

## SCHEDULES

### SCHEDULE 1

Section 27.

#### FIXED PENALTY OFFENCES

#### OFFENCES UNDER THE 1967 ACT

Relevant enactment	Description of offence	Endorsement
Section 1(8)	Using a vehicle in contravention of traffic regulation order outside Greater London.	—
Section 6(9)	Breach of traffic regulation order in Greater London.	—
Section 9(9)	Breach of experimental traffic order.	—
Section 11(4)	Breach of experimental traffic scheme regulations in Greater London.	—
Section 12(9)	Using a vehicle in contravention of temporary prohibition or restriction of traffic in case of execution of works, etc.	—
Section 13(4)	Wrongful use of special road.	Obligatory, if committed as described in paragraph 4 of Part III of Schedule 4 to the 1972 Act.
Section 14(2)	Using a vehicle in contravention of provision for one way traffic on trunk road.	—
Section 16(5)	Driving a vehicle in contravention of order prohibiting or restricting driving vehicles on certain classes of roads.	—
Section 23(5)	Breach of pedestrian crossing regulations, except an offence in respect of a moving motor vehicle.	Obligatory, if committed as described in paragraph 5 of Part III of Schedule 4 to the 1972 Act.

*Status: This is the original version (as it was originally enacted).*

Relevant enactment	Description of offence	Endorsement
Section 26(6)	Using a vehicle in contravention of a street playground order outside Greater London.	Obligatory, if committed as described in paragraph 7 of Part I of Schedule 4 to the 1972 Act.
Section 26A(5)	Using a vehicle in contravention of a street playground order in Greater London.	Obligatory, if committed as described in paragraph 7 of Part III of Schedule 4 to the 1972 Act.
Section 31(3)	Breach of an order regulating the use, etc., of a parking place provided by a local authority, but only where the offence is committed in relation to a parking place provided on a road.	—
Section 42(1)	Breach of a provision of a parking place designation order and other offences committed in relation to a parking place designated by any such order, except any offence of failing to pay an excess charge within the meaning of section 36 of the 1967 Act.	—
Section 43(2)	Using a vehicle in contravention of any provision of a parking place designation order having effect by virtue of section 39(1)(a) of the 1967 Act (inclusion of certain traffic regulation provisions).	—
Section 43(3)	Breach of a provision of a parking place designation order having effect by virtue of section 39(1)(b) of the 1967 Act (use of any part of a road for parking without charge).	—
Section 77(7)	Driving a motor vehicle in contravention of an order imposing a minimum speed limit under section 77(1)(b).	—
Section 78A(1)	Speeding offences under the 1967 Act and other Acts.	Obligatory.

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

OFFENCES UNDER THE **VEHICLES (EXCISE) ACT 1971 (C. 10)**

Relevant enactment	Description of offence	Endorsement
Section 12(4)	Using or keeping a vehicle on a public road without licence being exhibited in the prescribed manner.	—
Section 22(1)	Driving or keeping a vehicle without required registration mark or hackney carriage sign.	—
Section 22(2)	Driving or keeping a vehicle with registration mark or hackney carriage sign obscured, etc.	—
Section 16	Unlawful carrying of passengers on motor cycles.	Obligatory.
Section 22	Failure to comply with traffic directions or signs.	Obligatory, if committed as described in the entry in column 5 of Part I of Schedule 4 to the 1972 Act relating to this offence.
Section 24	Leaving vehicle in dangerous position.	Obligatory, if committed as described in the entry in column 6 of Part I of Schedule 4 to the 1972 Act relating to this offence.
Section 32(3)	Breach of regulations relating to protective headgear for motor cycle drivers and passengers.	—
Section 33A(3)	Breach of regulations requiring wearing of seat belts.	—
Section 33B(2)	Breach of restriction on carrying children in the front of vehicles.	—
Section 36	Driving motor vehicle elsewhere than on a road.	—
Section 36A(1)	Parking a heavy commercial vehicle on verge or footway.	—
Section 36B(1)	Parking a vehicle other than a heavy commercial vehicle on verge or footway.	—
Section 40(5)(a)	Breach of construction and use regulations.	Obligatory, if committed as described in the entry

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Relevant enactment	Description of offence	Endorsement
Section 40(5)(b)	Using on a road a motor vehicle or trailer which does not comply with construction and use regulations.	in column 5 of Part I of Schedule 4 to the 1972 Act relating to an offence under section 40(5), but subject to the exception there mentioned.  Obligatory, if committed as described in the entry in column 5 of Part I of Schedule 4 to the 1972 Act relating to an offence under section 40(5), but subject to the exception there mentioned.
Section 81(1)	Contravention of any provisions of sections 68 to 79 of the 1972 Act or regulations under any of those provisions (requirements with respect to lights, reflectors, etc.).	
Section 84(1)	Driving vehicle without requisite licence.	Obligatory, if committed as described in the entry in column 5 of Part I of Schedule 4 to the 1972 Act relating to this offence.
Section 88(6)	Breach of provisional licence conditions.	Obligatory.
Section 159	Failure to stop vehicle on being so required by constable in uniform.	—

**OFFENCE UNDER THE GREATER LONDON  
COUNCIL (GENERAL POWERS) ACT 1974 (C. XXIV)**

Relevant enactment	Description of offence	Endorsement
Section 15	Parking a vehicle on footways, verges, etc.	—

**OFFENCE UNDER THE HIGHWAYS ACT (C. 66)**

Relevant enactment	Description of offence	Endorsement
Section 137	Obstructing a highway, but only where the offence is committed in respect of a vehicle.	—

SCHEDULE 2

Section 42.

FIXED PENALTY OFFENCES CONFINED TO SCOTLAND

TABLE OF OFFENCES

**OFFENCE UNDER THE 1967 ACT**

Enactment	Description of Offence
Section 43(3)	Contravention or non-compliance with designation order under section 39(1) (b).

**OFFENCE UNDER THE [VEHICLES \(EXCISE\) ACT 1971 \(c. 10\)](#)**

Section 15(2)	Failure to surrender excise licence when required to do so by Secretary of State.
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**OFFENCES UNDER THE 1972 ACT**

Section 21	Unlawful carrying of passengers on bicycle.
Section 23	Failure by pedestrians to comply with directions of constable regulating vehicular traffic.
Section 30(1)	Holding or getting onto a moving vehicle to be carried.
Section 30(2)	Holding onto a moving vehicle to be towed.
Section 31(1)	Causing or permitting dog to be on designated road without lead.
Section 44(1)	Using a vehicle without a valid test certificate.
Section 45(7)	Failure of driver of goods vehicle to be present throughout testing of vehicle.
Section 46(1)	Using goods vehicle without valid required plating certificate.
Section 46(3)	Using altered goods vehicle where alteration not notified to Secretary of State under section 45.
Section 50(5)	Failure of driver of goods vehicle to be present throughout testing of vehicle after notification of alteration.
Section 51(1)	Using goods vehicle without required valid type approval certificate.
Section 51(2)	Using a goods vehicle to draw trailer where plating certificate does not state maximum laden weight for vehicle and trailer.
Section 51(3)	Using altered goods vehicle where alteration not notified to Secretary of State under section 48.

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Section 84(2)	Employing person to drive without licence.
Section 89(3)	Failure to surrender licence and furnish particulars of change where particulars on licence change.
Section 91(1)	Driving with uncorrected defective eyesight.
Section 104(5)	Failure to furnish Secretary of State when required with evidence of date of birth.
Section 112(1)	Driving heavy goods vehicle without heavy goods vehicle driver's licence.
Section 112(2)	Employing person to drive heavy goods vehicle without heavy goods vehicle driver's licence.
Section 114(3)	Failure to comply with conditions of heavy goods vehicle driver's licence.
Section 114(4)	Employing a person under 21 to drive a heavy goods vehicle.
Section 119(2)	Contravention of regulations about heavy goods vehicles drivers' licences.
Section 136	Failure of driving instructor to surrender licence or certificate to Registrar when required.
Section 137(3)	Failure to produce certificate of registration or licence as a driving instructor.
Section 147(4)	Failure to surrender certificate of insurance on cancellation or to make statutory declaration.
Section 161(5)	Failure to furnish Secretary of State with evidence of date of birth etc.
Section 162(1)	Failure to give to constable names and addresses as specified or to produce certificate of insurance or other documents referred to.
Section 162(3)	Failure of person supervising learner driver to give constable certain names and addresses.
Section 165	Failure of pedestrian contravening section 23 to give name and address to constable.
Section 166(1)	Failure of driver in accident involving injury to another to produce evidence of insurance or report the accident.
Section 170(5A)	Failure to notify relevant or prospective disability.

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Section 172	Using goods vehicle with unauthorised and authorised weights marked thereon.
Section 176	Aiding, abetting, counselling, procuring or inciting the commission of an offence under the Act or regulations made thereunder which is, by virtue of section 27 or 42 of this Act, a fixed penalty offence.

### **OFFENCE UNDER THE ROADS (SCOTLAND) ACT 1970 (c. 20)**

Section 21(1)	Person in charge of vehicle allowing mud etc. from vehicle to drop or be deposited on carriageway without removing it.
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*Note* : The offences under—

- (a) section 91(1) of the 1972 Act; and
  - (b) section 176 of that Act where the offence is committed by aiding, abetting, counselling, procuring or inciting the commission of an offence which is itself an offence involving obligatory endorsement;
- are offences involving obligatory endorsement for the purpose of Part III of this Act.

## SCHEDULE 3

Section 49.

### STATUTORY STATEMENTS

#### PART I

##### STATUTORY STATEMENT OF OWNERSHIP OR HIRING

- 1 (1) For the purposes of Part III of this Act, a statutory statement of ownership is a statement on an official form signed by the person furnishing it and stating whether he was the owner of the vehicle at the time of the alleged offence and, if he was not the owner of the vehicle at that time, whether—
  - (a) he was never the owner ; or
  - (b) he ceased to be the owner before, or became the owner after, that time;and in a case within paragraph (b) above, stating, if the information is in his possession, the name and address of the person to whom, and the date on which, he disposed of the vehicle or (as the case may be) the name and address of the person from whom, and the date on which, he acquired it.
- (2) An official form for a statutory statement of ownership shall—
  - (a) indicate that the person furnishing the statement in response to a notice to owner relating to an offence may give notice requesting a hearing in respect of the offence in the manner specified in the form ; and
  - (b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) below in any official form for a statutory statement of facts.
- 2 (1) For the purposes of Part III of this Act, a statutory statement of hiring is a statement on an official form, signed by the person furnishing it, being the person by whom a statement of liability was signed, and stating—

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- (a) whether at the time of the alleged offence the vehicle was let to him under the hiring agreement to which the statement of liability refers ; and
  - (b) if it was not, the date on which he returned the vehicle to the possession of the vehicle-hire firm concerned.
- (2) An official form for a statutory statement of hiring shall—
- (a) indicate that the person furnishing the statement in pursuance of a notice relating to an offence served under section 31 of this Act by virtue of section 45 of this Act may give notice requesting a hearing in respect of the offence in the manner specified in the form ; and
  - (b) direct the attention of any person proposing to complete the form to the information provided in accordance with paragraph 3(3) below in any official form for a statutory statement of facts.
- (3) In sub-paragraph (1) above " statement of liability ", " hiring agreement" and " vehicle-hire firm " have the same meanings as in section 45 of this Act.

## PART II

### STATUTORY STATEMENT OF FACTS

- 3 (1) For the purposes of Part III of this Act, a statutory statement of facts is a statement on an official form, signed by the person furnishing it, which—
- (a) states that the person furnishing it was not the driver of the vehicle at the time of the alleged offence ; and
  - (b) states the name and address at the time when the statement is furnished of the person who was the driver of the vehicle at the time of the alleged offence.
- (2) A statutory statement of facts has effect as a notice given by the driver requesting a hearing in respect of the offence if it is signed by the person identified in the statement as the driver of the vehicle at the time of the alleged offence.
- (3) An official form for a statutory statement of facts shall indicate—
- (a) that if a person identified in the statement as the driver of the vehicle at the time of the alleged offence signs the statement he will be regarded as having given notice requesting a hearing in respect of the offence ;
  - (b) that the person on whom the notice to owner relating to the offence is served may not give notice requesting a hearing in respect of the offence on his own account if he furnishes a statutory statement of facts signed by a person so identified ; and
  - (c) that if the fixed penalty is not paid before the end of the period stated in the notice to owner as the period for response to the notice, a sum determined by reference to that fixed penalty may be registered without any court hearing for enforcement as a fine against the person on whom the notice to owner is served, unless he has given notice requesting a hearing in respect of the offence ;

but that, in a case within paragraph (c) above, the sum in question may not be so registered if the person on whom the notice to owner is served furnishes a statutory statement of facts as mentioned in paragraph (b) above until two months have elapsed from the end of the period so stated without service of a summons or, in Scotland, complaint in respect of the offence on the person identified in that statement as the driver of the vehicle.

## SCHEDULE 4

Section 52.

### AMENDMENTS OF TRANSPORT ACT 1968 RELATING TO OPERATORS' LICENCES

#### PART I

##### PROVISIONS INSERTED AFTER SECTION 69 OF TRANSPORT ACT 1968

##### *Control of operating centres for goods vehicles on environmental grounds*

#### **“69A Operating centres for authorised vehicles to be specified in operators' licences.**

- (1) A person may not use a place in the area of any licensing authority as an operating centre for authorised vehicles under any operator's licence granted to him by that authority unless it is specified in that licence.
- (2) A person applying for an operator's licence shall give to the licensing authority a statement giving such particulars as the authority may require of each place in the area of the authority which will be an operating centre of the applicant if the licence is granted.
- (3) Without prejudice to section 62(4) of this Act, a person applying for an operator's licence shall also, if he is required by the licensing authority so to do, give to him such particulars as he may require with respect to the use which the applicant proposes to make, for authorised vehicles under the licence, of any place referred to in the statement under subsection (2) of this section.
- (4) Any person who contravenes subsection (1) of this section shall be liable on summary conviction to a fine not exceeding £500.

#### **69B Objection to, and refusal or modification of, applications for operators' licences on environmental grounds.**

- (1) Any person entitled by virtue of section 63(3) of this Act to object to the grant of any application for an operator's licence on the ground there mentioned may also object to the grant of any such application on the ground that any place which, if the licence is granted, will be an operating centre of the holder of the licence is unsuitable on environmental grounds for use as such.
- (2) In the case of any such application, any person who is the owner or occupier of land in the vicinity of any place which, if the licence is granted, will be an operating centre of the holder of the licence may make representations against the grant of the application on the ground that that place is unsuitable on environmental grounds for use as such, provided that any adverse effects on environmental conditions arising from that use would be capable of prejudicially affecting the use or enjoyment of the land.
- (3) Where any objection or representations are duly made under this section in respect of any application for an operator's licence, the licensing authority may in any case refuse the application on the ground that the parking of authorised vehicles under the licence at or in the vicinity of any place which, if the licence were granted, would be an operating centre of the holder of the licence would cause adverse effects on environmental conditions in the vicinity of that place.

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- (4) Where any objection or representations are duly so made in respect of any such application, the licensing authority may refuse the application, subject to subsection (5) of this section, on the ground that any place which, if the licence were granted, would be an operating centre of the holder of the licence is unsuitable for use as such on environmental grounds other than the ground mentioned in subsection (3) of this section.
- (5) A licensing authority may not refuse an application for an operator's licence under subsection (4) of this section if the applicant satisfies the authority that the grant of the application will not result in any material change as regards—
- (a) the places in the area of the authority used or to be used as operating centres for authorised vehicles under any operator's licence previously granted by the authority or under the licence applied for; or
  - (b) the use of any such place already in use as an operating centre under an existing licence so granted.
- (6) Without prejudice to the power of a licensing authority to issue an operator's licence subject to either or both of the modifications or limitations mentioned in section 64(4) of this Act, in any case where—
- (a) the authority has power to refuse an application for any such licence under subsection (3) or (4) of this section; and
  - (b) any place other than a place unsuitable for use as an operating centre is referred to in the statement under section 69A(2) of this Act as a proposed operating centre of the applicant;
- the authority may, instead of refusing the application, issue the licence specifying in it only such place or places referred to in that statement as are not unsuitable for use as an operating centre.
- For the purposes of this subsection, a place referred to in any such statement given to a licensing authority by an applicant for an operator's licence is unsuitable for use as an operating centre if the licensing authority has power to refuse the application under subsection (3) or (4) of this section in consequence of the proposed use of that place as an operating centre.
- (7) A request for the grant of a licence under section 67(5) of this Act pending the determination of a current application shall not be treated as an application for an operator's licence for the purposes of this section, but in granting a licence under section 67(5) a licensing authority may specify in the licence such place or places referred to in the statement given to the authority by the applicant under section 69A(2) of this Act as the authority thinks fit.

### **69C Conditions as to the use of operating centres.**

- (1) Subject to the following provisions of this section, a licensing authority may attach such conditions to an operator's licence as appear to him to be appropriate for the purpose of preventing or minimising any adverse effects on environmental conditions arising from the use for authorised vehicles under the licence of any operating centre of the holder of the licence in the area of the authority.
- (2) The conditions which may be attached to a licence under this section shall be of such description as may be prescribed ; and, without prejudice to the generality of the preceding provision, the descriptions which may be prescribed include conditions regulating—

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- (a) the number, type and size of motor vehicles or trailers which may at any one time be at any operating centre of the holder of the licence in the area of the authority for any prescribed purpose ;
  - (b) the parking arrangements to be provided at or in the vicinity of any such centre ; and
  - (c) the hours at which operations of any prescribed description may be carried on at any such centre.
- (3) Subject to subsection (4) of this section, the licensing authority by whom an operator's licence was granted may at any time vary or remove any condition attached to the licence under this section.
- (4) The power to attach a condition to an operator's licence under this section shall be exercisable by a licensing authority on granting the licence; and that power, and the power to vary or remove any condition so attached, shall also be exercisable in accordance with section 69D of this Act on an application by the holder for variation of the licence.
- (5) Where a licensing authority is precluded by section 69B(5) of this Act from refusing an application for an operator's licence, the authority may not attach any condition to the licence under this section without first giving the applicant for the licence an opportunity to make representations to the authority with respect to the effect on his business of any condition the authority proposes to attach; and where the applicant makes any such representations the authority shall give special consideration to those representations in determining whether to attach the proposed condition on granting the licence.
- (6) Any person who contravenes any condition attached under this section to a licence of which he is the holder shall be liable on summary conviction to a fine not exceeding £500.

**69D Variation of operators' licences with respect to operating centres and conditions affecting their use, etc.**

- (1) Subject to section 69E of this Act, on the application of the holder of an operator's licence, the licensing authority by whom the licence was granted may at any time while it is in force vary the licence by directing—
- (a) that a new place shall be specified in the licence as an operating centre of the holder of the licence, or that any place so specified shall cease to be so specified ; or
  - (b) that any condition attached to the licence under section 69C of this Act shall be varied or removed.
- (2) A person applying for the variation of an operator's licence under this section shall give to the licensing authority such information as he may reasonably require for the discharge of his duties in relation to the application.
- (3) The licensing authority shall publish in the prescribed manner notice of any application for a variation under this section, unless the licensing authority is satisfied that the application is of so trivial a nature that it is not necessary that an opportunity should be given for objecting to it or making representations against it.
- (4) Any person entitled to object to the grant of any application for a variation of which notice has been published under section 68(4) of this Act may object to the grant of any

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application for a variation of which notice has been published under section 68(4) or under subsection (3) of this section on either of the following grounds, that is to say—

- (a) that any place which, if the application for variation is granted, will be an operating centre of the holder of the licence is unsuitable on environmental grounds for use as such ; or
- (b) that the use in any manner which will be permitted if the application for variation is granted of any operating centre of the holder of the licence will have adverse effects on environmental conditions in the vicinity of that centre.

(5) Subject to subsection (6) of this section, any person who is the owner or occupier of land in the vicinity of—

- (a) any place which, if the application for variation is granted, will be an operating centre of the holder of the licence ; or
- (b) any existing operating centre of the holder of the licence to which the application relates ;

may make representations against the grant of any application for a variation of which notice has been published under section 68(4) of this Act or under subsection (3) of this section on either of the grounds mentioned in subsection (4) of this section, but so far only as relates to that place or operating centre.

(6) A person may not by virtue of subsection (5) of this section make representations against the grant of an application for variation of an operator's licence unless any adverse effects on environmental conditions arising from the use of the place or operating centre in question would be capable of prejudicially affecting the use or enjoyment of the land there mentioned.

(7) Where any objection or representations are duly made under this section in respect of any application for a variation of an operator's licence, the licensing authority may refuse the application in any case where it appears to him that the application ought to be refused on either of the grounds mentioned in subsection (4) of this section.

(8) In any case in which the licensing authority grants an application for a variation of an operator's licence of which notice has been published under section 68(4) of this Act or under subsection (3) of this section, the licensing authority may direct that any condition attached to the licence under section 69C of this Act shall be varied or removed or that a condition shall be attached to the licence under that section.

(9) If an applicant under this section so requests, the licensing authority may, pending the determination of the application, give an interim direction under subsection (1) or (8) of this section, that is to say, a direction expressed to continue in force only until the application, and any appeal arising out of it, have been disposed of; and a request for such a direction shall not for the purposes of subsections (3) to (7) of this section be treated as an application for a variation under this section.

#### **69E Publication of notice of applications for licences and variations in localities affected.**

(1) The licensing authority for any area shall refuse—

- (a) any application to the authority for an operator's licence ; and
- (b) any application to the authority for the variation of an operator's licence of which notice has been published under section 68(4) or 69D(3) of this Act;

without considering the merits of the application unless he is satisfied that notice of the application in such form and containing such information as may be prescribed has

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been published within the period mentioned in subsection (2) of this section in a local newspaper or newspapers circulating in each locality affected by the application.

- (2) The period referred to in subsection (1) of this section is the period beginning twenty-one days before the date on which the application is made and ending twenty-one days after that date.
- (3) For the purposes of this section a locality shall be taken to be affected by an application to a licensing authority for, or for the variation of, an operator's licence if it contains any place in the area of the authority which will be an operating centre of the holder of the licence if the application is granted, or (in the case of an application for variation) any existing operating centre of the holder of the licence to which the application relates.

#### **69F Revocation, etc. of operators' licences for breach of provisions controlling use of operating centres.**

- (1) Subject to subsection (2) of this section, the licensing authority by whom an operator's licence was granted may direct that it be revoked, suspended, terminated on a date earlier than that on which it would otherwise expire under section 67 of this Act, or curtailed on the ground that the holder of the licence has contravened section 69A of this Act or any condition attached to his licence under section 69C of this Act; and during any time of suspension the licence shall be of no effect.
- (2) Section 69 of this Act shall apply as if the power to give a direction under subsection (1) of this section and the ground there mentioned were respectively conferred by and mentioned in subsection (1) of that section.

#### **69G Provisions supplementary to sections 69A to 69F.**

- (1) Any objection or representations under section 69B or 69D of this Act shall contain particulars of any matters alleged by the person making the objection or representations to be relevant to the determination of the licensing authority to which the objections or representations relate ; and the onus of proof of any matters so alleged shall lie on the person making the objection or representations.
- (2) Any objection or representations under either of those sections with respect to any application for, or for the variation of, an operator's licence shall be made within the prescribed time and in the prescribed manner, which—
  - (a) may differ for representations from that prescribed for objections ; and
  - (b) shall in either case be stated in the notice of the application published under section 63(1) of this Act or (as the case may be) under section 68(4) or 69D(3) of this Act.
- (3) In making any of the following determinations, that is to say—
  - (a) any determination with respect to the suitability of any place on environmental grounds for use as an operating centre for authorised vehicles under an operator's licence ;
  - (b) any determination with respect to attaching any condition under section 69C of this Act to an operator's licence or varying or removing any condition so attached ;
  - (c) any determination with respect to the effect on environmental conditions in any locality of the use in any particular manner of any operating centre of the holder of an operator's licence;

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the licensing authority shall have regard to such considerations as may be prescribed as relevant to determinations of that description.

- (4) In making any such determination for the purposes of exercising any of his powers under sections 69B to 69D of this Act in relation to an application for, or for the variation of, an operator's licence, the licensing authority shall also have regard to—
- (a) any information supplied by the applicant in accordance with section 68, 69A or 69D of this Act; and
  - (b) any objections or representations duly made under section 69B or 69D.
- (5) Any statement or information to be given to a licensing authority under section 69A or 69D of this Act shall be given in such form as the authority may require.
- (6) For the purposes of sections 69D(5)(b) and 69E(3) of this Act an application for a variation of an operator's licence shall be taken to relate to an operating centre of the holder of the licence if any condition attached to the licence which the application seeks to have varied or removed relates to that centre.”

## PART II

### OTHER AMENDMENTS OF TRANSPORT ACT 1968

#### *Amendments consequential on Part I*

- 1 In section 63 of the Transport Act 1968 (objections to grant of operators' licences)—
  - (a) in subsection (1) the words " Subject to subsection (2) of this section " shall be omitted ;
  - (b) subsection (2) shall be omitted ; and
  - (c) in subsection (3), for the words from " of which " to " this section " there shall be substituted the words " for an operator's licence ".
- 2 In section 64 of that Act (grounds for objection to application for a licence under section 63 and decision of licensing authority on applications)—
  - (a) at the beginning of subsection (1) there shall be inserted the words " Subject to section 69E of this Act "; and
  - (b) in subsection (3), after the words " subsection (4) of this section " there shall be inserted the words " and section 69B of this Act ".
- 3 In section 68 of that Act (variation of operators' licences)—
  - (a) at the beginning of subsection (1) there shall be inserted the words " Subject to section 69E of this Act "; and
  - (b) in subsection (4), paragraph (a) shall be omitted, and for the words " the said section 63 " (where first occurring) there shall be substituted the words " section 63 of this Act ".
- 4 In section 70(1)(a) of that Act (right of appeal for persons aggrieved by certain directions or orders), after the words "69(1) to (7A) " there shall be inserted the words " or 69F(1) ".
- 5 In section 87(3) of that Act (inquiries by licensing authorities as to proposed exercise of powers under section 69), after " 69 " there shall be inserted the words " or 69F ".
- 6 In section 91 of that Act (regulations and orders for purposes of Part V)—

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- (a) in paragraph (a), for the words "section 69" there shall be substituted the words " sections 69 and 69F "; and
- (b) in paragraph (d), after "69" there shall be inserted the words " or 69F ".

7 In section 92 of that Act—

- (a) in subsection (1) (interpretation of particular expressions used in Part V), the following definition shall be inserted at the appropriate point in alphabetical order—
  - “" owner ", in relation to any land in England and Wales, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let”; and
- (b) at the end of subsection (3) (construction of references to directing that an operator's licence be curtailed), there shall be added the following paragraph—
  - “(d) that any one or more of the places specified in the licence as operating centres be removed therefrom”.

*Extension of right to object*

8 In section 63 of that Act (objections to grant of operators' licences)—

- (a) in subsection (3) (persons entitled to object) the following paragraph shall be inserted after paragraph (c)—
  - “(d) a planning authority”; and
- (b) in subsection (6) the following definitions shall be inserted after the definition of " local authority " —
  - “"planning authority" means any body other than a local authority which by virtue of any statutory provision for the time being in force is—
    - (a) in England and Wales, the local planning authority for any area for the purpose of determining applications for planning permission under Part III of the Town and Country Planning Act 1971 (general planning control); and
    - (b) in Scotland, the planning authority for any area for the purpose of determining applications for planning permission under Part III of the Town and Country Planning (Scotland) Act 1972 (general planning control);
  - "statutory provision" means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978 ; and”.

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

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## SCHEDULE 5

Section 74.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *Road Traffic Regulation Act 1967 (c. 76)*

- 1        In section 85 of the 1967 Act (duty to give information as to identity of driver etc. in certain cases), in subsection (1) for the words " 77(7) and 80(8)" there shall be substituted the words " and 77(7) ".
- 2        In section 88 of the 1967 Act (penalty for aiding, abetting etc. commission of offences in Scotland), for the words " 43(2) or (3) or 80(8) " there shall be substituted the words " or 43(2) or (3) ".
- 3        In section 93 of the 1967 Act (inclusion in indictment in Scotland of certain summary offences), in subsection (2) for the words " 43(2) and (3) and 80(8)" there shall be substituted the words " and 43(2) and (3) ".
- 4        In section 95 of the 1967 Act (general power to hold inquiries), for the words " sections 80 and 81 " there shall be substituted the words " section 81 ".

#### *Transport Act 1968 (c. 73)*

- 5        (1) The powers of the National Bus Company under section 48(2) of the Transport Act 1968 shall include power to make premises held by them available for the exercise by authorised inspectors within the meaning of Part II of this Act of their functions ; and, accordingly, that power shall be treated for the purposes of section 52 of the Transport Act 1968 as conferred by section 48(2).
- (2) Paragraph (1) above shall apply in relation to the Scottish Transport Group as it applies in relation to the National Bus Company.
- 6        The provisions of the Transport Act 1968 requiring transport managers for operating centres for authorised vehicles under goods vehicle operators' licences (which have not been brought into operation and have since their enactment been largely superseded by other provisions) are hereby repealed ; and accordingly, in section 85(2) of that Act, for the words " Schedules 9 and 10 " there shall be substituted the words " Schedule 10 ".

#### *Road Traffic Act 1972 (c. 20)*

- 7        In section 33(2) of the 1972 Act (offence of selling crash helmet not of type prescribed under section 33), for the words from " neither " to " authorisation" there shall be substituted the words " not of a type prescribed under this section ".
- 8        In section 43(6) of the 1972 Act (regulations as to tests of vehicles not subject to goods vehicle tests)—
- (a) after paragraph (a) there shall be inserted the following paragraph—
- “(aa) the imposition of restrictions with respect to the vehicles to be examined by inspectors appointed by any designated council;” and
- (b) in paragraph (c), after the word " application ", in the second place where it occurs, there shall be inserted the word " examination ".

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- 9 In section 45(6) of the 1972 Act (regulations as to examinations for plating and periodical tests of satisfactory condition of certain goods vehicles), in paragraph (h), after the word "application" there shall be inserted the word " examination ".
- 10 In section 50(1) of the 1972 Act (regulations for purposes of type approval requirements)—
- (a) at the end of paragraph (a) there shall be inserted the words " or designated under section 10(12) of the Transport Act 1982 ; " ; and
  - (b) in paragraph (b), after the words " authorise the " there shall be inserted the word " cancellation " .
- 11 (1) In section 82 of the 1972 Act (Interpretation of Part II), at the end of the definition of " official testing station " there shall be added the words " or premises designated by him under section 10(12) of the Transport Act 1982 " .
- (2) The following definition shall be inserted in that section immediately after the definition of " prescribed " —
- “" prescribed testing authority " means such approved testing authority as may be prescribed ;” .
- (3) The following subsection shall be added at the end of that section as subsection (2)—
- “(2) References in any provision of this Part of this Act to an authorised inspector are references to a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to exercise the function to which that provision relates.” .
- 12 In section 83(5) of the 1972 Act (sums to be paid into Consolidated Fund), for " 58(5A)" there shall be substituted " 58 " .
- 13 (1) In section 93(4) of the 1972 Act (extended period of disqualification in case of certain previous convictions), for " 6(1)" there shall be substituted " 6(1)(a) " .
- (2) For the purposes of section 93(4), as amended by paragraph 3 of Schedule 9 to the Transport Act 1981 and by sub-paragraph (1) above to refer to sections 6(1)(a) and 8(7) of the 1972 Act (which are among the new provisions substituted by the Transport Act 1981 for sections 6 to 12 of the 1972 Act), a previous conviction of an offence under the corresponding provision of the old law shall be treated as a conviction of an offence under the new provision.
- (3) In the case of section 6(1)(a) of the 1972 Act, as substituted by the Transport Act 1981, the corresponding provision of the old law for the purposes of sub-paragraph (2) above is section 6(1) of the 1972 Act, as it had effect immediately before that substitution.
- (4) In the case of section 8(7) of the 1972 Act, as so substituted, the corresponding provision of the old law for those purposes is section 9(3) of the 1972 Act, as it so had effect.
- 14 In section 182(1) of the 1972 Act (admissibility of records as evidence)—
- (a) after the word " vehicles " there shall be inserted the words " or of any records maintained with respect to vehicles by an approved testing authority in connection with the exercise by that authority of any functions conferred on such authorities, or on that authority as such an authority, by or under any enactment " ; and

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- (b) after the words " the Secretary of State " (in the last place where they occur) there shall be inserted the words " or (as the case may be) by the approved testing authority ".
- 15 In section 188(4) of the 1972 Act (restriction on application of sections 45 to 51 and 62 to vehicles in public service of the Crown)—
  - (a) for " 51 " there shall be substituted " 51A "; and
  - (b) at the end of paragraph (a) there shall be inserted the words " or of authorised inspectors under section 8 of the Transport Act 1982 ; ".
- 16 In section 196(1) of the 1972 Act (general interpretation provisions), the following definition shall be inserted immediately before the definition of " bridleway " —
  - “" approved testing authority " means a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act;”.

*Road Traffic (Foreign Vehicles) Act 1972 (c. 27)*

- 17 (1) In section 2(3B) of the Road Traffic (Foreign Vehicles) Act 1972 (fees for inspection of vehicles brought to official testing station with a view to removal of prohibition), for " 58(5A)" there shall be substituted " 58(6)(c) and (7) ".
- (2) In section 7 of that Act (interpretation)—
  - (a) in subsection (1), at the end of the definition of " official testing station" there shall be added the words " or premises designated by him under section 10(12) of the Transport Act 1982 "; and
  - (b) at the end of that subsection there shall be added the following subsection—
    - “(1A) References in any provision of this Act to an authorised inspector are references to a person authorised by the Secretary of State under section 8 of the Transport Act 1982 to exercise the function to which that provision relates.”.

*Road Traffic Act 1974 (c. 50)*

- 18 In section 5 of the Road Traffic Act 1974 (supplementary provisions)—
  - (a) in subsections (1) and (2), for the words " 1 to 4 " there shall be substituted the words " 2 to 4 ";
  - (b) in subsection (1), in paragraph (b) of the definition of " driver ", for the word " was " there shall be substituted the words " is alleged to have been ";
  - (c) in subsection (3), for the words from " in whose name " to the end there shall be substituted the words " who was the registered keeper of the vehicle at that time. ";
  - (d) in subsection (4), for the words "in whose name a vehicle was so registered" there shall be substituted the words " who was the registered keeper of a vehicle ";
  - (e) in subsection (6)—
    - (i) after the words " is to be served " there shall be inserted the word " (a) "; and
    - (ii) for the words " and in any other case " there shall be substituted the words

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“or the registered address of the person who is the registered keeper of the vehicle concerned at the time of service ; and

(b) in any other case;” and

(f) after subsection (6) there shall be inserted the following subsections—

“(7) References in this section to the person who was or is the registered keeper of a vehicle at any time are references to the person in whose name the vehicle was or is at the time registered under the Vehicles (Excise) Act 1971 ; and, in relation to any such person, the reference in subsection (6)(a) above to that person's registered address is a reference to the address recorded in the record kept under that Act with respect to that vehicle as being that person's address.

(8) For the purposes of sections 1(2) and 2(1) of the Magistrates' Courts Act 1980 (power to issue summons or warrant and jurisdiction to try offences), any offence under section 1(7) or 2(7) above shall be treated as committed at any address which at the time of service of the notice under section 1(6) or 2(6) above to which the offence relates was the accused's proper address (in accordance with subsection (6) above) for service of any such notice, as well as at the address to which any statutory statement furnished in response to that notice is required to be returned in accordance with the notice.”.

19 In Schedule 1 to the Road Traffic Act 1974 (statutory statements)—

(a) in paragraphs 1, 2(1) and 3, for the words "1 to 4 " there shall be substituted the words " 2 to 4 "; and

(b) in paragraph 3, for the words from " either " to the end there shall be substituted the following paragraphs—

“(a) states that the person furnishing it was not the driver of the vehicle at the relevant time;

(b) states the name and address at the time when the statement is furnished of the person who was the driver of the vehicle at the relevant time ; and

(c) is signed both by the person furnishing it and by the person stated to be the driver of the vehicle at the relevant time.”.

*House of Commons Disqualification Act 1975 (c. 24)*

20 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the following entry shall be inserted in the appropriate place—

“Director of any company eligible for loans under section 13 of the Transport Act 1982 (loans to Government-controlled company interested in former Government testing stations).”.

*Public Passenger Vehicles Act 1981 (c. 14)*

21 In section 9 of the Public Passenger Vehicles Act 1981 (power to prohibit driving of unfit public service vehicles)—

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- (a) in subsection (5), for the words from " the driver " to " public " there shall be substituted the words " any person "; and
  - (b) the following subsection shall be added at the end—
    - “(10) Any removal of a prohibition under subsection (1) above shall be made by notice in writing.”.
- 22 In section 52(1)(a) of that Act (fees for grant of licence), for sub-paragraph (ii) there shall be substituted the following sub-paragraph—
- “(ii) applications for certificates of initial fitness under section 6 of this Act which are required by regulations to be made to the commissioners and the issue of certificates on such applications ;”.
- 23 In section 82 of that Act (general interpretation provisions)—
- (a) in subsection (1), after the definition of " prescribed " there shall be inserted the following definition—
    - “" prescribed testing authority " means such person authorised by the Secretary of State under section 8 of the Transport Act 1982 to carry on a vehicle testing business within the meaning of Part II of that Act as may be prescribed”; and
  - (b) the following subsection shall be inserted after subsection (1)
    - “(1A) References in any provision of this Act to an authorised inspector are references to an authorised inspector under section 8 of the Transport Act 1982 and, where the function to which that provision relates is one of those specified in section 9 of that Act (testing and surveillance functions), are limited to an authorised inspector authorised under section 8 to exercise that function.”.
- 24 The power conferred by section 87 of that Act to repeal section 10 of that Act and certain connected provisions by order includes power to make such other amendments in that Act and such amendments in this Act as are required in consequence of the repeal.

*Transport Act 1981 (c. 56)*

- 25 In section 30(2) of the Transport Act 1981 (construction of sections 19 to 21) the following words shall be added at the end " and (without prejudice to the effect of the preceding provision) those sections shall apply to vehicles and persons in the public service of the Crown ".
- 26 During any period when Schedule 7 to the Transport Act 1981 (penalty points for offences) is in force but Schedule 8 to that Act (new provisions substituted for sections 6 to 12 of the 1972 Act) is not, Schedule 7 shall have effect as if for the references in column 1 of Part II of that Schedule to sections 6(1)(b), 7(4) and 8(7) of the 1972 Act (which refer to the new provisions mentioned above) there were substituted references respectively to sections 6(2), 8(3) and 9(3) of the 1972 Act (which are the provisions in that Act as it has effect apart from Schedule 8 to the Transport Act 1981 that correspond to the new provisions mentioned above).

SCHEDULE 6

Section 74.

REPEALS

Chapter	Short Title	Extent of Repeal
1967 c. 76.	Road Traffic Regulation Act 1967.	Section 72(2) and (4). Section 80. Section 81(4). In section 87, the word " 80 " ". In section 107(2), the words from " This subsection " to the end.
1968 c. 73.	Transport Act 1968.	In section 59, in subsection (1) the words " and by Schedule 9 thereto", and in subsection (2) the words " and the said Schedule " Section 62(3). In section 63, in subsection (1) the words " Subject to subsection (2) of this section " and subsection (2). Section 64(2)(b). Section 65. In section 67(5), the words from " and a licence " to the end. In section 68, subsections (1) (c) and (4)(a). In section 69, in subsection (1)(a) the words " section 65 of this Act or ", and in subsection (4)(b) the words " or Schedule 9 thereto " in sub-paragraphs (i) and (ii). In section 82(6), the words " or Schedule 9 thereto " In section 84, the words "or a transport manager's licence" in paragraphs (a) and (d).

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Chapter	Short Title	Extent of Repeal
1972 c. 20.	Road Traffic Act 1972.	<p>In section 87, the words " or Schedule 9 thereto " in subsections (1) and (4) and in paragraphs (b) and (c) of subsection (5).</p> <p>In section 88, the words " or Schedule 9 thereto " in subsections (1) and (3) and the words " and Schedule 9 thereto " in subsection (2).</p> <p>In section 89, in subsection (1) the words from " and in respect" to the end and in subsection (2) the words " or Schedule 9 thereto " .</p> <p>In section 90, the words " and Schedule 9 thereto " in subsections (1) and (3)(b).</p> <p>In section 91, in subsection (7) the words " or Schedule 9 thereto " and in subsection (8) the words " or the said Schedule 9 " .</p> <p>In section 92, the words " and Schedule 9 thereto " in subsections (1) and (5).</p> <p>Section 94(3).</p> <p>Section 131(1) to (3).</p> <p>Schedule 9.</p> <p>In section 45—</p> <ul style="list-style-type: none"> <li>(a) subsection (4);</li> <li>(b) in subsections (5), (6) (g), (8) and (9), the words " or (4)"; and</li> <li>(c) in subsection (6)(c)(i), the words " and (4)".</li> </ul> <p>In section 50(1)(c) the words " and (4) " .</p> <p>Section 188(4)(b).</p> <p>In Schedule 7, the paragraphs amending, respectively, section 80(1)(a) and (e) of the Road Traffic Regulation Act 1967.</p>

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

Chapter	Short Title	Extent of Repeal
1973 c. 44.	Heavy Commercial Vehicles (Controls and Regulations) Act 1973.	Section 1(7).
1974 c. 50.	Road Traffic Act 1974.	<p>Section 1.</p> <p>In section 3—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1)(a), the words "section 1(6) or";</li> <li>(b) in subsection (2), the words "section 1 or, as the case may be ";</li> <li>(c) subsection (3)(a);</li> <li>(d) in subsection (4), the words " section 1 or, as the case may be "; and</li> <li>(e) in subsection (5), the words " section 1(6) or," in the first place where they occur, and the words " section 1(6) or, as the case may be ".</li> </ul> <p>In section 4—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1), the words " section 1(8) or "; and</li> <li>(b) in subsection (4)—             <ul style="list-style-type: none"> <li>(i) the words " with any such offence as is specified in section 1(1)(b) above or "; and</li> <li>(ii) in paragraph (a), the words " section 1(6) or and</li> </ul> </li> <li>(c) subsection (5).</li> </ul> <p>In section 5—</p> <ul style="list-style-type: none"> <li>(a) in subsection (1)—             <ul style="list-style-type: none"> <li>(i) in the definition of " appropriate period ", the words " section 1(6) or";</li> <li>(ii) paragraph (a) of the definition of " driver ";</li> <li>(iii) the definitions of " fixed</li> </ul> </li> </ul>

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

Chapter	Short Title	Extent of Repeal
		penalty" and "fixed penalty notice"; and (iv) paragraph (a) of the definition of "relevant time"; (b) in subsection (5), the words "section 1(6) or "; and (c) in subsection (8), the words " 1(7) or " and "1(6) or".
		In Part II of Schedule 2, paragraph 16.
		In Part II of Schedule 5, the entry relating to section 80(8).
		In Part III of Schedule 5, the entry relating to section 44(1).
		In Schedule 6, paragraph 8.
1977 c. 45.	Criminal Law Act 1977.	In Schedule 12, paragraph 3 of the entry relating to the Road Traffic Regulation Act 1967.
1978 c. 55.	Transport Act 1978.	In Schedule 3, paragraphs 3 and 5.
1979 c. 55.	Justices of the Peace Act 1979.	In Schedule 2, paragraph 15.
1980 c. 34.	Transport Act 1980.	In section 66(2), the words from " and " in the second place where it occurs to the end.
1980 c. 62.	Criminal Justice (Scotland) Act 1980.	Section 31.
1981 c. 14.	Public Passenger Vehicles Act 1981.	In section 9(8), the words from " and a person aggrieved " to the end.  In Schedule 7, paragraph 13 and, in paragraph 14, the words " 58(2) " and " 173(2) ".