



Road Traffic Act 1960

1960 CHAPTER 16

PART III

PUBLIC SERVICE VEHICLES

General and Supplementary

149 Power of Minister to modify restrictions on use of roads by public service vehicles

- (1) In a case where the running of public service vehicles on a road is restricted or prohibited by a local Act or order passed or made before the first day of August, nineteen hundred and thirty, the council of the county borough or county district in which the road or any part thereof is situate, or a local authority or person providing or proposing to provide a service of public service vehicles on that road or any part thereof, may apply to the Minister for an order modifying or revoking the restrictions or prohibition.
- (2) The Minister, on receiving an application under this section, shall, unless he is of opinion that it is made without reasonable cause, direct a public inquiry to be held into the subject matter of the application, and shall consider the report made to him by the person holding the inquiry.

Not less than one month's notice of the inquiry shall be given to the council of the county borough or county district in which the road is situate, to the applicants, where the application is not made by that authority, and to every local authority or person in whose favour the restrictions or prohibition appear to the Minister to have been imposed or who, in the opinion of the Minister, are affected by the application.

- (3) If as a result of the inquiry the Minister is satisfied that it is in the public interest that the restrictions or prohibition should be modified or revoked he may by statutory instrument make an order modifying or revoking them or it, and may by the order modify or revoke to such extent as appears to him to be equitable in the circumstances any obligations imposed upon any person in connection with the restrictions or prohibition.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) Every order made under this section shall be laid before Parliament after being made, and shall not come into force until it has been approved by both Houses.
- (5) In the application of this section to Scotland, the expression " local authority " means a county or town council and for any reference to the council of a county borough or county district there shall be substituted a reference to the council of a county or burgh.

150 Exclusion of certain enactments as respects Metropolitan Traffic Area

- (1) As respects the Metropolitan Traffic Area the following enactments, that is to say, sections eight and fourteen of the Metropolitan Streets Act, 1867, the Metropolitan Public Carriage Act, 1869, and the London Cab and Stage Carriage Act, 1907, shall not apply to a public service vehicle or to the driver or conductor thereof.
- (2) As respects the Metropolitan Traffic Area no local authority shall exercise under the Town Police Clauses Act, 1847, as amended, extended, or applied by any subsequent enactment, any powers with respect to public service vehicles or the licensing thereof or of their drivers or conductors.

151 Avoidance of contracts so far as restrictive of liability in respect of "death of, or injury to, passengers in public service vehicles

A contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of a person in respect of a claim which may be made against him in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

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

- (1) The wages paid by the holder of a road service licence to persons employed by him in connection with the operation of a public service vehicle and the conditions of their employment shall not be less favourable to them than the wages which would be payable and the conditions which would have to be observed under a contract which complied with the requirement of any resolution of the House of Commons for the time being in force applicable to contracts with Government departments.
- (2) Any organisation representative of the persons engaged in the road transport industry may make representations to the traffic commissioners to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of a road service licence are not in accordance with the requirements of the foregoing subsection, and if the matter in dispute is not otherwise disposed of it shall be referred by the Minister of Labour to the Industrial Court for settlement.
- (3) Where a matter is referred to the Industrial Court under the last foregoing subsection 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.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (4) If it is decided by the Industrial Court that a person has been guilty of a breach of the provisions of this section, he shall be liable to be dealt with in all respects as if he had failed to comply with a condition attached to his road service licence.

153 Procedure of traffic commissioners

- (1) The traffic commissioners may for any purpose, if they so think fit, hold public sittings at such places as appear to them convenient.
- (2) For the purpose of hearing and determining applications for the grant and backing of road service licences the traffic commissioners shall exercise their powers under the foregoing subsection, except that it shall not be obligatory on them to do so for the hearing or determination of an application for the grant or backing of a road service licence where it appears from the particulars submitted that the services which it is proposed to provide will not be operated on more than six days in any period of twelve months and that passengers will not be carried on a journey included in those services otherwise than at day return fares.
- (3) Not less than two commissioners shall be present at the hearing of an application, and if where an application is heard by two commissioners only there is a difference of opinion between them, the matter shall be reheard and determined by all the commissioners.
- (4) The traffic commissioners may delegate to any one of their members any of their functions other than those requiring to be discharged at a public sitting, and other than those of advising the Minister on an order made by a local authority under section thirty-nine of this Act or by a local authority in England or Wales under section eighty-three thereof.
- (5) The two last foregoing subsections do not apply to the Metropolitan Traffic Area.

154 Accounts of traffic commissioners and metropolitan police commissioner

- (1) The traffic commissioners for each traffic area shall cause proper accounts and other records in relation thereto 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) As regards his functions with respect to licences to drive, or act as conductor of, public service vehicles, the commissioner of police of the metropolis shall cause proper accounts and other records in relation thereto 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.

155 Annual report of traffic commissioners and metropolitan police commissioner

The traffic commissioners for each traffic area shall make an annual report to the Minister on their proceedings containing particulars with respect to such matters as the Minister may direct and the commissioner of police of the metropolis shall make a like report as regards the exercise of his functions with respect to licences to drive, or act as conductor of, public service vehicles.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

156 Records of licences

- (1) The traffic commissioners for each traffic area, and the commissioner of police of the metropolis, shall keep a record in such form and containing such particulars as may be prescribed of all licences granted or backed by them or him under this Part of this Act.
- (2) A police constable or a person authorised for the purpose by a local authority shall, without payment, and any other person appearing to the traffic commissioners to have a reasonable ground for claiming so to do shall, upon payment of the prescribed fee, be entitled at any reasonable time to inspect and take copies of or extracts from the record kept under this section by them; and a police constable or a person authorised as aforesaid shall, without payment, and any other person appearing to the commissioner of police of the metropolis to have a reasonable ground for claiming so to do shall, upon payment of such fee as aforesaid, be entitled at any reasonable time to inspect and take copies of, or extracts from, the record so kept by him.
- (3) A record kept under this section shall be admissible in evidence of the matters required under this Part of this Act to be entered therein, and a copy of an entry made in such a record in pursuance of this section purporting to be signed by or on behalf of the authority by whom the record is kept and to be certified to be a true copy shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the same.
- (4) In the application of this section to Scotland, "local authority " means a county or town council.

157 Returns to be provided by persons operating public service vehicles

- (1) It shall be the duty of a person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Minister such financial and statistical returns, and in such manner and at such times, as the Minister may from time to time require.
- (2) If a person fails to comply with the requirements of the foregoing subsection, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and in the case of a continuing offence to a fine not exceeding five pounds for every day during which the offence continues.
- (3) This section shall not apply to the British Transport Commission or an Executive.

158 Power to regulate procedure on applications for licences, and c

Subject to the provisions of this Part of this Act, provision may be made by regulations as to the procedure on—

- (a) applications for the grant of public service vehicle licences, road service licences and licences to drive, or act as conductor of, public service vehicles, and applications for the variation of conditions attached to road service licences,
- (b) the determination of questions in connection with the grant, suspension and revocation of such licences and in connection with any such variation as aforesaid, and
- (c) the surrender of licences,

and those regulations may make provision as to the particulars to be furnished and the persons to whom notices are to be given, the manner in which notices are to be

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

published or served, and the manner in which objections or other representations with respect to the determination of such questions as aforesaid may be made.

159 Fees for grant of licences, and c

- (1) Such fees as may be prescribed shall be charged—
 - (a) by the traffic commissioners for each traffic area in respect of the grant or backing of public service vehicle licences and road service licences and in respect of the issue of certificates of fitness under this Part of this Act;
 - (b) by the traffic commissioners for each traffic area and by the commissioner of police of the metropolis in respect of the issue of licences to drive, or act as conductor of, public service vehicles.
- (2) Any fees received by virtue of this section by the traffic commissioners shall be paid into the Exchequer in such manner as the Treasury may direct.
- (3) Any fees payable by virtue of this section to the commissioner of police of the metropolis shall be paid to the Receiver for the metropolitan police district or a person authorised by him to receive payments or give receipts on his behalf.

160 Regulations for purposes of Part III

- (1) 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 or the Twelfth Schedule thereto, 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 for the purposes of this Part of this Act;
 - (b) applications for and the issue of licences and of certificates of fitness;
 - (c) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;
 - (d) the fees to be payable under this Part of this Act and the persons liable to pay the same;
 - (e) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;
 - (f) the badges to be worn by drivers and conductors of public service vehicles;
 - (g) the custody, production and cancellation on revocation or expiration of licences and certificates of fitness, and the return to the commissioners or, as the case may be, the commissioner of police of the metropolis, of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;
 - (h) the carriage of luggage and goods on public service vehicles;
 - (i) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges made in respect thereof;
 - (j) the equipment to be carried by public service vehicles;
 - (k) for providing that any provisions of this Part of this Act shall in relation to public service vehicles brought into Great Britain for the purpose of carrying persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

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

- (2) In this Part of this Act and the Twelfth Schedule thereto "prescribed" means prescribed by regulations and "regulations" means regulations made under this section.

161 Restriction on institution in England and Wales of proceedings under Part III

- (1) Subject to the provisions of this section, proceedings for an offence under this Part of this Act shall not, in England or Wales, be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by the traffic commissioners, a chief officer of police, or the council of a county, county borough or county district.
- (2) The foregoing subsection shall not apply to proceedings for an offence under section one hundred and forty-one of this Act, but such proceedings shall not be instituted except by or by the direction of the Director of Public Prosecutions, the traffic commissioner for the Metropolitan Traffic Area or a chief officer of police.
- (3) Subsection (1) of this section shall not apply to proceedings for a breach of regulations having effect by virtue of section one hundred and forty-seven or one hundred and forty-eight of this Act.
- (4) Subsection (1) of this section shall not prevent the institution by or on behalf of the Minister of proceedings for an offence under section one hundred and fifty-seven of this Act.

162 Payment of expenses under Part III

- (1) There shall be paid in every year out of moneys provided by Parliament such sums as the Minister may, with the consent of the Treasury, direct in respect of the salaries, remuneration, establishment charges, and other expenses of the traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Minister for the purposes of this Part of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.
- (2) There shall be paid into the metropolitan police fund out of moneys provided by Parliament such sums in respect of the costs incurred under this Part of this Act by the commissioner of police of the metropolis as the Treasury, after consultation with the Minister, may from time to time determine.

163 Power of Minister to transfer licensing functions under Part III of metropolitan police commissioner

- (1) The Minister may by order provide that, as regards persons residing in the Metropolitan Traffic Area or any specified part of that area, the functions of the commissioner of police of the metropolis of granting licences to drive, or act as conductor of, public service vehicles, or of any class of such vehicles, shall be transferred to the traffic commissioner for the Metropolitan Traffic Area, and an order under this subsection may be revoked or altered by a subsequent order of the Minister; but no order under this subsection conferring any power, or imposing any duty, on the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

said commissioner of police shall be made save with the concurrence of the Secretary of State.

- (2) An order under the foregoing subsection may make such adaptations and modifications of this Part of this Act as may be necessary for giving effect to the transfer of functions effected by the order.
- (3) Without prejudice to the foregoing provisions of this section, the Minister may by order, subject to revocation or alteration by a subsequent order made by him, suspend the operation of subsection (2) of the last foregoing section.
- (4) The powers conferred on the Minister by this section shall be exercisable by statutory instrument.