

1962 No. 2707

## ROAD TRAFFIC

## The London Transport (Consent Procedure) Regulations 1962

Made - - - - 11th December 1962  
 Coming into Operation 1st January 1963

The Minister of Transport, in exercise of the powers conferred upon him by section 58 (6) of the Transport Act 1962(a) and of all other powers him enabling in that behalf, and after consultation with the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1958(b) hereby makes the following Regulations.

## PART I—PRELIMINARY

*Commencement*

1. These Regulations shall come into operation on 1st January 1963, and may be cited as the London Transport (Consent Procedure) Regulations 1962.

*Interpretation*

2.—(1) In these Regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“ the Act ” means the Transport Act 1962 ;

“ consent appeal ” has the meaning assigned to it by Regulation 11 of these Regulations ;

“ consent application ” has the meaning assigned to it by Regulation 3 of these Regulations, and “ applicant ” shall be construed accordingly ;

“ consent ” means the consent of the London Board as required by section 16 or section 17, as the case may be, of the London Passenger Transport Act 1933(c) as amended by section 58 (1) of the Act ;

“ the London Board ” means the London Transport Board established by section 1 of the Act ;

“ the Minister ” means the Minister of Transport ;

“ traffic commissioner ” means the traffic commissioner for the Metropolitan Traffic Area within the meaning of the Road Traffic Act 1960.

(2) The Interpretation Act 1889(d) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

(a) 10 & 11 Eliz. 2. c. 46.  
 (c) 23 & 24 Geo. 5. c. 14.

(b) 6 & 7 Eliz. 2. c. 66.  
 (d) 52 & 53 Vict. c. 63.

## PART II—APPLICATIONS TO THE TRAFFIC COMMISSIONER

*Scope of Part II*

3. The provisions of this part of these Regulations shall apply to any application to the traffic commissioner under section 58 (2) of the Act (hereinafter referred to as a "consent application") in any case where the applicant has applied to the London Board for their consent under the provisions of section 16 or section 17 of the London Passenger Transport Act 1933 (which makes such consent necessary in certain cases for carrying passengers by road in the London special area and the London Passenger Transport Area) to the carriage of passengers by road by the applicant, and the London Board have either refused to give their consent in the terms of the application to them or have not given such consent within the period referred to in section 58 (3) of the Act.

*Lodging of consent applications*

4.—(1) Every consent application, which shall be in writing, shall be lodged with the traffic commissioner and shall include the following particulars and documents:—

- (a) the name and address of the applicant,
- (b) a copy of the application made to the London Board,
- (c) copies of any correspondence between the applicant and the London Board relating to the application to them, including in particular any document recording their refusal to give their consent in the terms of the application,
- (d) the grounds upon which the consent application is made.

(2) Every consent application shall be signed by the applicant or by some person authorised to do so on his behalf and in the latter case the application shall state in what capacity or by what authority he signs.

(3) The applicant shall, at the same time as his consent application is lodged with the traffic commissioner, or as soon as practicable thereafter, serve a copy thereof (including all accompanying particulars and documents) upon the London Board.

*Objections by the London Board*

5.—(1) The London Board shall be entitled to make objections in respect of any consent application.

(2) Every such objection made by the London Board shall—

- (a) be made in writing ;
- (b) state the grounds upon which it is made ;
- (c) be lodged with the traffic commissioner not later than twenty one days after the date of publication of the consent application to which it relates in accordance with the provisions of Regulation 10 of these Regulations.

(3) At the same time as the objection is lodged with the traffic commissioner, or as soon as practicable thereafter, a copy thereof shall be served upon the applicant.

*Furnishing of information in connection with consent applications*

6.—(1) The traffic commissioner may at any time after receiving a consent application direct the applicant or the London Board to furnish the commissioner with such documents or information as the direction may specify and within such time as it may specify, being documents or information which it is in their power to furnish, and including particulars of any contention upon which the applicant or the London Board, as the case may be, intends to rely or any facts relevant thereto.

(2) Where any such documents or information are furnished to the traffic commissioner the party who furnishes the same shall at the same time, or as soon as practicable thereafter, send copies of any such documents and furnish the same information to the London Board or the applicant as the case may be.

*Public Sittings*

7.—(1) For the purpose of hearing any consent application and any objection thereto by the London Board the traffic commissioner shall hold a public sitting and may postpone or adjourn any such sitting as he may think fit.

(2) Subject to the provisions of these Regulations, and to the parties being given a proper opportunity to call, and to examine, cross-examine and re-examine witnesses, the procedure at any sitting for the purposes of hearing any consent application shall be such as the traffic commissioner may direct.

*Right of Audience*

8. A party to a consent application may appear and be heard in person, by counsel or solicitor, by any officer or employee of the party, or with the leave of the traffic commissioner by any other representative appointed in writing.

*Decisions on consent applications*

9. The decision of the traffic commissioner, which shall include a statement of the reasons for the decision, may be pronounced at a public sitting, but whether or not so pronounced shall be recorded in writing and copies of the written decision shall be sent to the applicant and the London Board as soon as practicable.

*Publication of Notices in "Notices and Proceedings"*

10.—(1) The traffic commissioner shall cause the notices described in paragraph (2) of this Regulation to be published in the statement known as "Notices and Proceedings" required to be issued by him by Regulation 41 of the Public Service Vehicles (Licences and Certificates) Regulations 1952(a) as if these notices were included in the notices and particulars required by that Regulation to be included in the statement.

(2) The notices to be so published are—

(a) notice of each consent application made to the traffic commissioner together with such brief particulars relating to the application as may appear to him to be necessary for the purpose of indicating its subject matter ;

- (b) notice of the date on which and the place at which any public sitting is to be held to consider consent applications, which shall indicate the consent applications to be considered at the sitting; and
- (c) notice of the decision on any consent application which shall identify the consent application by reference to the number or date of publication of the issue of "Notices and Proceedings" in which notice of the consent application was given, and shall state either that the consent has been given in the terms of the application or the terms in which the consent has been given or that the consent has been refused, as the case may be.

### PART III—APPEALS TO THE MINISTER

#### *Scope of Part III*

11. The provisions of this part of these Regulations shall apply to any appeal to the Minister against a decision of the traffic commissioner in accordance with the provisions of section 58 (4) of the Act (hereinafter referred to as a "consent appeal").

12.—(1) Notice of a consent appeal shall be lodged with the Minister at the principal office of the Ministry of Transport not later than one month after the publication, in accordance with Regulation 10 of these Regulations, of the decision of the traffic commissioner to which it relates.

(2) Notice of a consent appeal shall be in writing and shall—

(a) either be accompanied by a copy of the decision of the commissioner against which the appeal is made or shall identify that decision by reference to the number or date of publication of the issue of "Notices and Proceedings" in which notice of the decision was published in accordance with the provisions of Regulation 10 of these Regulations;

(b) state the grounds on which it is made; and

(c) state whether it is desired that the Minister should vary or annul the decision and, where it is desired that the Minister should vary the decision, in what respects it is desired that the decision should be so varied.

(3) Every notice of a consent appeal shall be signed by the person making the appeal or by some person authorised to do so on his behalf and in the latter case the notice shall state in what capacity or by what authority he signs.

(4) At the same time as notice of a consent appeal is lodged with the Minister, or as soon as practicable thereafter, a copy thereof shall be lodged with the traffic commissioner and a copy shall be served upon the applicant or the London Board as the case may be.

#### *Furnishing of information in connection with appeals to the Minister*

13.—(1) The Minister may at any time after receiving notice of a consent appeal direct the applicant or the London Board to furnish him with such documents or information as the direction may specify and within such time as it may specify, being documents or information which it is in their power to furnish, and including particulars of any contention upon which the applicant or the London Board, as the case may be, intends to rely and any facts relevant thereto.

(2) Where any such documents or information are furnished to the Minister the party who furnishes the same shall at the same time, or as soon as practicable thereafter, send copies of any such documents and furnish the same information to the London Board or the applicant as the case may be.

#### *Decision on appeals to the Minister*

14. The decision of the Minister upon a consent appeal, which shall include a statement of the reasons for the decision, shall be recorded in writing and copies of the written decision shall be sent to the applicant and the London Board as soon as practicable.

### PART IV—GENERAL

#### *Service of Documents*

15.—(1) Any requirement of these Regulations to serve any document upon the London Board may be complied with by sending it by registered post or the recorded delivery service addressed to the Secretary of the London Board at the principal office of the London Board for the time being.

(2) Any requirement of these Regulations to serve any document upon an applicant may be complied with by sending it by registered post or the recorded delivery service, addressed to the applicant or in the case of an incorporated company to the secretary of the company, at the address given by the applicant as required by Regulation 4 (1) (a) of these Regulations or otherwise furnished by him for the purposes of such service.

(3) Any communication to be made to the traffic commissioner for the purposes of these Regulations shall be addressed to the clerk to the traffic commissioner at the office for the time being of the traffic commissioner.

Given under the Official Seal of the Minister of Transport the 11th December 1962.

(L.S.)

*Ernest Marples,*  
The Minister of Transport.

## EXPLANATORY NOTE

*(This Note is not part of the Regulations, but is intended to indicate their general purport.)*

These Regulations, which are made under Section 58 (6) of the Transport Act 1962, are concerned with certain applications to the Traffic Commissioner and subsequent appeals to the Minister of Transport relating to the carriage of passengers by road in the London area.

Under Sections 16 and 17 of the London Passenger Transport Act 1933, as modified by Section 58 (1) of the Transport Act 1962 from the vesting date for the purposes of that Act, the consent of the London Transport Board (in succession to the British Transport Commission) will be required in certain cases for the carriage of passengers by road by stage carriage or express carriage in the London special area and the London Passenger Transport Area.

Section 58 (2) and (3) of the 1962 Act provide that in the event of a refusal of consent by the London Transport Board, application for consent may be made to the Metropolitan Traffic Commissioner. By Section 58 (4) there is an appeal from his decision to the Minister of Transport. These Regulations prescribe the procedure to be followed in connection with any such application or appeal.