appeal has been disposed of.

## **16 Records as to hours of work, journeys, loads, and c.**

- (1) Subject to the provisions of regulations made under this section, the holder of a licence shall keep or cause to be kept, in accordance with the regulations, current records showing—

- (a) as respects every person employed by him as a driver or statutory attendant of an authorised vehicle, the times at which that person commenced and ceased work and particulars of his intervals of rest and the like information as respects himself when acting as such a driver or attendant;
- (b) as respects every journey of a vehicle on which goods are carried under the licence, particulars of the journey and of the greatest weight of goods carried by the vehicle at any one time during the period to which the record relates and the description and destination of the goods carried,

and the regulations may make provision for requiring drivers of authorised vehicles to carry the prescribed documents and to make any prescribed entries therein.

- (2) The Minister shall consult with the Transport Advisory Council constituted under this Act as to the form in which records are to be kept under regulations made under this section.
- (3) Subject to the provisions of the regulations made under this section, a licensing authority may dispense with the observance, as respects the carriage of goods under a licence granted by him, of any requirement of those regulations, and may grant such a dispensation either generally, or as respects any particular vehicle, or as respects the use of vehicles for any particular purpose, but he shall not grant such a dispensation unless he is satisfied that it is not reasonably practicable, having regard to the nature of the business concerned, for the requirement dispensed with to be observed:

Provided that, in the case of vehicles used in the business of agriculture, or in the business of a travelling showman, he shall grant a dispensation except in so far as he is satisfied that for special reasons the observance of any requirement of the regulations is desirable as respects particular vehicles, or as respects vehicles used for any particular purpose.

- (4) The holder of a licence shall preserve every record kept under regulations made under this section for a period of six months commencing on the date on which the record is made and for such further period, not exceeding six months, as may be required by the licensing authority or a chief officer of police, and during the period for which he is required by or under this subsection to preserve a record shall, if required so to do at any time by the licensing authority, or by any person authorised in that behalf by the licensing authority or by any person authorised in that behalf by a chief officer of police, produce the record for the inspection of the licensing authority or of the person so authorised.

- (5) If any person fails to comply with the provisions of this section or of any regulations made thereunder, he shall be guilty of an offence under this Part of this Act.

**17 Enforcement of obligation to maintain goods vehicles in serviceable condition.**

- (1) For the purpose of securing in the ease of goods vehicles their maintenance in a fit and serviceable condition and the observance of the provisions of the Road Traffic Act, 1930, and of this Part of this Act, the Minister shall appoint such officers (in this Part of this Act referred to as " examiners ") as he considers necessary.
- (2) An examiner shall at any time, on production if so required of his authority, be entitled to enter and inspect any goods vehicle, and for that purpose to detain the vehicle during such time as is required for the inspection, 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 goods vehicle is kept and, if any person obstructs an examiner in the performance of his duty, he shall be guilty of an offence under this Part of this Act.
- (3) If on the inspection of a goods vehicle it appears to an 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 prohibit the use of the vehicle on a road for the carriage of goods:

Provided that, where in the opinion of the examiner the defects are such as can be remedied within any period not exceeding ten days and are not defects which involve immediate risk to public safety, the prohibition shall not come into operation before the expiration of that period, and shall not come into operation upon the expiration of that period if any examiner, being satisfied that the defects have been or are in course of being remedied, withdraws the prohibition before the expiration of that period.

- (4) Where under this section an examiner prohibits the use of a vehicle as aforesaid, he shall forthwith give notice in the prescribed form of the prohibition to the owner of the vehicle and to the person in charge thereof at the time of the inspection and, in the case of an authorised vehicle, to the licensing authority by whom the licence was granted.

In the case of a prohibition on the ground of such defects as are specified in the proviso to the last foregoing subsection, a notice given under this subsection shall specify the period within which the defects can, in the opinion of the examiner, be remedied.

- (5) Subject as provided in subsection (3) of this section, a prohibition under this section shall become operative as soon as notice thereof has been given either to the owner, or to the person in charge, of the vehicle, and shall thereafter continue in force until it is removed in accordance with the provisions hereinafter contained.
- (6) A prohibition under this section which has become operative may be removed by any examiner if he is satisfied that the vehicle is fit for service.
- (7) A person aggrieved by the refusal of an examiner to remove a prohibition may make an application to any licensing authority to have the vehicle inspected by a certifying officer appointed under section sixty-nine of the Road Traffic Act, 1930, and, where any such application is made, the certifying officer, on the matter being referred to him, shall, if he considers that the vehicle is fit for service, remove the prohibition.
- (8) A person aggrieved by the refusal of a certifying officer to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Minister, who

shall have power to make such order on the appeal as he thinks fit, and any such order shall be binding on the certifying officer.

- (9) Where an examiner or a certifying officer withdraws or removes a prohibition, he shall forthwith give notice of the withdrawal or removal to the owner of the vehicle and, in the case of an authorised vehicle, to the licensing authority by whom the licence was granted.
- (10) If any person drives a goods vehicle carrying goods, or causes or permits a goods vehicle carrying goods to be driven, on a road, at any time whilst a prohibition under this section is operative in relation to the vehicle, he shall be guilty of an offence under this Part of this Act and be liable to a fine not exceeding twenty pounds, and 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, or to both such fine and imprisonment.

## **18 Further powers of examiners and powers of police constables.**

- (1) An examiner may at any time, on production if so required of his authority, require the person in charge of any goods vehicle to produce, and permit him to inspect and copy, any document which by or by regulations made under this Part of this Act is required to be carried on, or by the driver of, the vehicle and for that purpose may detain the vehicle for such time as is required for the inspection and copying and, if any person, when required by an examiner so to do, fails to produce to the examiner any such document as aforesaid, or to permit him to inspect or copy any such document, that person shall be guilty of an offence under this Part of this Act.
- (2) The provisions of the preceding subsection shall apply in relation to a police constable as they apply in relation to an examiner, except that it shall not be necessary for a police constable wearing uniform to produce any authority.
- (3) An examiner may at any time, on production if so required of his authority, exercise, in the case of goods vehicles all such powers as are under the Road Traffic Act, 1930, exercisable by a police constable, with respect to the production of documents and the giving of information by persons driving motor vehicles.
- (4) An examiner may at any time, on production of his authority, exercise with respect to the weighing of goods vehicles all such powers as are under section twenty-seven of the Road Traffic Act, 1930, exercisable by a police constable authorised as therein mentioned with respect to the weighing of motor vehicles and trailers, and the provisions of subsections (1) to (3) of the said section shall apply accordingly with the substitution for the reference therein to the highway authority on whose behalf a requirement is made of a reference to the Minister, and for the reference therein to the Minister of a reference to the Lord Chief Justice of England, or, in the application of this subsection to Scotland, to the Lord President of the Court of Session.

## **19 Power and duties of certifying officers.**

A certifying officer appointed under section sixty-nine of the Road Traffic Act, 1930, shall have the like powers and duties under sections seventeen and eighteen of this Act with respect to goods vehicles as an examiner has, and accordingly in those sections (except in subsections (7) and (9) of the said section seventeen) any reference to an examiner shall be construed as including a reference to such a certifying officer.



## **20 Protection of public interests.**

It is hereby declared that nothing in this Part of this Act is to be treated as conferring on the holder of a licence any right to the continuance of any benefits arising from the provisions of this Part of this Act, or from a licence, or from any conditions attached to a licence.

## **21 Transfer of licences prohibited.**

Subject as hereinafter provided, a licence shall not be capable of being transferred or assigned :

Provided that provision may be made by regulations for enabling a person carrying on the business of the holder of a licence to continue for the time being to use the authorised vehicles in the event of the death, incapacity, bankruptcy, or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

## **22 Appointment and remuneration of officers and servants.**

- (1) Subject to the consent of the Treasury as to number, the Minister may appoint such officers and servants as he considers necessary for the carrying into effect of this Part of this Act, including a clerk and such other officers and servants as he may consider necessary for assisting the Tribunal in the proper discharge of its functions.
- (2) There shall be paid to the members and deputy members, and the clerk and other officers and servants of the Tribunal, licensing authorities and persons acting as officers or servants of a licensing authority, examiners, and any other officers or servants appointed for the purposes of this Part of this Act, such remuneration or salaries and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.
- (3) In every year such sums as the Minister may, with the consent of the Treasury, direct in respect of such remuneration, salaries and allowances as aforesaid and in respect of the establishment charges, and other expenses of the Tribunal, licensing authorities, examiners and any other officers or servants appointed by the Minister for the purposes of this Part of this Act, and any expenses incurred by the Minister for the purposes of this Part of this Act, shall be paid as part of the expenses of the roads department of the Ministry of Transport.

## **23 Accounts of licensing authorities and Appeal Tribunal.**

- (1) A licensing authority shall cause proper accounts and other records in relation to his area 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) The Tribunal shall cause proper accounts to be kept of its expenses and of the fees received by it, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.
- (3) All accounts kept under this section shall for the purposes of subsection (5) of section three of the Roads Act, 1920, be deemed to be part of the account of the Road Fund which under that subsection is to be prepared by the Minister.
- (4) A licensing authority shall make to the Minister an annual report on his proceedings containing particulars with respect to such matters as the Minister may direct.

**24 Financial provisions.**

- (1) All fines imposed in respect of offences under this Part of this Act or the regulations made thereunder shall be dealt with in the manner specified in section one hundred and seventeen of the Road Traffic Act, 1930, in relation to the fines therein mentioned, and the provisions of that section shall apply accordingly.
- (2) All fees payable under this Part of this Act shall be paid into the Road Fund in such manner as the Treasury may direct.
- (3) Such part of the expenses incurred by or in connection with the roads department of the Ministry of Transport as the Minister may from time to time, with the consent of the Treasury, determine to be expenses incurred in the carrying into effect of this Part of this Act shall be paid out of the Road Fund, and there shall be included in the expenses to be so paid such charges in respect of superannuation and other allowances and gratuities payable on death or retirement as the Minister with the like consent may determine.

**25 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 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, and the particulars to be furnished, for any of the purposes of this Part of this Act;
- (b) the procedure on applications for, and the determination of questions in connection with, the grant, variation, suspension and revocation of licences, and on appeals to the Minister under this Part of this Act;
- (c) the issue of licences, and the issue of copies of licences in the case of licences lost or destroyed;
- (d) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorised vehicles;
- (e) the custody of licences, the production, return and cancellation of licences on expiration, suspension or revocation, and the custody, production and return of documents and plates; and
- (f) the notification to the licensing authority of vehicles which have ceased to be used under a licence,

and different regulations may be made as respects different classes or descriptions of vehicles and as respects the same class or description of vehicles in different circumstances.

**26 Provisions as to regulations.**

- (1) Any regulations made by the Minister under this Act shall be laid before both Houses of Parliament as soon as may be after they are made and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

- (2) Before making regulations the Minister shall consult with such representative organisations as he thinks fit.
- (3) The production of a copy of regulations purporting to be printed by the Government printers shall be evidence that the requirements of this Act as to the making of regulations and the laying of regulations before Parliament have been complied with.

*Miscellaneous.*

**27 Variation of traffic areas.**

- (1) Whereas it is expedient that the existing traffic areas under the Road Traffic Act, 1930, in England should be varied—
  - (a) by the abolition of the Southern Traffic Area and the transfer of the areas constituting it to other traffic areas; and
  - (b) by the transfer of part of the East Midland Traffic Area to the Eastern Traffic Area :

Now therefore, as from the first day of January, nineteen hundred and thirty-four (in this section referred to as " the said date ")—

- (i) England shall be divided into the traffic areas specified in the first column of the First Schedule to this Act and those traffic areas shall consist of the several areas respectively specified in the second column of that Schedule;
  - (ii) the said First Schedule to this Act shall be substituted for Part I of the Third Schedule to the Road Traffic Act, 1930, and references to that Schedule in any enactment shall be construed accordingly;
  - (iii) the offices of the Traffic Commissioners for the Southern Traffic Area shall be abolished.
- (2) The Minister may by order make such consequential and incidental provisions as appear to him to be necessary or expedient in consequence of the variations of traffic areas effected by this section and, in particular, but without prejudice to the generality of the foregoing words, provision may be made in the order with respect to—
  - (a) the effect, as from the said date, of licences previously issued or backed, and consents previously given, by the Commissioners for any traffic area abolished or otherwise affected;
  - (b) the effect of applications for licences or consents made before the said date to the Commissioners for any traffic area abolished or otherwise affected, the Commissioners to whom applications relating to any such area may be made between the date of the order and the said date, and the Commissioners by whom and the places at which any such applications as aforesaid may be heard, either before or after the said date;
  - (c) the continuance of appeals pending at the said date against decisions of the Commissioners for any traffic area abolished or otherwise affected; and
  - (d) the recovery of any sums due at the said date to the Commissioners for any traffic area abolished.
- (3) Any order made by the Minister under section sixty-two of the Road Traffic Act, 1930, for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions with respect to any of the matters

mentioned in the last preceding subsection, as appear to him to be necessary or expedient in consequence of the variations of areas to be effected by the order.

- (4) For subsection (3) of the said section sixty-two, there shall be substituted the following subsection :—

“(3) An order made under this section shall be laid before both Houses of Parliament, and shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament”.

## **28 Extension of s. 63 (7) of Road Traffic Act, 1930.**

- (1) The power of the Minister under subsection (7) of section sixty-three of the Road Traffic Act, 1930, to appoint a person to act as deputy to the chairman of the traffic commissioners for any traffic area in the case of the illness, incapacity or absence of the chairman may be exercised also if the Minister considers that, owing to the number of applications under Part IV of the Road Traffic Act, 1930, and under this Part of this Act, the duties to be performed by the chairman (or any deputy appointed by reason of the illness, incapacity or absence of the chairman) cannot conveniently or efficiently be performed by one person.
- (2) A person appointed under this section 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 chairman in such matters, whether arising under this Act or under the said Act of 1930, as the chairman (or any deputy appointed by reason of the illness, incapacity or absence of the chairman) 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 chairman.
- (3) This section shall have effect with respect to the Metropolitan traffic area with the substitution of a reference to the traffic commissioner for that area for any reference to a chairman of traffic commissioners.

## **29 Power to prohibit or restrict use of vehicles on certain roads.**

- (1) The Minister, after consultation with the Transport Advisory Council, may by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order, if he is satisfied that it is desirable that such an order should be made, and may, from time to time, after such consultation as aforesaid, by order revoke, vary, amend, or add to the provisions of such an order.

A prohibition or restriction under this subsection may be imposed either generally, or in relation to any class or description of vehicle, or to the use of vehicles for any purpose, or to the weight of vehicles, whether laden or unladen, and for the purposes of this subsection the Minister may classify roads in any manner he thinks fit, having regard to their character or situation, or the nature of the traffic to which they are suited, and may determine in what class any particular road, shall be included.

- (2) An order under the last foregoing subsection shall be laid before both Houses of Parliament, and shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament.

- (3) Any person who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an order under subsection (1) of this section shall be guilty of an offence under this Part of this Act, and shall be liable to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.
- (4) The powers of making orders restricting the use of vehicles on specified roads which under subsection (1) and subsection (2) of section forty-six of the Road Traffic Act, 1930, are exercisable by the Minister on the application of a council to which that section applies shall be exercisable by any such council without previous reference to the Minister and the power of making an order for the revocation, variation or amendment of any such order for the time being in force (whether made by the Minister or by the council) shall be exercisable either by the Minister under subsection (3) of the said section or by the council:

Provided that no order made by a council under this subsection shall be of any effect unless and until it is confirmed by the Minister.

Any references in the said section forty-six to an order made thereunder, or to the council on whose application an order was made, shall be construed as respectively including a reference to an order made under this subsection and a reference to the council by which an order was made.

- (5) The Minister, if he confirms any such order as aforesaid, may confirm it either without modification or subject to such modifications as he thinks fit, but he shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.
- (6) Regulations may be made for prescribing the procedure to be followed in connection with the making of orders by a council under this section and the confirmation thereof and the holding of inquiries for the purposes of section forty-six of the Road Traffic Act, 1930, as amended by this section, and subsection (5) of the said section forty-six and the schedule therein referred to shall cease to have effect.
- (7) Where, before the coming into operation of this section, an application made by a council to the Minister under subsection (1) or subsection (2) of section forty-six of the Road Traffic Act, 1930, has not been dealt with by the Minister, he may, notwithstanding anything in the foregoing provisions of this section, deal with that application and make an order thereon in the like manner and in accordance with the like procedure as if this Act had not passed.

### **30 Power to prohibit or restrict use of vehicles on certain bridges.**

- (1) Where the bridge authority of any bridge over which a road passes is satisfied that the bridge is insufficient to carry vehicles of which the weights or axle weights, as hereinafter defined, exceed certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge prohibit the use of the bridge either—
  - (a) by any vehicle of which the weight exceeds a maximum weight specified in the notice; or
  - (b) by any vehicle of which—
    - (i) the weight exceeds a maximum weight so specified, or

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

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(ii) any axle weight exceeds a maximum axle weight so specified,

and any such notice may, as regards both weight of vehicle and axle weight, specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or any greater speed :

Provided that the weight specified in any such notice as the maximum weight of a vehicle shall not be less than five tons, and the weight so specified as a maximum axle weight shall not be less than three tons.

- (2) The highway authority of any road leading to a bridge shall give to the bridge authority reasonable facilities for placing on the road any such notice as aforesaid and, if the highway authority so require, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.
- (3) Before placing a restriction or prohibition under this section on the use of a bridge, the bridge authority shall give to the Minister twenty-eight days' notice of its intention so to do with particulars of the restriction or prohibition, and the Minister shall cause a list to be kept of all restrictions or prohibitions which have been placed on the use of bridges under this section and the list shall be open to inspection by any person.
- (4) For the purposes of this section—
  - (a) " weight " means weight laden;
  - (b) the weight transmitted by a vehicle to any transverse strip of the road surface five feet in breadth shall be taken as being an " axle weight " of that vehicle and, for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle; and
  - (c) " placed in a proper position " means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it.
- (5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice so placed as aforesaid, any person who so drives it, or causes or permits it to be so driven, shall, without prejudice to any civil liability incurred by him in the case of damage being caused to the bridge, be liable to a fine not exceeding twenty pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.
 

If in any proceedings under this subsection the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, it shall be on the defendant to prove that the weight of the vehicle or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.
- (6) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this section, and any highway authority in whose area the bridge is situate, may at any time apply to the Minister for an order modifying or removing the restriction or prohibition.
- (7) On receiving any such application as aforesaid, the Minister may cause the bridge to be inspected, and may require the bridge authority to give to his inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances as the bridge authority may be able to give and, after considering the report of his inspector and any representations made to him by the

bridge authority, may, if he thinks proper, make an order modifying or removing the restriction or prohibition, or imposing different restrictions, and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected complying with the order and, if the bridge authority fails to do so, the Minister may cause the notice complained of to be removed or varied, or new notices to be erected so as to comply with his order, and may recover summarily as a civil debt from the bridge authority the expenses incurred by him in so doing.

- (8) The provisions of this Act as to costs incurred by the Minister in connection with inquiries shall apply in relation to costs incurred by him in connection with inspections and investigations under this section, as if any such inspection or investigation were an inquiry to which the applicants and the bridge authority were parties.
- (9) The Minister may at any time on an application made to him by the bridge authority, or on his own initiative, vary or revoke any order made by him under this section, if he is satisfied that it is proper so to do.

### **31 Amendment of s. 19 of Road Traffic Act, 1930.**

- (1) For the purposes of those provisions of subsection (1) of section nineteen of the Road Traffic Act, 1930 (as varied or amended by any order or subsequent enactment) which relate to the number of consecutive hours for rest which a driver is to have in any specified period, time during which the driver is bound by the terms of his employment to obey the directions of his employer, or to remain on or near the vehicle, or during which the vehicle is at a place where no reasonable facilities exist for the driver to rest away from the vehicle, shall be deemed not to be time which the driver has for rest.
- (2) Subsection (3) of the said section nineteen shall have effect as if for the words "or on a joint application " by such organisations, representative of employers and " workpeople in the industry, as the Minister of Labour " may certify to be proper bodies to make such an " application " there were substituted the words " or on " an application by any such organisation, representative " of employers or workpeople in the industry, as the " Minister of Labour may certify to be a proper body to " make such an application."

### **32 Amendment and extension of s 93 of Road Traffic Act, 1930.**

- (1) Where any matter is referred to the industrial court under section ninety-three of the Road Traffic Act, 1930 (which relates to wages and conditions of employment), 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.
- (2) The provisions of the said section ninety-three as amended by this section shall apply in relation to persons employed as drivers or statutory attendants of authorised vehicles by the holder of an A licence or of a B licence, as they apply in relation to persons employed in connection with the operation of a public service vehicle by the holder of a road service licence, with the substitution for references to a road service licence of references to the A licence or to the B licence, as the case may be, and for references to the commissioners of references to the licensing authority.

In the case of an authorised vehicle being a heavy motor-car, this subsection shall apply in relation to an attendant employed to assist the driver in the driving or control of the vehicle as it applies in relation to the driver.

### 33 Amendment of s. 36 of Road Traffic Act, 1930.

Section thirty-six of the Road Traffic Act, 1930 (which relates to requirements in respect of policies of insurance) shall be amended by substituting for subsection (2) thereof the following subsection :—

- “(2) Where any payment is made (whether or not with an admission of liability) by—
- (a) an authorised insurer under or in consequence of a policy issued under this Part of this Act; or
  - (b) the owner of a vehicle in relation to the user of which a security under this Part of this Act is in force; or
  - (c) the owner of a vehicle who has made a deposit under this Part of this Act,

in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, and the person who has so died or been bodily injured has to the knowledge of the authorised insurer or such owner as the case may be received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising, there shall also be paid by the authorised insurer or such owner to such hospital the expenses reasonably incurred by the hospital in affording such treatment, after deducting from such expenses any moneys actually received by the hospital in payment of a specific charge for such treatment, not being moneys received under any contributory scheme :

Provided that the amount to be paid by the authorised insurer or such owner shall not exceed fifty pounds for each person so treated as an in-patient, or five pounds for each person so treated as an out-patient.

For the purposes of this subsection the expression ' hospital ' means an institution (not being an institution carried on for profit) which provides medical or surgical treatment for inpatients and the expression ' expenses reasonably incurred' means—

- (a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day such person is maintained in such hospital representing the average daily cost for each in-patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein; and
- (b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred.”

### 34 Forgery, and c, of licences.

(1) If, with intent to deceive, any person—

- (a) forges within the meaning of the Forgery Act, 1913, or alters or uses or lends to or allows to be used by any other person a licence, or any document, plate or mark by which a vehicle is to be identified as being an authorised vehicle; or



- (b) makes or has in his possession any document, plate or mark so closely resembling a licence, or any such document, plate or mark as aforesaid, as to be calculated to deceive; or
  - (c) alters an entry made in a record under section sixteen of this Act,
- he shall be guilty of a misdemeanour and shall be liable—
- (i) on conviction on indictment, to imprisonment for a term not exceeding two years;
  - (ii) on summary conviction, to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.
- (2) The provisions of the preceding subsection shall apply in relation to a document evidencing the appointment of an examiner or other officer for the purposes of this Part of this Act as they apply in relation to a licence.
- (3) If any person for the purpose of obtaining the grant of a licence to himself or any other person, or the variation of a licence, knowingly makes any false statement, he shall be guilty of an offence under this Part of this Act and be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such imprisonment and fine.
- (4) If a police constable, examiner or certifying officer has reasonable cause to believe that a document carried on a motor vehicle or by the driver thereof is a document in relation to which an offence under this section has been committed, he may seize the document and, when any document is seized under this section, either the driver or the owner of the vehicle shall, if the document is still detained and neither of them has previously been charged with an offence under this section, be summoned before a court of summary jurisdiction to account for his possession of, or the presence on the vehicle of, the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.
- For the purposes of this subsection the expression " document " shall include a plate and the power to seize shall include power to detach from the vehicle.
- (5) This section in its application to Scotland shall have effect as if the words " within the meaning of the Forgery Act, 1913" were omitted, and as if for any reference to a court of summary jurisdiction there were substituted a reference to the sheriff.

### **35 Prosecutions and penalties for offences.**

- (1) Except as otherwise expressly provided, all offences under this Part of this Act shall be prosecuted under the Summary Jurisdiction Acts.
- (2) A person guilty of an offence under this Part of this Act for which no special penalty is provided, shall be liable, in the case of a first offence, to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.
- (3) If any person acts in contravention of, or fails to comply with, any regulation made under this Part of this Act and contravention of, or failure to comply with, that regulation is not made an offence under any other provision of this Part of this Act, he shall, for each offence, be liable on summary conviction to such maximum penalty not exceeding a fine of twenty pounds as may be prescribed by the regulations.

- (4) Any offence against this Part of this Act committed in Scotland may, if the maximum penalty that may be imposed does not exceed twenty pounds, be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where such offence was committed.

### **36 Interpretation of Part I.**

- (1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
- " Authorised vehicle " has the meaning assigned to it by section two of this Act:
    - " Carriage of goods " includes the haulage of goods :
    - " Driver " in relation to a trailer means the driver of the vehicle by which the trailer is drawn, and " drive " shall be construed accordingly :
    - " Goods " includes goods or burden of any description :
    - " Goods vehicle " has the meaning assigned to it by section one of this Act:
    - " Licence " has the meaning assigned to it by section one of this Act:
    - " Minister " means the Minister of Transport :
    - " Motor vehicle " means a mechanically propelled vehicle intended or adapted for use on roads :
    - " Prescribed " means prescribed by regulations :
    - " Regulations " means regulations made by the Minister under this Part of this Act:
    - " Statutory attendant " means a person employed in pursuance of section seventeen of the Road Traffic Act, 1930, in attending a locomotive or attending to a trailer :
    - " Trailer " means a vehicle drawn by a motor vehicle,
- and the expressions " public service vehicle, " " stage carriage, " " express carriage, " " contract carriage, " " heavy motor-car, " " tramcar, " " trolley vehicle, " " owner, " " driver, " " road, " " highway authority, " " bridge authority " and " chief officer of police " have the same meanings respectively as in the Road Traffic Act, 1930.
- (2) Anything required or authorised by this Part of this Act to be done to or by a licensing authority by whom a licence was granted may be done to or by any person for the time being acting as licensing authority for the area for which the first-mentioned authority was acting at the time of the granting of the licence.

## **PART II**

### RAILWAY TRAFFIC.

### **37 Right of railway company, with approval of Rates Tribunal, to make agreed charges for the carriage of merchandise.**

- (1) Notwithstanding anything in the Railways Act, 1921, but subject to the provisions of this Part of this Act, a railway company may, if it thinks fit, make such charge or charges for the carriage of the merchandise of any trader, or for the carriage of any part of his merchandise, as may be agreed between the company and that trader:

Provided that any such agreed charge, including the conditions attaching thereto, shall require the approval of the Tribunal, and the Tribunal shall not approve such a charge if, in its opinion, the object to be secured by the making of the charge could, having regard to all the circumstances, adequately be secured by the grant of appropriate exceptional rates under the Railways Act, 1921.

- (2) In this Part of this Act, a charge so agreed as aforesaid, including the conditions attaching thereto, is referred to as " an agreed charge."
- (3) Particulars of an agreed charge shall be lodged with the Tribunal within seven days after the date of the agreement, and notice of an application to the Tribunal for its approval of the agreed charge shall be given in such manner as the Tribunal may direct.
- (4) The Tribunal may approve an agreed charge either for such period as it thinks fit or without restriction of time, and the date on which the charge shall become operative, or as from which it shall be deemed to have become operative, shall be such date, not being earlier than the date on which application for approval was lodged, as may be fixed by the Tribunal.
- (5) On an application to the Tribunal for its approval of an agreed charge—
  - (i) any trader who considers that his business will be detrimentally affected if the agreed charge is approved and is made by the railway company, or that his business has been detrimentally affected as a result of the making of the charge by virtue of a previous approval; and
  - (ii) subject to the provisions of the next succeeding section, any representative body of traders,shall, after giving such notice of objection as may be prescribed by the Tribunal, be entitled to be heard in opposition to the application.
- (6) Any trader who considers that his business will be detrimentally affected if an agreed charge is approved and is made by the railway company, or that his business has been detrimentally affected as a result of the making of an agreed charge, may at any time apply to the Tribunal for a charge to be fixed for the carriage of his merchandise (being the same merchandise as or similar merchandise to any merchandise to which the agreed charge relates) by the railway company with which he contracts for the carriage of that merchandise, whether the same company by which the agreed charge is proposed to be made or is being made, or another company; and, if the Tribunal is satisfied that the business of the trader will be or has been so detrimentally affected, it may fix a charge (including the conditions to be attached thereto) to be made by the railway company with which he contracts for the carriage of such merchandise as the Tribunal may determine.

The Tribunal, in fixing a charge, may fix it either for such period as it thinks fit or without restriction of time, and may appoint the date on which it is to come into operation, but no such charge shall be fixed for a period in excess of that for which the agreed charge complained of by the trader has been approved.

An application under this subsection may, if it be convenient, be combined with an objection by the trader to the application for the approval of the agreed charge of which he complains.

- (7) Where the Tribunal has approved an agreed charge without restriction of time—
  - (i) any trader who considers that his business has been detrimentally affected as a result of the making of the agreed charge, and

(ii) subject to the provisions of the next succeeding section, any representative body of traders,

may at any time after the expiration of one year from the date of the approval apply to the Tribunal for its approval of the agreed charge to be withdrawn and, upon any such application, the Tribunal may withdraw, or refuse to withdraw, its approval, or may continue its approval subject to such modifications being made in the charge as it thinks proper and as the railway company and the trader to whose merchandise the charge is applicable are prepared to agree to:

Provided that, where under the last preceding subsection the Tribunal has fixed a charge in favour of a trader complaining of an agreed charge, the trader shall not be entitled to make an application under this subsection in respect of that agreed charge in so far as it relates to merchandise which is the same as or similar to any merchandise to which the charge so fixed relates.

Where under this subsection the Tribunal withdraws its approval of an agreed charge or continues its approval of an agreed charge subject to modifications, any charges fixed under the last preceding subsection in favour of a trader complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Tribunal may determine.

For the purposes of applications under this subsection a decision of the Tribunal continuing its approval of a charge subject to agreed modifications shall be deemed to be the approval of an agreed charge.

- (8) On any application under this section, the Tribunal shall have regard to all considerations which appear to it to be relevant and, in particular, to the effect which the making of the agreed charge or the fixing of a charge is likely to have, or has had, on—
- (a) the net revenue of the railway company; and
  - (b) the business of any trader by whom, or in whose interests, objection is made to approval being given to an agreed charge, or application is made for approval to be withdrawn.
- (9) A railway company shall, in respect of an agreed charge which is for the time being approved by the Tribunal and in respect of a charge fixed under this section which is for the time being operative, be exempt from the operation of—
- (i) so much, of section ninety of the Railways Clauses Consolidation Act, 1845, of section eighty-three of the Railways Clauses Consolidation (Scotland) Act, 1845, and of any section of a local and personal or private Act, as relates to the obligation of a railway company to make equal charges to all persons under like circumstances; and
  - (ii) so much of section two of the Railway and Canal Traffic Act, 1854, and of any section of a local and personal or private Act, in relates to the obligation of a railway company to accord no undue preference to any person, company or description of traffic, and section twenty-seven of the Railway and Canal Traffic Act, 1888, which relates to complaints with respect to undue preference.
- (10) Notwithstanding anything in this section, any port or harbour authority, dock company, or authority owning and working docks, which has reason to believe that any railway company is by an. agreed charge placing the port, harbour, or dock of the authority or dock company at an undue disadvantage as compared with any other port, harbour, or dock to or from which traffic is or may be carried by means of the lines of the

railway company, either alone or in conjunction with those of other railway companies, may make complaint thereof to the Railway and Canal Commissioners, and the Commissioners shall have the like jurisdiction to hear and determine the subject matter of any such complaint as they have to hear and determine a complaint of a contravention of section two of the Railway and Canal Traffic Act, 1854, as amended by subsequent Acts, and section twenty-seven of the Railway and Canal Traffic Act, 1888, shall apply with respect to any such complaint.

- (11) The provisions of section fifty-four of the Railways Act, 1921 (which relates to the publication of schedules of standard charges, &c.) and, in the case of a light railway company, the enactments relating to the publication of rates, shall not apply in relation to charges approved or fixed under this section, but where the Tribunal approves or fixes a charge, or continues its approval of a charge, or withdraws an approval previously given to a charge, the decision of the Tribunal, and also where the Tribunal approves or fixes a charge, or continues its approval of a charge subject to modifications, particulars of that charge, including the conditions attaching thereto, or, as the case may be, particulars of the modifications, shall be reported by the railway company concerned to the Minister within fourteen days after the decision of the Tribunal, or such longer period as the Minister may allow, and all such charges and the conditions attaching thereto shall be recorded in such manner, and be open to inspection by any person without payment at such places and times, as the Tribunal may direct.
- (12) An agreed charge which is for the time being approved by the Tribunal and a charge fixed under this section which is for the time being operative shall be deemed to be exceptional rates for the purposes of the following provisions of Part III of the Railways Act, 1921, which relate to the modification, review and revision of charges, that is to say,—section thirty-five, subsection (2) of section thirty-seven, section thirty-nine and section fifty-nine.
- (13) The provisions of sections twenty-one to twenty-six of the Railways Act, 1921 (which relate to the procedure of the Tribunal under Part III of that Act, to additional members of the Tribunal, to appeals from its decisions and to its staff and expenses) shall apply in relation to its duties, powers and proceedings under this Part of this Act as they apply in relation to its duties, powers and proceedings under the said Part III.

### **38 Provisions as to applications and objections by representative bodies.**

- (1) For the purposes of the provisions of the last preceding section which relate to applications and objections to applications, the expression " a representative body of traders " means an association or body of persons which satisfies the Tribunal that it represents a substantial number of traders interested in, or likely to be affected by the decision on, the application.
- (2) The Tribunal may, if it thinks fit, require that a representative body making, or objecting to, an application shall give security in such manner and to such amount as the Tribunal thinks necessary for costs which may be incurred.

### **39 Review of agreed charges and exceptional rates competing with coastwise shipping.**

- (1) In this section the expression " charge " (except in the phrase " agreed charge ") includes any charge (whether described as a charge, or as a rate, or otherwise) which is made by any carrier in respect of the carriage of merchandise.

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

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(2) If at any time a representation is made to the Minister by any body which, in the opinion of the Board of Trade, is properly representative of the interests of persons engaged in the coastwise shipping business (in this section referred to as "coastal carriers") that any agreed charges or exceptional rates which are being made or charged by a railway company in competition with coastal carriers—

- (a) place coastal carriers at an undue or unfair disadvantage; or
- (b) are inadequate, having regard to the cost of affording the service or services in respect of which they are made or charged,

the Minister shall consult with the Board of Trade upon the matter and if, after such consultation, it appears to him *prima facie* that the complaint is one which in the national interests should be investigated, he shall refer the matter to the Tribunal for investigation and review.

(3) Upon any reference to the Tribunal under the preceding subsection, the Tribunal shall hold an inquiry and investigate all matters which appear to it to be relevant, including the circumstances in which the agreed charges or exceptional rates complained of are being made or charged by the railway company and their adequacy or inadequacy, having regard to the cost of affording the service or services in respect of which they are made or charged, and shall have regard to the charges for the carriage of merchandise by any route which is in competition with the route to which any agreed charge or exceptional rate complained of applies, whether any such charge is payable in respect of carriage by rail, by sea, or by road, or in respect of carriage partly by one of those forms of transport and partly by another of them, or by all of them.

(4) If, after examining all witnesses whose evidence it considers to be necessary and after giving all parties whom it considers to be concerned an opportunity of calling witnesses and being heard, the Tribunal is of opinion that, having regard to all the circumstances, any agreed charges or exceptional rates made or charged by the railway company in competition with coastal carriers—

- (a) place coastal carriers at an undue or unfair disadvantage in the competition; or
- (b) are inadequate, having regard to the cost of affording the service or services in respect of which they are made or charged,

and that, in either case, the action of the railway company is by reason of its prejudicial effect upon the interests of coastwise shipping undesirable in the national interests, the Tribunal may by order cancel or vary all or any of those agreed charges or exceptional rates, or may make such other order upon the railway company as in the circumstances of the case it thinks proper, and any order of the Tribunal may be expressed to operate for so long only as any conditions specified therein with respect to charges on competitive routes, or otherwise, are satisfied.

Where under this subsection the Tribunal cancels or varies an agreed charge, any charges fixed under this Part of this Act in favour of a trader complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Tribunal may determine.

(5) The Tribunal, on an application made to it by the railway company, or on a subsequent reference to it under subsection (2) of this section, may cancel or vary any order made under the preceding subsection.

(6) There shall be constituted a panel (hereinafter referred to as the "shipping panel") consisting of six persons nominated by the President of the Board of Trade, after consultation with such persons as he may consider to be properly representative of the interests of coastal carriers, and for the purposes of the powers and duties of the

Tribunal under this section there shall be added to the Tribunal one additional member selected by the Minister from the shipping panel, and subsection (4) of section twenty-four of the Railways Act, 1921, shall not apply.

Subsections (2) and (5) of the said section twenty-four shall apply in relation to a member of the shipping panel as they apply in relation to a member of the general panel.

- (7) Upon any inquiry under this section the President of the Tribunal shall, notwithstanding anything in section twenty-five of the Railways Act, 1921, have a second or casting vote.
- (8) Section thirty-nine of the Railways Act, 1921, shall have effect as if the words " shipping or," and the words " coastwise shipping or," were omitted therefrom.

#### **40 Amendment of ss. 37, 38, 47 of Railways Act, 1921.**

- (1) Notwithstanding anything in sections thirty-seven and forty-seven of the Railways Act, 1921 (which sections relate to new exceptional rates and through rates and fares respectively) it shall not be necessary for a railway company to obtain the consent of the Tribunal to a new exceptional rate which is less than five per cent. below the standard rate chargeable, or to a through rate which is less than five per cent. below the combined standard charges of all the forwarding companies.
- (2) The fact that an exceptional rate which a railway company proposes to increase would, when increased, be less than five per cent. below the standard rate chargeable shall not of itself necessitate the approval of the Tribunal being obtained to the increase if, but for that fact, such approval would not be required, and accordingly in subsection (3) of section thirty-eight of the Railways Act, 1921, the words " provided that it is not less than five per cent. below the standard rate chargeable " and the words " or if the rate when increased would be less than five per cent. below the standard rate chargeable " shall cease to have effect.

#### **41 Approval of Minister required to opening of new lines, conversion to electric traction, and c.**

- (1) A railway company which—
  - (i) proposes to open any railway, or any portion of a railway, for the public conveyance of passengers; or
  - (ii) proposes to open any additional line of railway, deviation line, station, junction or level crossing, which forms a portion of, or is directly connected with, a railway used for the public conveyance of passengers; or
  - (iii) having adapted for electric traction any railway so used, proposes to open it for such traction,shall, before giving effect to its proposals, obtain the approval of the Minister, but the Minister shall not withhold his approval if he is satisfied that the use of the railway or works in question, or of the railway as so adapted, will not be attended with danger to the public using it.
- (2) The Minister may direct any such inspection to be made as he considers necessary for enabling him to decide whether his approval ought to be given in any case arising under this section, and sections three and four of the Regulation of Railways Act, 1871

(which sections relate to the appointment and powers of inspectors of railways) shall apply in relation to any such inspection.

- (3) If a railway company contravenes any of the provisions of subsection (1) of this section, it shall, in respect of each day during which the contravention continues, forfeit to the Crown twenty pounds to be recovered by action in the High Court or, in the case of Scotland, in the Court of Session.
- (4) Sections four to six of the Regulation of Railways Act, 1842, and section five of the Regulation of Railways Act, 1871, shall cease to have effect.

#### **42 Amendments as to level crossings.**

- (1) The Minister, if upon an application made to him by the railway company concerned he is satisfied that it is expedient so to do, may direct that the gates on any level crossing over a public road shall, instead of being kept closed across the road, be kept closed across the railway, either constantly, or on such days, or during such portions of any day, as he thinks fit, and, if he so directs, the gates shall, notwithstanding anything in any Act (whether a public general Act or not) to the contrary, be kept closed in accordance with his direction, except when engines or vehicles passing along the railway have occasion to cross the road, and, if the person entrusted with the care of the gates fails to comply with the direction of the Minister, he shall on summary conviction be liable to a penalty of forty shillings for each offence.
- (2) The powers conferred upon the Minister by the preceding subsection shall be deemed to be in addition to, and not in derogation of, any powers conferred upon him by section forty-seven of the Railways Clauses Consolidation Act, 1845, or section forty of the Railways Clauses Consolidation (Scotland) Act, 1845, or by any provision in a local and personal or private Act which relates to the closing of gates on level crossings.
- (3) So much of section forty-eight of the Railways Clauses Consolidation Act, 1845, and of section forty-one of the Railways Clauses Consolidation (Scotland) Act, 1845, as requires that, where a railway crosses a road to which the section in question applies on a level adjoining to a station, all trains shall be made to slacken their speed before arriving at the road, and shall not cross it at a greater rate of speed than four miles an hour, and so much of any section of a local and personal or private Act as contains provisions substantially to the like effect, shall cease to have effect.

#### **43 Amendment as to duty of railway company to report certain accidents.**

- (1) Section six of the Regulation of Railways Act, 1871 (which imposes upon a railway company the duty of notifying to the Minister certain accidents) as extended by subsection (2) of section thirteen of the Railway Employment (Prevention of Accidents) Act, 1900, shall have effect subject to the following modifications :—
  - (i) an accident which is attended with personal injury to a person or persons in the employment of the railway company, but which does not disable any such person for more than three days from earning full wages at the work at which he was employed, need not be notified to the Minister if, but for the fact that it was attended with personal injury, notification would not have been required by the said section six as so extended; but if, and so soon as, it is known that any person injured has been so disabled for more than three days, the company shall notify the accident by the earliest practicable post;



- (ii) an accident which occurs to a person not in the employment of the railway company, and which is not connected with the movement of any engine or railway vehicle, need not be notified to the Minister by the earliest practicable post, but all such accidents as are referred to in this paragraph shall be notified to the Minister in such manner and at such times as may be required by directions given by him under the said section six.
- (2) Nothing in the Notice of Accidents Acts, 1894 and 1906, shall be construed as requiring notice to be given of any accident if, but for the provisions of this section, notification of that accident would have been required by section six of the Regulation of Railways Act, 1871, as so extended as aforesaid.

**44 Amendments as to notices in respect of road services, and as to publication of rates for the conveyance of merchandise by such services.**

The following provisions of the London Midland and Scottish Railway (Road Transport) Act, 1928, the Great Western Railway (Road Transport) Act, 1928, the London and North Eastern Railway (Road Transport) Act, 1928, and the Southern Railway (Road Transport) Act, 1928, shall cease to have effect, that is to say,—

- (i) section six of each of the said Acts, which requires the railway company to give notice to the Minister of any regular service of road vehicles provided by the company, to give public notice of its intention to withdraw any regular service of road vehicles (other than an experimental service) and to obtain the consent of the Minister if objection is raised to its proposal; and
- (ii) subsection (2) of section eight of each of the said Acts, which requires that where a regular service of road vehicles is provided by the company for the conveyance of merchandise, a record of its current rates and charges for such conveyance shall be kept deposited for public inspection.

**45 Interpretation of Part II.**

In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

" Agreed charge " has the meaning assigned to it by section thirty-seven of this Act;

" Merchandise " has the same meaning as in the Railways Act, 1921;

" Minister " means the Minister of Transport;

" Railway " includes a light railway, not being a light railway which is laid wholly or mainly along a public carriage way and is used wholly or mainly for the carriage of passengers ;

" Railway company " includes any person or body of persons, whether incorporated or not, being the owner or owners or lessee or lessees of, or working, a railway;

" Trader " means a person sending or receiving, or desiring to send or receive, merchandise by railway;

" Tribunal " means the Railway Rates Tribunal established under the Railways Act, 1921;

" Undue preference " has the same meaning as in the Railway and Canal Traffic Act, 1888.

## PART III

### GENERAL.

#### 46 Transport Advisory Council.

(1) For the purpose of giving advice and assistance to the Minister of Transport (in this section referred to as "the Minister") in connection with the discharge by him of his functions in relation to means of and facilities for transport and their co-ordination, improvement and development, there shall be constituted a council, which shall be called " the Transport Advisory Council" and is in this section referred to as " the Council."

(2) The members of the Council shall be appointed by the Minister and shall include representatives of the interests specified in the first column of the Second Schedule to this Act to the number specified in relation to those interests respectively in the second column of the said schedule and such number, not exceeding three, of additional members as the Minister may from time to time think fit to appoint :

Provided that the representatives of the interests of labour shall be appointed after consultation with the Minister of Labour.

(3) Subject to the provisions of this section, a representative member of the Council shall hold office for such period not being less than three nor more than five years from the date of his appointment as may be determined by the Minister at the time of his appointment, but shall be eligible for re-appointment at the expiration of that period.

An additional member shall hold office for such period as may be determined by the Minister at the time of his appointment, but shall be eligible for re-appointment at the expiration of that period.

(4) Before appointing a person to be a representative member of the Council the Minister shall consult with such bodies or associations representative of the interest concerned as he thinks fit.

(5) The Minister shall appoint one of the members of the Council to be the chairman thereof and shall appoint an officer of the Ministry of Transport to act as the secretary thereof.

(6) The duties of the Council shall not extend to giving advice to the Minister upon any matter which by any enactment in force at the date of the passing of this Act is specifically directed to be referred for consideration to the London and Home Counties Traffic Advisory Committee, and the Council shall consult with that Committee before giving advice to the Minister on any matter, a decision with respect to which may, in the opinion of the Council, affect materially conditions in the London Traffic Area.

(7) The Council, so far as it considers it necessary or desirable so to do for the purpose of the proper discharge of its functions, may by notice in writing require any person to furnish to the Council returns or other information, or, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness before the Council and to give evidence or to produce documents, and if a person fails without reasonable excuse to comply with the provisions of any such notice he shall be liable on summary conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding two hundred pounds.

- (8) A committee of the Council may be constituted consisting of such members of the Council as the Council may with the approval of the Minister appoint, together with any members of the advisory panel set up under section twenty-three of the Ministry of Transport Act, 1919, whom the Minister may appoint to be members of the committee, and the Council may, with the consent of the Minister, delegate any of its powers and duties to a committee so constituted.

Where a committee is constituted under this subsection, the Council shall, with the approval of the Minister, appoint a member of the committee to be the chairman thereof.

- (9) The Council may make rules for regulating the proceedings, including the quorum, of the Council or of any committee thereof.
- (10) The Minister may, out of moneys provided by Parliament, pay such expenses of the Council as he, with the approval of the Treasury, may determine.
- (11) Section twenty-two of the Ministry of Transport Act, 1919 (which provides for the appointment of a Roads Committee), shall cease to have effect.

#### **47 Inquiries by Minister.**

- (1) The Minister of Transport (in this section referred to as "the Minister") may hold inquiries for the purposes of this Act or of the Road Traffic Act, 1930 (including appeals to him under either of those Acts) as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.
- (2) Where any such inquiry is held, the Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and the Minister may certify the amount of the costs so incurred, and any amount so certified and directed by the Minister to be paid by any person shall be recoverable from him either as a debt due to the Crown or by the Minister summarily as a civil debt.
- (3) Section one hundred and fourteen of the Road Traffic Act, 1930, shall cease to have effect.

#### **48 Repeals.**

The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

#### **49 Short title, commencement and extent.**

- (1) This Act may be cited as the Road and Rail Traffic Act, 1933.
- (2) This Act shall come into operation on such day or days as the Minister of Transport may appoint, and the Minister may fix different days for different purposes and different provisions of this Act.
- (3) This Act shall not extend to Northern Ireland.

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## SCHEDULES.

### FIRST SCHEDULE

Section 27.

#### TRAFFIC AREAS IN ENGLAND.

1. Northern Traffic Area.

The administrative counties of Cumberland, Durham, Northumberland and Westmorland.

So much of the administrative county of Lancaster as comprises the urban districts of Dalton-in-Furness, Grange, and Ulverston, and the rural district of Ulverston.

So much of the administrative county of York, North Riding, as comprises the boroughs of Redcar, Richmond, and Thornaby-on-Tees, the urban districts of Eston, Guisborough, Loftus, Northallerton, Saltburn, and Skelton and Brotton, and the rural districts of Croft, Northallerton, Reeth, Richmond, Startforth, and Stokesley.

So much of the administrative county of York, West Riding, as comprises the rural district of Sedburgh.

The county boroughs of Barrow-in-Furness, Carlisle, Darlington, Gateshead, Middlesbrough, Newcastle-upon-Tyne, South Shields, Sunderland, Tynerouth, and West Hartlepool.

2. Yorkshire Traffic Area.

The Administrative county of York, East Riding.

The administrative counties of York, North Riding, and York, West Riding (except the portions of those counties included in the Northern Traffic Area).

So much of the administrative county of Derby as comprises the borough of Chesterfield, the urban districts of Baslow and Bubnell, Bolsover, Brampton and Walton, Clay Cross and Dronfield, the rural districts of Blackwell (except the parishes of South Normanton and Pinxton), Chesterfield, Clown (except the parish of Whitwell), and Norton, and so much of the rural district of Bakewell as lies north

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	<p>of and includes the road between Baslow and Chapel-en-le-Frith, via Calver and Peak Forest.</p> <p>So much of the administrative county of Nottingham as comprises the parish of Finningley in the rural district of East Retford and the parish of Harworth in the rural district of Worksop.</p> <p>The county boroughs of Barnsley, Bradford, Dewsbury, Doncaster, Halifax, Huddersfield, Kingston-upon-Hull, Leeds, Rotherham, Sheffield, Wakefield and York.</p>
3. North - Western Traffic Area.	<p>The administrative counties of Anglesey, Caernarvon, Chester, Denbigh, Flint, Merioneth and Montgomery.</p> <p>The administrative county of Lancaster (except the portion included in the Northern Traffic Area).</p> <p>So much of the administrative county of Derby as comprises the boroughs of Buxton and Glossop, the urban district of New Mills, and the rural districts of Chapel-en-le-Frith, Glossop Dale and Hayfield.</p> <p>The county boroughs of Blackburn, Blackpool, Birkenhead, Bolton, Bootle, Burnley, Bury, Chester, Liverpool, Manchester, Oldham, Preston, Rochdale, St. Helens, Salford, Southport, Stockport, Wallasey, Warrington and Wigan.</p>
4. West Midland Traffic Area.	<p>The administrative counties of Hereford, Salop, Stafford, Warwick and Worcester.</p> <p>The county boroughs of Birmingham, Burton-upon-Trent, Coventry, Dudley, Smethwick, Stoke-on-Trent, Walsall, West Bromwich, Wolverhampton and Worcester.</p>
5. East Midland Traffic Area.	<p>The administrative counties of Leicester, Northampton, Oxford, Rutland, the Parts of Kesteven and the Parts of Lindsey.</p> <p>The administrative counties of Bucks (except the portion included in the Metropolitan Traffic Area), Derby (except the portions included in the Yorkshire Traffic Area and the North Western Traffic Area), Nottingham (except the portion included in the Yorkshire Traffic Area) and the Parts of Holland (except the portion included in the Eastern Traffic Area).</p>

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6. Eastern Traffic Area.

So much of the administrative county of Bedford as lies outside the Metropolitan Traffic Area and south-west of and includes the road from Dunstable to Fenny Stratford (Holyhead Road).

So much of the administrative county of Berks as lies north of and includes the road from Oxford to Gloucester, via Eynsham.

So much of the administrative county of the Soke of Peterborough as lies north-west of and includes the road from Stamford to Kettering, via Duddington.

The county boroughs of Derby, Grimsby, Leicester, Lincoln, Northampton, Nottingham, and Oxford.

The administrative counties of Cambridge, the Isle of Ely, Huntingdon, Norfolk, East Suffolk, and West Suffolk.

The administrative counties of Bedford (except the portions included in the East Midland Traffic Area and the Metropolitan Traffic Area), Essex (except the portion included in the Metropolitan Traffic Area), and the Soke of Peterborough (except the portion included in the East Midland Traffic Area).

So much of the administrative county of the Parts of Holland as lies south-east of the River Glen from the county boundary to its junction with the River Welland and of the River Welland from that point to the sea.

The county boroughs of Great Yarmouth, Ipswich, Norwich, and Southend-on-Sea.

7. South Wales Traffic Area.

The administrative counties of Brecon, Cardigan, Carmarthen, Glamorgan, Monmouth, Pembroke and Radnor.

The county boroughs of Cardiff, Merthyr Tydfil, Newport, and Swansea.

8. Western Traffic Area.

The administrative counties of Cornwall, Devon, Gloucester, Somerset, and Wiltshire.

The administrative county of Dorset (except the portion included in the South-Eastern Traffic Area).

So much of the administrative county of Southampton as lies north-west of

9. South-Eastern Traffic Area.	<p>and includes the road from Salisbury to Biandford.</p> <p>The county boroughs of Bath, Bristol, Exeter, Gloucester, and Plymouth.</p> <p>The administrative county of the Isle of Wight.</p> <p>The administrative counties of Kent, Surrey, East Sussex, and West Sussex (except the portions of those counties included in the Metropolitan Traffic Area), Berks (except the portion included in the East Midland Traffic Area), and Southampton (except the portion included in the Western Traffic Area).</p> <p>So much of the administrative county of Dorset as comprises the borough of Poole and the urban district of Wimborne Minster and so much as lies south of and includes the road from Bingwood to Wimborne Minster, via Ferndown.</p>
10. Metropolitan Traffic Area.	<p>The county boroughs of Bournemouth, Brighton, Canterbury, Eastbourne, Hastings, Portsmouth, Beading, and Southampton.</p> <p>The London Passenger Transport Area as constituted by the London Passenger-Transport Act, 1933, with the addition of such parts of the London Traffic Area, as constituted by the London Traffic Act, 1924, and of the administrative county of Hertford, of the Borough of Chepping Wycombe in the county of Buckingham, of the boroughs of Dunstable and Luton in the county of Bedford, of the urban district of Wrotham in the county of Kent, of the urban district of East Grinstead in the county of East Sussex, and of the urban district of Horsham in the county of West Sussex, as he outside the London Passenger Transport Area as so constituted.</p>

## SECOND SCHEDULE

Section 46.

## REPRESENTATIVE MEMBERS OF TRANSPORT ADVISORY COUNCIL.

Interests.	Number of Representatives.
Local authorities in England and Wales	4
Local authorities in Scotland	2

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Interests.	Number of Representatives.
Users of mechanically propelled vehicles	5
Users of horses and horse-drawn vehicles	1
Users of roads other than as above mentioned—	
Pedestrians	1
Pedal cyclists	1
Railways	3
Canals (other than canals owned or controlled by a railway company)	1
Coastwise shipping	2
Harbours and docks (other than harbours and docks owned or controlled by a railway company)	1
Labour	3
Trading interests (including agriculture)	5

### THIRD SCHEDULE

Section 48.

#### ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
<a href="#">5 &amp; 6 Vict. c. 55.</a>	The Regulation of Railways Act, 1842.	Sections four, five and six.
<a href="#">8 &amp; 9 Vict. c. 20.</a>	The Railways Clauses Consolidation Act, 1845.	In section forty-eight, the words from " all trains on the railway" to "four miles an hour and."
<a href="#">8 &amp; 9 Vict. c. 33.</a>	The Railways Clauses Consolidation (Scotland) Act, 1845.	In section forty-one, the words from "all trains on the railway" to "four miles an hour and."
<a href="#">34 &amp; 35 Vict. c. 78.</a>	The Regulation of Rail-ways Act, 1871.	Section five.
<a href="#">9 &amp; 10 Geo. 5 c. 50.</a>	The Ministry of Transport Act, 1919.	Section twenty-two.
<a href="#">11 &amp; 12 Geo. 5 c. 55.</a>	The Railways Act, 1921.	In subsection (1) of section thirty-seven the words " less than five per cent. or. "  In subsection (3) of section thirty-eight the words "



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Session and Chapter.	Short Title.	Extent of Repeal.
		provided that it is not less than five per cent. below the standard rate chargeable, " and the words " or if the rate when increased would be less than five per cent. below the standard rate chargeable. "
		In section thirty-nine, the words " shipping or " and the words " coastwise shipping or. "
		In subsection (2) of section forty-seven, the words " less than five per cent. or. "
18 & 19 Geo. 5 c. ci.	The London Midland and Scottish Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
18 & 19 Geo. 5 c. cii.	The Great Western Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
18 & 19 Geo. 5 c. ciii.	The London and North Eastern Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
18 & 19 Geo. 5 c. civ.	The Southern Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
20 & 21 Geo. 5 c. 43.	The Road Traffic Act, 1930.	Section twenty-five, subsection (5) of section forty-six, section one hundred and fourteen, the Second Schedule and Part I. of the Third Schedule.