



# Road Traffic Act 1930

## 1930 CHAPTER 43

### PART V

#### RUNNING OF PUBLIC SERVICE VEHICLES BY LOCAL AUTHORITIES.

#### **101 Power to run public service vehicles.**

- (1) A local authority who under any local Act or Order are operating a tramway, light railway, trolley vehicle, or omnibus undertaking, may as part of that undertaking run public service vehicles on any road within their district and also with the consent of the traffic commissioners for the traffic area in which any other road is situate, on that road.
- (2) Nothing in this act shall authorise a local authority to run any public service vehicle—
  - (a) as a contract carriage; or
  - (b) on any road on which they are for the time being prohibited by any local Act or Order from running omnibuses; or
  - (c) except with the consent of the authority, on any road vested in a statutory dock authority as such or in a statutory harbour authority as such; or
  - (d) except with the consent of the company on any premises (not being part of a highway) belonging to a railway company and adjoining or giving access to a railway station.

#### **102 Provisions with respect to consents to be granted by traffic commissioners under this Part.**

- (1) A local authority by whom an application is submitted to the traffic commissioners of any area for consent to the ranning of public service vehicles on any road within that area shall publish in manner hereinafter directed a notice stating that the application has been made, describing each route to which it relates and specifying the time within which, and manner in which, objections may be made to the commissioners by any other local authority, by the council of any county, or by any persons who are already providing transport facilities on, or in the neighbourhood of, any part of any route to which the application relates.

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A notice for the purposes of this subsection shall be published in the London Gazette if any part of any route to which the application relates is situate in England, in the Edinburgh Gazette if any part of any such route is situate in Scotland, and also in such newspaper or newspapers on such number of days as the commissioners may direct, and the date specified in the notice as the latest date for the making of objections shall be a date which will allow for the making of objections not less than fourteen days calculated from the day on which publication of all notices required by or under this subsection to be published is complete.

- (2) The commissioners, before deciding any application, may, and if any objection is duly received by them from a local authority, from the council of any county, or from any such person as is mentioned in the last preceding subsection, shall hold a public inquiry into the application and shall give not less than fourteen days' notice of the holding of any such inquiry to the applicants and to any local authority, any county council, and any such person as aforesaid by whom objection has been duly made.
- (3) The commissioners, after holding a public inquiry in any case in which they consider it desirable, or in which they are by the last preceding subsection required, to hold such an inquiry, may either grant or refuse the consent applied for, or may grant a consent in such modified form, or subject to such conditions, as they think fit.
- (4) The commissioners, in considering any application shall have regard to the extent to which the requirements of the applicants' district will be served, either directly or indirectly, by a service of vehicles on the route to which the application relates.
- (5) The commissioners may at any time revoke or modify any consent, or modify any conditions attached to any consent, previously granted by them to a local authority, but, before doing so, they shall give to the local authority and to any authority, county council, or person who appeared at the inquiry as an objector to the application an opportunity of being heard before them.
- (6) Notice of the commissioners' decision upon any application for a consent and of their decision to revoke or modify a consent or to modify any conditions attached to a consent shall be given to the local authority concerned and to any authority, county council, or person who appeared at the inquiry as an objector against the application, and any authority, county council or person upon whom such a notice is served may within fourteen days after receipt thereof appeal to the Minister against the decision of the commissioners, and the Minister's decision upon any such appeal shall be final, and the commissioners shall give effect thereto.
- (7) A decision of the commissioners to grant any consent shall not become operative until after the expiration of one month, and a decision to revoke or modify a consent, or to modify any conditions attached to a consent, shall not become operative until after the expiration of three months from the date of the commissioners' decision, and if at the expiration of that period an appeal to the Minister is pending the decision of the commissioners shall not become operative until the appeal has been determined.

### **103 Further provision as to omnibuses.**

For the purposes of this Part of this Act a local authority may purchase and maintain such vehicles as may be necessary and may purchase by agreement, take on lease, and hold lands and may on any lands so purchased by or leased to them or any lands lawfully appropriated by them for the purpose erect such buildings, sheds, and conveniences and may provide such plant and appliances as may be requisite or

expedient for the establishment, running, equipment, maintenance and repair of their public service vehicles.

#### **104 Fares and charges.**

- (1) A local authority authorised to run public service vehicles under this Part of this Act may demand and take for passengers and parcels carried on such vehicles such fares and charges as they may think fit :

Provided that every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge.

- (2) A local authority authorised to run public service vehicles under this Part of this Act may if they think fit carry on such vehicles small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers, the charge for any such dog to be a sum not exceeding the fare payable by the passenger, but they shall not carry on such vehicles any other goods or animals.
- (3) A local authority authorised to run public service vehicles under this Part of this Act shall perform in respect of services of such vehicles on any route authorised under this Part of this Act such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act, 1893, in respect of a tramway to which that Act applies.

#### **105 Working and other agreements.**

- (1) A local authority authorised to run public service vehicles and any other local authority authorised to run such vehicles in any district adjacent to the district of the first-mentioned authority, or adjacent to any district on any road in which the first-mentioned authority are for the time being authorised to run such vehicles, may make and carry into effect agreements for the management, working, and maintenance of any service which any party to the agreement is authorised to run.
- (2) A local authority authorised to run public service vehicles and any other person, not being a local authority, may make and carry into effect agreements for the management, working, and maintenance of any service which any party to the agreement is for the time being authorised to run, either in the district of the local authority, or in any district on any road in which the authority are for the time being authorised to run such vehicles.
- (3) An agreement entered into under either of the last two preceding subsections may make provision with respect to all or any of the following matters, that is to say:—
  - (a) The working, user, management and maintenance of any vehicles, lands, depots, buildings, sheds, and property provided in connection with any services to which the agreement relates by any party to the agreement and the right to provide and use the same and to demand and take the fares and charges authorised in respect of such services;
  - (b) The supply by any party to the agreement of vehicles and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;
  - (c) the through running of vehicles.
- (4) A local authority authorised to run public service vehicles may make and carry into effect agreements with any other local authority authorised to run such vehicles, and with any other person, not being a local authority, for all or any of the following

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purposes, so far as those purposes can be effectuated without any through running of vehicles, that is to say :—

- (a) The interchange, accommodation, conveyance, transmission and delivery of traffic arising on or coming from or destined for any service provided by any party to the agreement;
  - (b) The payment, collection and apportionment of the fares and charges and other receipts arising from any such service as aforesaid.
- (5) Agreements may be made under this section notwithstanding any provision in any local Act or Order by which the making of working agreements is restricted, but in running any service of public service vehicles on any route in pursuance of an agreement made under this section the local authority or other person operating the service shall comply with the provisions of the Act or order, if any, by which the service is authorised.
- (6) In this section the expression " authorised " means authorised otherwise than by virtue of an agreement under this section.

#### **106   Accounts.**

Where a local authority run public service Accounts, vehicles under this Part of this Act they shall in the accounts relating to their transport undertakings distinguish, so far as may be practicable receipts and expenditure relating to their public service vehicles from receipts and expenditure relating to any other transport undertaking, and in the receipts and expenditure relating to their public service vehicles shall further distinguish receipts and expenditure on capital account from receipts and expenditure upon revenue account.

#### **107   Expenses and borrowing.**

- (1) The expenses of a local authority under this Part of this Act shall be defrayed as follows, that is to say :—
- (a) in the case of the council of a county borough or county district out of the general rate fund of their district;
  - (b) in the case of a joint board or joint committee, in the same manner as the general expenses of the board or committee.
- (2) A local authority may from time to time with the consent of the Minister borrow such sums as may be required for the purposes of this Part of this Act including the repayment of any sums previously borrowed for such purposes—
- (a) in the case of the council of a county borough or county district, on the security of the general rate fund of their district and of any other revenues of the authority; and
  - (b) in the case of a joint board or joint committee in the manner in which they are authorised to borrow for the purposes of their other powers and duties.
- (3) Any sum borrowed under this section shall be repaid within such period as may be prescribed by the Minister, and the Minister in giving his consent to any such borrowing may attach thereto such conditions as he thinks fit with respect to the application of revenue the formation of a reserve fund or sinking fund the investment of moneys representing any such fund and the keeping of accounts.

## **108 Interpretation.**

(1) In this Part of this Act—

The expression " local authority " means—

- (i) the council of any county borough or county district, and
- (ii) any joint board or joint committee which is so constituted as to include among its members representatives of the council of a county borough or county district; and

The expression " district " in relation to a joint board or joint committee means the area within which that board or committee are authorised to carry on a tramway, light railway, trolley vehicle or omnibus undertaking and save as aforesaid means a county borough or a county district as the case may be.

(2) Nothing in this Part of this Act shall be in derogation of the provisions of Part IV of this Act.

## **109 Application to Scotland.**

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

- (a) The expression " local authority " shall mean the Town Council of a burgh;
- (b) Section one hundred and seven of this Act shall not apply.

## **110 Extent of this Part of Act.**

This Part of this Act shall not extend to the Extent of London Traffic Area within the meaning of the London Traffic Act 1924.