



# Transport Act 1968

## 1968 CHAPTER 73

### PART V

#### REGULATION OF CARRIAGE OF GOODS BY ROAD

##### *The licensing authority*

#### **59 The licensing authority for Part V**

- (1) In relation to each traffic area constituted for the purposes of Part III of the Act of 1960, the person who is the chairman of the traffic commissioners for the area (including any person for the time being appointed by the Minister to act as deputy to the chairman) shall be known as the licensing authority and shall exercise the functions conferred on him by this Part of this Act and by Schedule 9 thereto.
- (2) In the exercise of his functions under this Part of this Act and the said Schedule the licensing authority shall act under the general directions of the Minister.
- (3) Each licensing authority shall make to the Minister an annual report of his proceedings, containing particulars with respect to such matters as the Minister may direct.
- (4) Subsection (1) of this section shall have effect as respects the Metropolitan Traffic Area with the substitution of a reference to the traffic commissioner for the Metropolitan Traffic Area for the reference to the chairman of the traffic commissioners.

##### *Operators' licences*

#### **60 Users of certain goods vehicles to hold operators' licences**

- (1) Subject to subsection (2) of this section and to the other provisions of this Part of this Act, no person shall, after the appointed day for the purposes of this section, use a goods vehicle on a road for the carriage of goods—
  - (a) for hire or reward ; or

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- (b) for or in connection with any trade or business carried on by him,  
except under a licence granted under this Part of this Act (hereafter in this Part of this Act referred to as an "operator's licence").
- (2) Subsection (1) of this section shall not apply—
  - (a) to the use of a small goods vehicle as defined in subsection (4) of this section ;  
or
  - (b) to the use of a vehicle of any class specified in regulations.
- (3) It is hereby declared that, for the purposes of this Part of this Act, the performance by a local or public authority of their functions constitutes the carrying on of a business.
- (4) For the purposes of subsection (2)(a) of this section a small goods vehicle is a goods vehicle which—
  - (a) does not form part of a vehicle combination and has a relevant plated weight not exceeding three and a half tons or (not having a relevant plated weight) has an unladen weight not exceeding thirty hundredweight; or
  - (b) forms part of a vehicle combination (not being an articulated combination) which is such that—
    - (i) if all the vehicles comprised in the combination (or all of them except any small trailer) have relevant plated weights, the aggregate of the relevant plated weights of the vehicles comprised in the combination (exclusive of any such trailer) does not exceed three and a half tons ;
    - (ii) in any other case, the aggregate of the unladen weights of those vehicles (exclusive of any such trailer) does not exceed thirty hundredweight; or
  - (c) forms part of an articulated combination which is such that—
    - (i) if the trailer comprised in the combination has a relevant plated weight, the aggregate of the unladen weight of the motor vehicle comprised in the combination and the relevant plated weight of that trailer does not exceed three and a half tons;
    - (ii) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination does not exceed thirty hundredweight.

In any provision of this subsection "relevant plated weight" means a plated weight of the description specified in relation to that provision by regulations; and in paragraph (b) of this subsection "small trailer" means a trailer having an unladen weight not exceeding one ton.

- (5) A person who uses a vehicle in contravention of this section shall be liable on summary conviction to a fine not exceeding £200.

## **61      Authorised vehicles**

- (1) Subject to subsection (2) of this section, the vehicles authorised to be used under an operator's licence shall be—
  - (a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, as are specified in the licence;

- (b) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence;
- (c) unless the licence does not permit the addition of authorised vehicles under this paragraph and subject to subsection (3) of this section, motor vehicles not exceeding such maximum number as is specified in the licence, being vehicles belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, but acquired by him, or coming into his possession under such an agreement, only after the grant of the licence.

For the purposes of paragraphs (b) and (c) of this subsection different types of trailers or different types of motor vehicles, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for trailers or vehicles of each type.

- (2) An operator's licence shall not authorise the use of any vehicle unless the place which is for the time being its operating centre—
  - (a) is in the area of the licensing authority by whom the licence was granted ; or
  - (b) is outside that area and has not been the operating centre of that vehicle for a period of more than three months.

For the purposes of paragraph (b) of this subsection, two or more successive periods which are not separated from each other by an interval of at least three months shall be treated as a single period having a duration equal to the total duration of those periods.

- (3) A motor vehicle which, after the grant of an operator's licence, is acquired by the holder of the licence, or comes into his possession under an agreement for hire-purchase, hire or loan, and thereupon becomes an authorised vehicle by virtue of subsection (1)(c) of this section, shall cease to be an authorised vehicle on the expiration of one month from the date on which it was acquired by him or came into his possession unless before the expiration of that period he delivers to the licensing authority a notice in such form as the authority may require to the effect that the vehicle has been acquired by him, or has come into his possession, as the case may be.
- (4) Where the licensing authority by whom a licence was granted receives a notice under subsection (3) of this section to file effect that the holder of the licence has acquired, or come into possession of, a vehicle as mentioned in that subsection, he shall, if the vehicle has become an authorised vehicle by virtue of subsection (1)(c) of this section, vary the licence by directing that the vehicle be specified therein.
- (5) A motor vehicle specified in an operator's licence shall not, while it remains so specified, be capable of being effectively specified in any other operator's licence.
- (6) Where it comes to the knowledge of the licensing authority by whom an operator's licence was granted that a vehicle specified therein—
  - (a) has ceased to be used under the licence (otherwise than because of a fluctuation in business or because it is undergoing repair or maintenance); or
  - (b) is specified in another operator's licence,he may vary the licence by directing that the vehicle be removed therefrom.

## **62 Applications for operators' licences**

- (1) A person may apply for an operator's licence to the licensing authority for each area in which, if the licence is granted, the applicant will have an operating centre or operating

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centres; and a person may hold separate operators' licences in respect of different areas but shall not at any time hold more than one such licence in respect of the same area.

- (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 the motor vehicles proposed to be used under the licence which—

- (a) belong to the applicant, or
- (b) are in his possession under an agreement for hire purchase, hire or loan, or
- (c) he intends, if the application is granted, to acquire, or to obtain possession of under such an agreement,

and also stating the number and type of any trailers proposed to be so used.

- (3) A person applying for an operator's licence after the appointed day for the purposes of section 65 of this Act shall also give to the licensing authority a statement of the person or persons and of the other matters which he proposes should be specified in his licence for meeting the requirements of that section.

- (4) A person applying for an operator's licence shall give to the licensing authority any further information which he may reasonably require for the discharge of his duties in relation to the application, and in particular shall, if he is required by the licensing authority so to do, give to him—

- (a) such particulars as he may require with respect to the purposes for which the vehicles referred to in the statement under subsection (2) of this section are proposed to be used ;
- (b) particulars of the arrangements for securing that Part VI of this Act (or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960) will be complied with in the case of those vehicles, and for securing that those vehicles are not overloaded ;
- (c) particulars of the facilities and arrangements for securing that those vehicles will be maintained in a fit and serviceable condition;
- (d) particulars of any activities carried on, at any time before the making of the application, by—

- (i) the applicant,
- (ii) any company of which the applicant is or has been a director;
- (iii) where the applicant is a company, any person who is a director of the company;
- (iv) where the applicant proposes to operate the said vehicles in partnership with other persons, any of those other persons ;
- (v) any company of which any such person as is mentioned in subparagraph (iii) or (iv) of this paragraph is or has been a director ;
- (vi) any company of which the applicant is a subsidiary,

being activities in carrying on any trade or business in the course of which vehicles of any description are operated, or as a person employed for the purposes of any such trade or business, or as a director of a company carrying on any such trade or business ;

- (e) particulars of any convictions during the five years preceding the making of the application—

- (i) of the applicant; and
- (ii) of any other person as to whose activities particulars may be required to be given under paragraph (d) of this subsection,

being convictions such as are mentioned in subsection (4) of section 69 of this Act (taking references in that subsection to the holder of the licence as references to the applicant or, as the case may be, to that other person);

- (f) particulars of the financial resources which are or are likely to be available to the applicant;
  - (g) where the applicant is a company, the names of the directors and officers of the company, and of any company of which the first-mentioned company is a subsidiary, and where the authorised vehicles are proposed to be operated by the applicant in partnership with other persons, the names of those other persons.
- (5) Any statement or information to be given to a licensing authority under this section shall be given in such form as the authority may require.

### **63 Objections to grant of operators' licences**

- (1) Subject to subsection (2) of this section, the licensing authority shall publish in the prescribed manner notice of any application to the authority for an operator's licence.
- (2) The licensing authority for any area shall not be obliged to publish notice of any application made by a person who is the holder of an operator's licence granted by the licensing authority for any other area if satisfied that the grant of the application will not result in any increase in the number of authorised vehicles under operators' licences held by the applicant which is substantial having regard to the existing number of such vehicles.
- (3) Any of the following persons, that is to say—
- (a) a prescribed trade union or association, being a trade union or association whose members consist of or include—
    - (i) persons holding operators' licences or carriers' licences; or
    - (ii) employees of any such persons ;
  - (b) a chief officer of police ;
  - (c) a local authority,
- may object to the grant of any application of which notice has been published under subsection (1) of this section on the ground that any of the requirements mentioned in section 64(2) of this Act are not satisfied in the case of the application.
- (4) Any objection under this section shall be made within the prescribed time and in the prescribed manner (which shall be stated in the notice published under subsection (1) of this section) and shall contain particulars of the ground on which it is made.
- (5) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.
- (6) In this section—
- " local authority " means—
    - (a) as respects England and Wales, the council of a county, county borough, county district or London borough, the Greater London Council and the Common Council of the City of London ;
    - (b) as respects Scotland, a county council and a town council;
  - " trade union " has the same meaning as in the Trade Union Act 1913.

## **64 Decision on applications for operators' licences**

- (1) On an application for an operator's licence, the licensing authority shall in every case consider whether the requirements mentioned in paragraphs (a) to (d) of subsection (2) of this section, and, if the licensing authority in any case thinks fit, paragraph (e) of that subsection, are satisfied, and in doing so shall have regard to any objection duly made under section 63 of this Act.
- (2) The said requirements are as follows—
  - (a) that the applicant is a fit person to hold an operator's licence, having regard to the matters of which particulars may be required to be given under section 62(4)(d) and (e) of this Act;
  - (b) that the proposals in any statement furnished by the applicant under section 62(3) of this Act are satisfactory;
  - (c) that there will be satisfactory arrangements for securing that Part VI of this Act (or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960) will be complied with in the case of the authorised vehicles, and for securing that those vehicles are not overloaded;
  - (d) that there will be satisfactory facilities and arrangements for maintaining the authorised vehicles in a fit and serviceable condition;
  - (e) that the provision of such facilities and arrangements as are mentioned in paragraph (d) of this subsection will not be prejudiced by reason of the applicant's having insufficient financial resources for that purpose.
- (3) If the licensing authority determines that any requirement which he has taken into consideration in accordance with subsection (1) of this section is not satisfied, he shall refuse the application but, in any other case, he shall, subject to subsection (4) of this section, grant the application.
- (4) In any case in which the licensing authority grants an application for an operator's licence, the licensing authority may issue that licence in the terms applied for or, if the authority thinks fit, subject to either or both of the following modifications or limitations, that is to say—
  - (a) so that the licence is in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers greater or less in number than, or differing in type from, those for the use of which authorisation was applied for;
  - (b) so that the licence does not permit the addition of authorised vehicles under section 61(1)(c) of this Act.
- (5) In exercising his functions under this section in relation to the requirement mentioned in subsection (2)(e) thereof, a licensing authority may be assisted by an assessor drawn from a panel of persons appointed by the Minister for that purpose; and there shall be paid by the licensing authority to any such assessor in respect of his services remuneration on a scale prescribed by the Minister with the approval of the Treasury.

## **65 Conditions as to transport managers**

- (1) In every operator's licence granted by a licensing authority on an application made after the appointed day for the purposes of this section there shall be specified, in relation to each place in the area of the authority which, when the licence is granted, will be an operating centre of the holder of the licence, a person (being the holder of the licence, if an individual, or a person employed by him) who is to be responsible

for the operation and maintenance of the authorised vehicles normally used from that centre, and it shall be a condition of the licence—

- (a) that the person so specified shall be the holder of a transport manager's licence of the prescribed class; and
  - (b) if the person so specified is an employee of the holder of the operator's licence, that that person is employed by him in a position of responsibility specified in the licence.
- (2) Where, at any time after an operators' licence has been granted as mentioned in subsection (1) of this section by the licensing authority for any area, a place in that area becomes an operating centre of the holder of the licence, that subsection shall, at the expiration of the period of three months beginning at that time, apply to the new operating centre as it applies to any operating centre which the holder of the licence has when the licence is granted.
- (3) Unless in any case the licensing authority in his discretion otherwise determines, the person specified in any licence for the purposes of subsection (1) of this section in relation to any operating centre of any person shall not be the same as the person specified for those purposes in relation to any other operating centre of that person, whether in that licence or in any other operator's licence which is then held by him.
- (4) The licensing authority may, if he thinks fit, permit the responsibility for the operation and maintenance of the authorised vehicles normally used from any particular operating centre to be shared between two or more persons; and, in any such case, subsection (1) of this section shall have effect—
  - (a) as if it required both or all of those persons to be specified in the licence, together with the manner in which the responsibility is to be shared between them; and
  - (b) as if references in paragraphs (a) and (b) to the person specified in the licence were references to each of the persons so specified by virtue of this subsection.
- (5) In specifying for the purposes of subsection (1) of this section a position of responsibility to be held by any person, the licensing authority shall secure that that person thereby carries direct responsibility for the operation and maintenance of the authorised vehicles normally used from the operating centre in question or such share of that responsibility as may have been allocated to him under the last foregoing subsection.
- (6) For the purposes of subsection (1) of this section a director of a company shall be deemed to be employed by it; and where the authorised vehicles are to be operated by the holder of an operator's licence in partnership with other persons, any of those other persons may be specified in the licence for the purposes of that subsection, but, if any of them is so specified, it shall be an additional condition of the licence that the authorised vehicles are operated by the holder of the licence in partnership with the person so specified.
- (7) Where at any time a person specified in an operator's licence for the purposes of any condition imposed by or under this section dies, or ceases to be employed by the holder of the licence in a position of responsibility specified therein, or ceases to hold a transport manager's licence of the prescribed class, or any other event occurs whereby such a condition is contravened, that condition shall nevertheless be deemed not to have been contravened—

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- (a) during the period of three months beginning at that time or such longer period as the licensing authority who issued the operator's licence may in any particular case allow; and
  - (b) if before the expiration of that period the holder of the operator's licence duly applies for the licence to be varied for the purpose of bringing the contravention to an end, during the period until the application, and any appeal arising out of it, have been disposed of.
- (8) The Minister may by regulations—
  - (a) modify the requirements of subsections (1) to (6) of this section in any respect, or substitute for any of them such other requirements relating to transport managers' licences as may be specified in the regulations ;
  - (b) substitute for the period of three months mentioned in subsection (7)(a) of this section such longer period as may be specified in the regulations;

and such regulations may make different provision for different cases and may contain such transitional and supplementary provisions as the Minister thinks necessary or expedient.
- (9) Subject to subsection (7) of this section, any person who uses an authorised vehicle from an operating centre of his for a purpose for which it cannot lawfully be used without the authority of an operator's licence—
  - (a) at a time when a condition under this section of an operator's licence held by him is contravened in relation to that operating centre; or
  - (b) at a time when the matters required by virtue of subsection (1) or (2) of this section to be specified in relation to that operating centre in an operator's licence held by him are not so specified,

shall be liable on summary conviction to a fine not exceeding £200.
- (10) Schedule 9 to this Act shall have effect in relation to transport managers' licences.
- (11) In this section references to responsibility for the operation of any vehicles include (without prejudice to the generality of that expression) references to responsibility for securing that the drivers of the vehicles are properly licensed and comply with Part VI of this Act or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960.

## **66 Conditions as to matters required to be notified to licensing authority**

- (1) A licensing authority, in granting an operator's licence, may attach thereto such conditions as he thinks fit for requiring the holder to inform him—
  - (a) of any change, of a kind specified in the conditions, in the organisation, management or ownership of the trade or business in the course of which the authorised vehicles are used;
  - (b) where the holder of the licence is a company, of any change, or of any change of a kind so specified, in the persons holding shares in the company ;
  - (c) of any other event of a kind so specified affecting the holder of the licence which is relevant to the exercise of any powers of the authority in relation to the licence.
- (2) 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 £200.



## **67 Duration of operators' licences and grant of interim licences**

- (1) There shall be specified in every operator's licence the date on which the licence is to come into force.
- (2) Regulations may specify the dates in the year on which operators' licences shall expire, and, subject to subsections (4) and (5) of this section, an operator's licence shall, unless previously revoked, continue in force up till and including that one of the specified dates which occurs next before the expiration of the period of five years beginning with the date on which the licence came into force, or of such other period beginning with that date as the licensing authority may in accordance with the next following subsection direct.
- (3) The licensing authority may, on granting an operator's licence, direct that in the case of that licence the period relevant for the purposes of subsection (2) of this section—
  - (a) shall be a period shorter than five years—
    - (i) if the applicant for the licence so requests; or
    - (ii) if the application is made by a person who does not hold an operator's licence when the application is made;
  - (b) shall be a period longer or shorter than five years if the licensing authority is of opinion that it is desirable so to direct in order to arrange a suitable and convenient programme of work for the licensing authority.
- (4) If, at the date on which an operator's licence is due to expire, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence shall continue in force until—
  - (a) the application ; and
  - (b) any appeal under section 70 of this Act arising out of, the application,are disposed of, without prejudice, however, to the exercise in the meantime of the powers conferred by section 69 of this Act.
- (5) If an applicant for an operator's licence so requests, a licensing authority may, if the applicant does not hold an operator's licence granted by that authority, grant to him, pending the determination of the application, an operator's licence expressed to continue in force until the date on which any licence granted on the application or on an appeal arising out of it is expressed to come into force or, if no licence is granted as aforesaid, until the application is refused; and a request for the grant of a licence under this subsection shall not for the purposes of section 63 or 64 of this Act be treated as an application for an operator's licence, and a licence granted under this subsection shall not for the purposes of section 65 of this Act be treated as an operator's licence.

## **68 Variation of operators' licences**

- (1) 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 additional vehicles be specified therein, that the maximum number of trailers or of motor vehicles specified therein under paragraph (b) or (c) of section 61(1) of this Act be increased, or, if the licence does not permit the addition of authorised vehicles under the said paragraph (c), that it shall so permit and that a maximum be specified under that paragraph accordingly ; or

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- (b) that vehicles specified therein be removed therefrom or that any such maximum as is mentioned in paragraph (a) of this subsection be reduced; or
  - (c) that an alteration or addition be made in or to any of the matters specified in the licence for the purposes of section 65 of this Act; or
  - (d) that an alteration be made in any condition attached to the licence under section 66 of this Act or that any such condition be removed.
- (2) A person applying for a direction 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) Any information or particulars to be given to a licensing authority under subsection (2) of this section shall be given in such form as the authority may require.
- (4) Except in the following cases, that is to say—
- (a) where the application is for a direction under subsection (1)(a) of this section and the licensing authority is satisfied that, if the application were an application under section 63 of this Act, no notice of it would be required to be published by virtue of subsection (2) of that section; or
  - (b) where the application is for a direction under subsection (1)(b) of this section ; or
  - (c) where 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,
- the licensing authority shall publish notice of any application under this section in the manner provided for the publication of notices under subsection (1) of the said section 63 ; and where notice of the application is published in pursuance of this subsection the other provisions of the said section 63 and the provisions of section 64 of this Act shall, so far as applicable and subject to any necessary modifications, apply to that application as they apply to an application for the grant of an operator's licence of which notice is published under subsection (1) of the said section 63.
- (5) If an applicant under this section so requests, the licensing authority may, pending the determination of the application, give an interim direction under 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 subsection (4) of this section be treated as an application under this section.

## **69 Revocation, suspension and curtailment of operators' licences**

- (1) Subject to the provisions of this section, the licensing authority by whom an operator's licence was granted may direct that it be revoked, suspended or curtailed on any of the following grounds—
- (a) that the holder of the licence has contravened section 65 of this Act or any condition attached to his licence under section 66 of this Act;
  - (b) that during the five years ending with the date on which the direction is given there has been (whether before or after the day on which this section comes into force)—
    - (i) any such conviction as is mentioned in paragraphs (a) to (f) of subsection (4) of this section or any such prohibition as is mentioned in paragraph (h) of that subsection ; or

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- (ii) any such conviction as is mentioned in paragraph (g) of that subsection on occasions appearing to the licensing authority to be sufficiently numerous to justify the giving of a direction under this subsection ;
  - (c) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for the variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled;
  - (d) that the holder of the licence has been adjudicated bankrupt or, where the holder is a company, has gone into liquidation (not being a voluntary liquidation for the purpose of reconstruction);
  - (e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence;
  - (f) that the licence is liable to revocation, suspension or curtailment by virtue of a direction under subsection (6) of this section ;
- and during any time of suspension the licence shall be of no effect.
- (2) In any case in which a licensing authority has power to give a direction under the foregoing subsection in respect of any licence, the authority shall also have power to direct that there be attached to the licence any, or any additional, condition such as is mentioned in section 66 of this Act.
- (3) Where the existence of any of the grounds mentioned in subsection (1) of this section is brought to the notice of the licensing authority in the case of the holder of any licence granted by him, the authority shall consider whether or not to give a direction under this section in respect of that licence.
- (4) The convictions and prohibitions mentioned in subsection (1)(b) of this section are as follows—
- (a) a conviction, in relation to a goods vehicle, of the holder of the licence, or a servant or agent of his, of contravening any provision (however expressed) contained in or having effect under any enactment (including any enactment passed after this Act) relating to—
    - (i) the maintenance of vehicles in a fit and serviceable condition;
    - (ii) limits of speed and weight laden and unladen, and the loading of goods vehicles;
    - (iii) the licensing of drivers;
  - (b) a conviction of the holder of the licence under—
    - (i) this Part of this Act or Schedule 9 thereto;
    - (ii) section 233 or 235 of the Act of 1960 so far as applicable (by virtue of Schedule 10 to this Act) to licences, authorisations or means of identification under this Part of this Act or Schedule 9 thereto;
    - (iii) any regulation made under this Act which is prescribed for the purposes of this subsection;
  - (c) a conviction, in relation to a goods vehicle, of the holder of the licence or a servant or agent of his under, or of conspiracy to contravene, Part VI of this Act or section 73 or 186 of the Act of 1960;

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- (d) a conviction of the holder of the licence under section 7 of the Road Haulage Wages Act 1938 (which makes failure to pay the statutory remuneration under that Act an offence);
  - (e) a conviction, in relation to a goods vehicle, of the holder of the licence under, or of conspiracy to contravene, section 200 of the Customs and Excise Act 1952 (unlawful use of rebated fuel oil);
  - (f) a conviction of the holder of the licence under section 18 of the Road Safety Act 1967 (operator's duty to inspect, and keep records of inspection of, goods vehicles);
  - (g) a conviction, in relation to a goods vehicle, of the holder of the licence, or a servant or agent of his, of contravening any provision (however expressed) which prohibits or restricts the waiting of vehicles, being a provision contained in an order made under section 1, 6, 9 or 11 of the Road Traffic Regulation Act 1967 (including any such order made by virtue of section 84A(2) of that Act) or under any enactment repealed by that Act and re-enacted by any of those sections;
  - (h) a prohibition of the use of a vehicle under section 184 of the Act of 1960 or of the driving of a vehicle under section 16 of the Road Safety Act 1967, being a vehicle of which the holder of the licence was the owner when the prohibition was imposed.
- (5) Where the licensing authority directs that an operator's licence be revoked, the authority may order the person who was the holder thereof to be disqualified, indefinitely or for such period as the authority thinks fit, from holding or obtaining an operator's licence, and so long as the disqualification is in force—
- (a) notwithstanding anything in section 64 of this Act, no operator's licence shall be granted to him and any operator's licence obtained by him shall be of no effect; and
  - (b) if he applies for or obtains an operator's licence he shall be liable on summary conviction to a fine not exceeding £200.

An order under this subsection may be limited so as to apply only to the holding or obtaining of an operator's licence in respect of the area of one or more specified licensing authorities and, if the order is so limited, paragraphs (a) and (b) of this subsection shall apply only to any operator's licence to which the order applies; but, notwithstanding section 61(2)(b) of this Act, no other operator's licence held by the person in question shall authorise the use by him of any vehicle at a time when its operating centre is in an area in respect of which he is disqualified by virtue of the order.

- (6) Where the licensing authority makes an order under subsection (5) of this section in respect of any person, the authority may direct that if that person, at any time or during such period as the authority may specify—
- (a) is a director of, or holds a controlling interest in—
    - (i) a company which holds a licence of the kind to which the order in question applies; or
    - (ii) a company of which such a company as aforesaid is a subsidiary ; or
  - (b) operates any goods vehicles in partnership with a person who holds such a licence,

that licence of that company, or, as the case may be, of that person, shall be liable to revocation, suspension or curtailment under this section.

- (7) The powers conferred by subsections (5) and (6) of this section in relation to the person who was the holder of a licence shall be exercisable also, where that person was a company, in relation to any director of that company, and, where that person operated the authorised vehicles in partnership with other persons, in relation to any of those other persons.
- (8) A licensing authority who has made an order or given a direction under subsection (5), (6) or (7) of this section may, in such circumstances as may be prescribed, cancel that order or direction.
- (9) A licensing authority shall not—
  - (a) give a direction under subsection (1) or (2) of this section in respect of any licence ; or
  - (b) make an order or give a direction under subsection (5), (6) or (7) of this section in respect of any person,without first holding an inquiry if the holder of the licence or that person, as the case may be, requests him to do so.
- (10) The licensing authority may direct that any direction or order given or made by him under subsection (1), (2), (5), (6) or (7) of this section shall not take effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of; and if the licensing authority refuses to give a direction under this subsection the holder of the licence, or, as the case may be, the person in respect of whom the direction or order was given or made under any of those subsections, may apply to the tribunal for such a direction, and the tribunal shall give its decision on the application within fourteen days.
- (11) For the purposes of this section a person holds a controlling interest in a company if he is the beneficial owner of more than half its equity share capital as defined in section 154(5) of the Companies Act 1948.

## **70 Rights of appeal in connection with operators' licences**

- (1) Subject to subsection (2) of this section, a person who—
  - (a) being an applicant for, or for the variation of, an operator's licence, is aggrieved by the refusal of the application or, as the case may be, by the terms or conditions of the licence or of the variation ; or
  - (b) being the holder of an operator's licence in respect of which, or a person in respect of whom, a direction or order has been given or made under section 61(6) or 69(1) to (7) of this Act, is aggrieved by that direction or order; or
  - (c) having duly made an objection to an application for, or for the variation of, an operator's licence, is aggrieved by the grant of the application,may appeal to the Transport Tribunal.
- (2) No appeal shall lie under the foregoing subsection on the ground that a direction has been given under subsection (3) of section 67 of this Act if it has been given by virtue of paragraph (b) of the said subsection (3).

*Special authorisations for use of large goods vehicles*

**71 Control of the use of large goods vehicles**

- (1) Subject to the provisions of this section and to the other provisions of this Part of this Act, no person shall, after the appointed day for the purposes of this section, use a large goods vehicle on a road—
  - (a) to carry any goods on, or on any part of, a controlled journey; or
  - (b) to carry an amount exceeding eleven tons in weight of any prescribed goods otherwise than on a controlled journey,
 except under a special authorisation granted under this Part of this Act.
- (2) For the purposes of the foregoing subsection, a controlled journey is a journey between places in Great Britain separated by a distance exceeding one hundred miles, being—
  - (a) in relation to goods to which paragraph (b) of this subsection does not apply, a journey for the whole of which the goods are carried on the same large goods vehicle without being taken off it;
  - (b) in relation to goods in a container having a volume (ascertained by external measurement) of not less than six hundred cubic feet or on a pallet having a surface area of not less than fifty square feet, a journey for every part of which they are carried by a large goods vehicle (whether the same vehicle or successive vehicles) without being taken out of the container or off the pallet;
 and, where the vehicle on which the goods are carried is a trailer, it is immaterial whether it is drawn on the journey by the same vehicle or different vehicles.
- (3) For the purposes of this section goods shall be treated as carried on a vehicle notwithstanding the fact that the vehicle is itself being carried on a vessel, aircraft or other means of transport, but, in relation to a journey in the course of which a vehicle is so carried, the distance to be taken into account for the purposes of subsection (2) of this section shall be the aggregate of the distances separating the points between which the vehicle is not so carried on the journey.
- (4) Where in the case of any controlled journey—
  - (a) no one person uses a vehicle or vehicles to carry the goods in question between places separated by a distance exceeding one hundred miles; and
  - (b) a special authorisation applicable to that journey is held by any one of the persons who use a vehicle or vehicles to carry those goods in the course of that journey,
 then, if under that authorisation the journey is one which may be undertaken in part by persons other than the holder of the licence, it shall not be necessary for the purposes of subsection (1)(a) of this section for any of those other persons to hold a special authorisation.
- (5) The Minister may by regulations direct—
  - (a) that subsection (1) of this section shall not apply—
    - (i) to carriage on journeys in the case of which the distances specified in the regulations are not exceeded;
    - (ii) to carriage by vehicles of any class specified in the regulations;
  - (b) that paragraph (a) of that subsection shall not apply to the carriage of any prescribed goods ;

and regulations under paragraph (b) of this subsection or prescribing goods for the purposes of subsection (1)(b) of this section may describe the goods in question by reference to their nature, to the amount in which, or the places between which, they are carried, or by reference to any other circumstances.

- (6) For the purposes of this section and the subsequent provisions of this Part of this Act, a large goods vehicle is a goods vehicle (other than a hauling vehicle) which—
- (a) has a relevant plated weight exceeding sixteen tons or (not having a relevant plated weight) has an unladen weight exceeding five tons; or
  - (b) forms part of a vehicle combination (not being an articulated combination) which is such that—
    - (i) if all the vehicles comprised in the combination (or all of them except any small trailer) have relevant plated weights, the aggregate of the relevant plated weights of the vehicles comprised in the combination (exclusive of any such trailer) exceeds sixteen tons;
    - (ii) in any other case, the aggregate of the unladen weights of those vehicles (exclusive of any such trailer) exceeds five tons ; or
  - (c) forms part of an articulated combination which is such that—
    - (i) if the trailer comprised in the combination has a relevant plated weight, the aggregate of the unladen weight of the motor vehicle comprised in the combination and the relevant plated weight of that trailer exceeds sixteen tons ;
    - (ii) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination exceeds five tons.

In any provision of this subsection " relevant plated weight" means a plated weight of the description specified in relation to that provision by regulations; and in paragraph (b) of this subsection " small trailer " means a trailer having an unladen weight not exceeding one ton.

- (7) Subsection (1)(b) of this section shall apply to the carriage of an amount exceeding eleven tons in weight of any prescribed goods in two or more vehicles forming part of a vehicle combination such as is mentioned in subsection (6)(b) or (c) of this section as it applies to the carriage of such an amount in a single vehicle, whether forming part of such a combination or not.
- (8) In this section—
- " hauling vehicle " means a motor tractor, a light loco-' motive, a heavy locomotive or the motor vehicle comprised in an articulated combination ;
  - " pallet " means a moveable deck on which a quantity of goods can be assembled for the purpose of being handled, loaded or transported as a single unit, and " surface area " in relation to a pallet means the area on which the goods can be assembled as aforesaid.
- (9) Nothing in this section shall apply to the use of a vehicle by any person for the carriage of goods otherwise than for hire or reward or for or in connection with any trade or business carried on by him.
- (10) Any person who uses a vehicle in contravention of this section shall be liable on summary conviction to a fine not exceeding £200.

## 72 Applications for special authorisations

- (1) An application for a special authorisation shall be made to the licensing authority for the area containing the operating centre or operating centres of the vehicles proposed to be used under the authorisation.
- (2) An application for a special authorisation shall be made in such form as the licensing authority may require, and shall contain a statement giving such particulars as the licensing authority may require—
  - (a) of the vehicles proposed to be used under the authorisation ; and
  - (b) of the transport service proposed to be provided under the authorisation, that is to say—
    - (i) the goods proposed to be carried ;
    - (ii) the places between which they are to be carried;
    - (iii) the person or persons (so far as known) for whom they are to be carried; and
    - (iv) where applicable, the occasions on which or the circumstances in which they are to be carried.
- (3) In subsection (2)(b)(iii) of this section references to the person or persons for whom any goods are to be carried are references, if the goods are to be carried for hire or reward, to the person or persons for whom they are to be so carried, and, if the goods are to be carried by any person for or in connection with any trade or business carried on by him, to that person.

## 73 Objections to grant of special authorisations

- (1) Where a licensing authority receives an application for a special authorisation, the authority shall, subject to subsection (2) of this section and to section 75 of this Act, send a copy of the application to the Railways Board and, unless the application is made by the Freight Corporation, to that Corporation.
- (2) Where an application for a special authorisation is accompanied by a statement signed by a person on behalf of the Railways Board or the Freight Corporation to the effect that the body in question has no objection to the application, no copy of the application shall be sent to that body under subsection (1) of this section ; and where an application for a special authorisation is made solely for the purpose of section 71(1)(b) of this Act, no copy of the application shall be sent to the Freight Corporation.
- (3) Within fourteen days of the date on which a copy of an application for a special authorisation is sent to either of the said bodies under subsection (1) of this section that body may, by a notice sent to the licensing authority and the applicant, object to the grant of the application—
  - (a) in respect of the whole of the transport service proposed to be provided in pursuance of the special authorisation ; or
  - (b) in respect of any part of that service,
 on the ground that the service or part can be provided by that body, or by a subsidiary of that body, wholly or partly by rail.
- (4) A service or part of a service to which an objection under this section relates is hereafter in this Part of this Act referred to as " the disputed service ".
- (5) If an objection is duly made under this section—



- (a) the body making the objection shall submit to the licensing authority a statement containing particulars of the manner in which, and the charges at which, the disputed service can be provided by that body, or by a subsidiary of that body, wholly or partly by rail, and of any other matters on which that body relies for the purposes of the objection ;
- (b) the applicant shall submit to the licensing authority a statement containing particulars of the grounds on which he relies in support of his application;

and, unless on a consideration of those statements it appears to the licensing authority that the application can, without further investigation, be granted in accordance with section 74 of this Act in respect of the whole of the disputed service, the licensing authority shall, before coming to a decision on the application, send to the applicant and the objector a copy of, the statement submitted by the other party and hold an inquiry.

- (6) Any statement to be submitted to a licensing authority under this section shall be submitted within such time and shall be in such form as the licensing authority may require.

#### **74 Decision on applications for special authorisations**

- (1) If no objection to an application is duly made under section 73 of this Act, or if such an objection is duly made under subsection (3)(b) of that section, the licensing authority shall, subject to subsection (7) of this section, grant the application or, as the case may be, grant it in respect of the part of the transport service to which the objection does not relate.
- (2) If an objection to an application is duly made under the said section 73, the licensing authority—
  - (a) shall grant the application in respect of the whole of the disputed service if satisfied that the condition mentioned in subsection (3) of this section is fulfilled in the case of the whole of the disputed service;
  - (b) shall grant the application in respect of any part of the disputed service if satisfied that the said condition is fulfilled in the case of that part;but, save as aforesaid and subject to subsection (4) of this section, the licensing authority shall refuse the application.
- (3) The condition referred to in subsection (2) of this section is that the provision of the disputed service, or of the part of that service in question, by the objector, or a subsidiary of the objector, wholly or partly by rail, as compared with its provision in pursuance of the special authorisation, will be less advantageous for the person for whom the goods in question are to be carried.
- (4) If in the case of the whole or any part of the disputed service the licensing authority is not satisfied as mentioned in subsection (2) of this section, the authority shall nevertheless grant the application in respect of the disputed service or of any part of it if satisfied—
  - (a) that the provision of the service, or of that part of it, by the objector, or a subsidiary of the objector, wholly or partly by rail, as compared with its provision in pursuance of the special authorisation, will be equally advantageous for the person for whom the goods in question are to be carried; and

- (b) that, if a special authorisation is not granted for the provision of the service or the part of it in question, serious detriment will result to a person (whether the applicant himself or some other person) for whom the applicant provides or proposes to provide a transport service other than the disputed service or other than the part of it in question.
- (5) The factors relevant for making the comparison mentioned in subsections (3) and (4) (a) of this section shall be speed, reliability, cost, and such other matters relevant to the needs of the person for whom the goods in question are to be carried as may be prescribed; and the licensing authority shall assess the relative importance of those factors by reference to the needs of the person for whom the goods in question are to be carried and to the nature of those goods.
- (6) In assessing the factors mentioned in subsection (5) of this section and the detriment mentioned in subsection (4)(b) of this section the licensing authority shall act in accordance with any directions contained in regulations made by the Minister.
- (7) Where an application for a special authorisation is made by the Freight Corporation and no objection to it is made by the Railways Board, or where such an application is made by a subsidiary of that Corporation and no objection to it is made by that Board or by the Corporation, the licensing authority to whom the application is made shall grant the application only if and so far as he considers that it would have been granted if any objection reasonably open to the Board or, as the case may be, to the Board or the Corporation, had been made by them; and the licensing authority may for that purpose require the Board and the Corporation to give him such information and explanations as he may reasonably require.
- (8) In exercising his functions under this section, a licensing authority may be assisted by an assessor drawn from a panel of persons appointed by the Minister for that purpose; and there shall be paid by the licensing authority to any such assessor in respect of his services remuneration on a scale prescribed by the Minister with the approval of the Treasury.
- (9) In this section references to the person for whom any goods are to be carried are references, if the goods are to be carried for hire or reward, to the person for whom they are to be so carried, and, if the goods are to be carried by any person for or in connection with any trade or business carried on by him, to that person; and, subject to regulations under subsection (6) of this section, references to the cost of carrying any goods are references, where they are carried for hire or reward, to the charges made for their carriage and, where they are not so carried, to the cost of carrying them.

## **75 Expedited grant of special authorisation in cases of urgency**

- (1) If, on an application to a licensing authority for a special authorisation, it appears to the authority—
  - (a) that the application is made solely for the purpose of enabling the applicant to provide a transport service in circumstances which he could not reasonably have foreseen; and
  - (b) that by reason of the urgency of the case the purposes of the application would be defeated if it were dealt with in accordance with section 73 of this Act,
 the licensing authority may grant that application without reference to that section if and so far as he considers that no objection to the application could reasonably have been made under that section or that any such objection could not reasonably have succeeded.

- (2) Any special authorisation granted by virtue of this section shall expire at the end of the period of three months beginning with the date on which it comes into force or of such shorter period beginning with that date as the licensing authority may direct.

## **76 Terms and conditions of special authorisations**

- (1) In granting a special authorisation the licensing authority shall attach thereto such conditions as he thinks requisite for defining the transport service which is authorised by the special authorisation, and may attach thereto such other conditions as he thinks fit, including in particular conditions—
- (a) as to the vehicles which may be used under the special authorisation;
  - (b) requiring the holder of the authorisation to make and preserve records as to his operations in pursuance of the authorisation;
  - (c) requiring the holder of the authorisation to secure that a copy of the conditions defining the transport service authorised by the authorisation is carried by the driver of any vehicle used by him for a purpose for which such an authorisation is required.
- (2) In granting a special authorisation for the purposes of section 71(1)(a) of this Act the licensing authority shall include in the authorisation a statement as to whether any controlled journeys authorised by the authorisation may be undertaken in part by persons other than the holder of the authorisation; and, if the statement permits such journeys to be undertaken as aforesaid, the licensing authority may specify conditions to be observed by persons other than the holder of the licence who undertake such journeys.
- (3) Any person who contravenes any condition attached under this section to a special authorisation of which he is the holder, or, being a person who undertakes part of a controlled journey by virtue of a statement included in a special authorisation under subsection (2) of this section, contravenes any condition specified under that subsection, shall be liable on summary conviction to a fine not exceeding £200.

## **77 Duration of special authorisations**

- (1) There shall be specified in every special authorisation the date on which the authorisation is to come into force.
- (2) Regulations may specify the dates in the year on which special authorisations shall expire, and, subject to subsections (3) and (4) of this section, a special authorisation shall, unless previously revoked, continue in force up till and including that one of the specified dates which occurs next before the expiration of the period of five years beginning with the date on which the authorisation came into force or of such shorter period beginning with that date as the licensing authority may direct.
- (3) If at the date on which a special authorisation is due to expire, proceedings are pending before the licensing authority on an application by the holder of that authorisation for the grant to him of a new authorisation in substitution therefor, the existing authorisation shall continue in force until—
- (a) that application ; and
  - (b) any appeal under section 80 of this Act arising out of the application,
- are disposed of, without prejudice however to the exercise in the meantime of the powers conferred by section 79 of this Act

- (4) Nothing in this section shall preclude the grant of a special authorisation authorising the carriage of goods only on occasions or in circumstances specified in the authorisation: and subsection (2) of this section shall not apply to any special authorisation granted by virtue of section 75 of this Act.

## **78 Variation of special authorisations**

- (1) The holder of a special authorisation may at any time while it is in force apply to the licensing authority by whom it was granted for a variation thereof so as to permit him to provide under it a transport service differing in any respect from that already authorised thereby or for a variation of any condition attached to the licence under subsection (1) of section 76 of this Act or of any statement included in it under, or of any condition specified by virtue of, subsection (2) of that section.
- (2) Subsections (2) and (3) of section 72 of this Act shall, so far as applicable and subject to any necessary modifications, apply to any application under this section as they apply to an application for a special authorisation.
- (3) Where a licensing authority receives an application under this section, the authority (unless satisfied that the grant of the application would not result in any material change in the transport service already authorised by the special authorisation) shall send copies of the application to any body to which they would be required to be sent under subsection (1) of section 73 of this Act if the application were an application under that section; and where copies of the application are so sent in pursuance of this subsection, the other provisions of that section and the provisions of section 74 of this Act shall, so far as applicable and subject to any necessary modifications, apply to that application as they apply to an application for a special authorisation.

## **79 Revocation and suspension of special authorisations**

- (1) Subject to the provisions of this section, the licensing authority by whom a special authorisation was granted may direct that it be revoked or suspended on the ground—
- (a) that the holder has contravened section 71 of this Act by using a large goods vehicle otherwise than as permitted by the authorisation or has contravened any condition attached to the authorisation under section 76 of this Act;
  - (b) that since the authorisation was granted the holder has been convicted under section 81(4) of this Act;
  - (c) that the holder of the authorisation made or procured to be made for the purposes of his application for the authorisation, or for the purposes of an application for the variation of the authorisation, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled; or
  - (d) that there has been since the authorisation was granted or varied a material change in any of the circumstances of the holder of the authorisation which were relevant to the grant or variation of the authorisation;
- and during any time of suspension the authorisation shall be of no effect.
- (2) In any case in which a licensing authority has power to give a direction under subsection (1) of this section in respect of any authorisation, the authority shall also have power to direct that any alteration be made in its terms so as to restrict in any respect the transport service which it authorises, or that there be attached to the

authorisation any, or any additional, condition such as is mentioned in section 76 of this Act, or that any such condition be altered.

- (3) Where the licensing authority directs that a special authorisation be revoked, the authority may order the person who was the holder thereof to be disqualified, indefinitely or for such period as the authority thinks fit, from holding or obtaining a special authorisation, and so long as the disqualification is in force—
- (a) notwithstanding anything in section 74 or 75 of this Act, no special authorisation shall be granted to him and any special authorisation obtained by him shall be of no effect; and
  - (b) if he applies for or obtains a special authorisation he shall be liable on summary conviction to a fine not exceeding £200.

An order under this subsection may be limited so as to apply only to the holding or obtaining of a special authorisation in respect of the area of one or more specified licensing authorities and, if the order is so limited, paragraphs (a) and (b) of this subsection shall apply only to any special authorisation to which the order applies.

- (4) A licensing authority who has made an order under subsection (3) of this section may, in such circumstances as may be prescribed, cancel that order.
- (5) Where the licensing authority gives a direction under this section in respect of a special authorisation held by any person, the authority may also direct that any operator's licence held by that person be revoked, suspended or curtailed and, if he directs that it be revoked, may exercise the powers conferred by section 69(5) to (7) of this Act; and the provisions of section 69(8), (9) and (10) and of section 70(1)(5) of this Act shall apply to any direction or order given or made under or by virtue of this subsection as they apply to any direction or order given or made under any provision of section 69 of this Act.
- (6) The licensing authority shall not exercise any of his powers under subsection (1), (2) or (3) of this section in respect of any authorisation or the holder of any authorisation without first holding an inquiry, if the holder of the authorisation requests him to do so.
- (7) The licensing authority may direct that any direction or order given or made by him under subsection (1), (2) or (3) of this section shall not take effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of; and if the licensing authority refuses to give a direction under this subsection the holder of the authorisation may apply to the tribunal for such a direction, and the tribunal shall give its decision on the application within fourteen days.

## **80 Rights of appeal in connection with special authorisations**

- (1) Subject to subsection (2) of this section, a person who—
- (a) being an applicant for, or for the variation of, a special authorisation, is aggrieved by the refusal of the application or, as the case may be, by the terms or conditions of the authorisation or of the variation; or
  - (b) being the holder of a special authorisation in respect of which, or a person in respect of whom, a direction or order has been given or made under section 79(1), (2) or (3) of this Act, is aggrieved by that direction or order; or
  - (c) having duly made an objection to an application for, or for the variation of, a special authorisation, is aggrieved by the grant of the application,
- may appeal to the Transport Tribunal.

- (2) No appeal shall lie under subsection (1) of this section on the ground that a direction has been given under section 77(2) of this Act in the case of a special authorisation granted to any person if the effect of the direction is that the authorisation will expire on the same day as an operator's licence held by that person.

### *Enforcement*

## **81 Consignment notes**

- (1) Subject to subsection (2) of this section, no goods shall be carried on a large goods vehicle unless a document (in this section referred to as a "consignment note") in the prescribed form and containing the prescribed particulars has been completed and signed in the prescribed manner and is carried by the driver of the vehicle.
- (2) Subsection (1) of this section shall not apply—
- (a) to the carriage of goods on any journey or in a vehicle of any class exempted from that subsection by regulations ; or
  - (b) to any carriage of goods which is lawful without the authority of an operator's licence;
- and, subject to the provisions of regulations, a licensing authority may dispense with the observance, as respects the carriage of goods under an operator's licence granted by him, of any requirement of that subsection, and may grant such a dispensation either generally, or as respects a particular vehicle, or as respects the use of vehicles for a particular purpose, but he shall not grant such a dispensation unless satisfied that it is not reasonably practicable for the requirement dispensed with to be observed.
- (3) The consignment note relating to the goods carried by a vehicle on any journey shall, at the conclusion of that journey, be preserved for the prescribed period by the person who used the vehicle (or, if the journey was a controlled journey within the meaning of section 71 of this Act, the last vehicle) for carrying the goods on that journey.
- (4) Any person who uses or drives a vehicle in contravention of subsection (1) of this section or who fails to comply with subsection (3) thereof shall be liable on summary conviction to a fine not exceeding £200.

## **82 Powers of entry and inspection**

- (1) An officer may, on production if so required of his authority, require any person to produce and permit him to inspect and copy—
- (a) any record or other document which is required by or under section 76 or 81 of this Act to be carried by that person as driver of a vehicle;
  - (b) any record or other document which that person is required by or under either of those sections to preserve;
- and that record or document shall, if the officer so requires by notice in writing served on that person, be produced at the office of the licensing authority specified in the notice within such time (not being less than ten days) from the service of the notice as may be so specified.
- (2) An officer may, on production if so required of his authority—
- (a) at any time, enter any large goods vehicle and inspect that vehicle and any goods carried by it;

- (b) at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such a vehicle is kept or that any such records or documents as are mentioned in subsection (1) of this section are to be found, and inspect any such vehicle, and inspect and copy any such record or document, which he finds there.
- (3) For the purpose of exercising his powers under subsection (1)(a) or (2)(a) of this section, an officer may detain the vehicle in question during such time as is required for the exercise of that power.
- (4) An officer may, at any time which is reasonable having regard to the circumstances of the case, enter any premises of an applicant for an operator's licence or of the holder of such a licence and inspect any facilities on those premises for maintaining the authorised vehicles in a fit and serviceable condition.
- (5) Any person who—
  - (a) fails to comply with any requirement under subsection (1) of this section ; or
  - (b) obstructs an officer in the exercise of his powers under subsection (2), (3) or (4) of this section,shall be liable on summary conviction to a fine not exceeding £100.
- (6) If an officer has reason to believe that a document or article carried on or by the driver of a vehicle, or a document produced to him in pursuance of this Part of this Act or Schedule 9 thereto, is a document or article in relation to which an offence has been committed under—
  - (a) section 83 of this Act; or
  - (b) section 233 or 235 of the Act of 1960 as amended by Schedule 10 to this Act,he may seize that document or article; and where a document or article is seized as aforesaid and within six months of the date on which it was seized no person has been charged since that date with an offence in relation to that document or article under any of those sections and that document or article is still detained, a magistrates' court shall, on an application made for the purpose by the driver or owner of the vehicle, by the person from whom the document was seized or by an officer, make such order respecting the disposal of the document or article and award such costs as the justice of the case may require.
- (7) Any proceedings in Scotland under the last foregoing subsection shall be taken by way of summary application in the sheriff court; and in the application of that subsection to Scotland references to costs shall be construed as references to expenses.
- (8) In this section " officer" means an examiner appointed under Part IV of the Act of 1960 and any person authorised for the purposes of this section by the licensing authority for any area.
- (9) The powers conferred by this section on an officer as defined in subsection (8) of this section shall be exercisable also by a police constable who shall not, if wearing uniform, be required to produce any authority.

### **83 Falsification of consignment notes and records**

Any person who makes, or causes to be made, any record or other document required to be made under section 76 or 81 of this Act which he knows to be false or, with intent to deceive, alters or causes to be altered any such record or document shall be liable—

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

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- (a) on summary conviction, to a fine not exceeding £200;
- (b) on conviction on indictment, to imprisonment for a term not exceeding two years.

#### **84 Evidence by certificate**

In any proceedings for an offence under this Part of this Act or Schedule 9 thereto a certificate signed by or on behalf of a licensing authority and stating—

- (a) that, on any date, a person was or was not the holder of an operator's licence, a special authorisation or a transport manager's licence granted by the authority;
- (b) the dates of the coming into force and expiration of any such licence or authorisation granted by the authority;
- (c) the terms and conditions of any operator's licence or special authorisation granted by the authority;
- (d) that a person is by virtue of an order of the authority disqualified from holding or obtaining an operator's licence, a special authorisation or a transport manager's licence indefinitely or for a specified period;
- (e) that a direction, having effect indefinitely or for a specified period, has been given by the licensing authority under section 69(6) of this Act in relation to any person;
- (f) that, on any date or during any specified period, any such licence or authorisation granted by the authority was of no effect by reason of a direction that it be suspended,

shall be evidence, and in Scotland sufficient evidence, of the facts stated; and a certificate stating any of the matters aforesaid and purporting to be signed by or on behalf of a licensing authority shall be deemed to be so signed unless the contrary is proved.

#### *Supplementary*

#### **85 Holding companies and subsidiaries**

- (1) The Minister may by regulations make provision for the purpose of enabling any company, or other body corporate, which has one or more subsidiaries to hold—
  - (a) an operator's licence under which the authorised vehicles consist of or include vehicles belonging to or in the possession of any of its subsidiaries ;
  - (b) a special authorisation under which the transport service to which it relates may be provided by any of its subsidiaries.
- (2) Regulations under this section may modify or supplement any of the provisions of this Part of this Act or Schedules 9 and 10 thereto so far as appears to the Minister to be necessary or expedient for the purpose mentioned in subsection (1) of this section or in connection therewith, and may contain such other supplementary and incidental provisions as appear to the Minister to be requisite.

#### **86 Operators' licences and special authorisations not to be transferable**

Subject to any provision made by regulations under section 85 of this Act, an operator's licence and a special authorisation shall not be capable of being transferred or assigned, but provision may be made by regulations for treating a person carrying on the trade



or business of the holder of an operator's licence or special authorisation as if he were the holder thereof (for such purposes, for such period and to such extent as may be specified in the regulations), in the event of the death, incapacity, bankruptcy or liquidation of the holder, or of the appointment of a receiver or manager in relation to the trade or business.

## **87      Inquiries**

- (1) A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this Part of this Act or Schedule 9 thereto.
- (2) Where an application by any person for an operator's licence and an application by him for a special authorisation are both pending before a licensing authority, the authority may hold a single inquiry for the purpose of both applications.
- (3) Where, as respects the proposed exercise of his powers on any occasion under section 69 or 79 of this Act, a licensing authority receives a request for an inquiry from two or more persons he may hold a single inquiry in response to both or all of those requests.
- (4) Subject to any provision made by regulations, any inquiry held by a licensing authority for the purposes of this Part of this Act or Schedule 9 thereto shall be held in public.
- (5) Information with respect to any particular trade or business which is given at any such inquiry while admission to the inquiry is restricted in accordance with regulations shall not, so long as that trade or business continues to be carried on, be disclosed except—
  - (a) with the consent of the person for the time being carrying on that trade or business; or
  - (b) for the purpose of the discharge by any person of his functions under this Part of this Act or Schedule 9 thereto; or
  - (c) with a view to the institution of, or otherwise for the purposes of, any legal proceedings pursuant to or arising out of this Part of this Act or Schedule 9 thereto (including proceedings before the Transport Tribunal);and any person who discloses any information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding £200.

## **88      Provisions relating to Transport Tribunal**

- (1) On an appeal to the Transport Tribunal under this Part of this Act or Schedule 9 thereto against the decision of any licensing authority, the tribunal shall have power to make such order as it thinks fit and any such order shall be binding on the licensing authority.
- (2) For the purpose of exercising the jurisdiction of the Transport Tribunal under this Part of this Act and Schedule 9 thereto—
  - (a) the Road Haulage Appeals Division of the tribunal shall consist of the president of the tribunal and two members of the tribunal of whom one shall be a person of experience in transport business or commercial affairs and the other a person of experience in financial matters or economics; and
  - (b) that Division or any person or persons appointed under section 57(5) of the Act of 1962 may be assisted by an assessor drawn from a panel of persons appointed by the Lord Chancellor for that purpose after consultation with the Minister and the Secretary of State;

and the provisions of paragraph 6(2) and (3) of Schedule 10 to the Act of 1962 shall apply to a member of that panel as they apply to a member of the special panel nominated by the Lord Chancellor, and paragraph 8(1) of that Schedule shall apply to a person giving such assistance as aforesaid as it applies to a person who is appointed from the special panel.

- (3) The Transport Tribunal may remit the whole or any part of any fee in respect of an appeal to the tribunal under this Part of this Act or Schedule 9 thereto if the applicant satisfies the tribunal that by reason of his poverty it is reasonable so to do.
- (4) An appeal to the Transport Tribunal from a decision of the licensing authority for an area in Scotland shall be heard in Scotland.

## **89 Fees**

- (1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged by the licensing authority in respect of the grant or variation of operators' licences and special authorisations and in respect of the grant of transport managers' licences.
- (2) All fees payable under this Part of this Act or Schedule 9 thereto shall be paid into the Consolidated Fund in such manner as the Treasury may direct.

## **90 Appointment and remuneration of officers and servants**

- (1) Subject to the consent of the Treasury as to number, the Minister may appoint such officers and servants as he considers necessary for the operation of the provisions of this Part of this Act and Schedule 9 thereto.
- (2) There shall be paid to licensing authorities and persons acting as officers or servants of a licensing authority such remuneration or salaries and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.
- (3) In every year there shall be paid out of moneys provided by Parliament such sums as the Minister may, with the consent of the Treasury, direct in respect of—
  - (a) remuneration, salaries and allowances under subsection (2) of this section; and
  - (b) the establishment charges and other expenses of licensing authorities (including any remuneration paid by them to any assessor) and of any officers or servants appointed by the Minister for the purposes of this Part of this Act and Schedule 9 thereto.

## **91 Regulations and orders for purposes of Part V**

- (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 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 of this subsection, may make regulations with respect to the following matters—
  - (a) the procedure on applications for, and the determination of questions in connection with, the grant and variation of operators' licences and special authorisations, and the procedure under, and the determination of questions for the purposes of, sections 69 and 79 of this Act;

- (b) the issue of operators' licences and special authorisations and the issue on payment of the prescribed fee of copies of such licences or authorisations in the case of licences or authorisations lost or defaced ;
- (c) the means by which vehicles may be identified, whether by plates, marks or otherwise, as being authorised vehicles or as vehicles used under a special authorisation or under section 71(4) of this Act;
- (d) the custody of operators' licences and special authorisations, the production, return and cancellation of such licences or authorisations on expiration or on the giving of a direction under section 69 or 79 of this Act, and the custody, production and return of documents and plates;
- (e) the notification to the licensing authority of vehicles which have ceased to be used under an operator's licence or special authorisation ;
- (f) the repayment in the prescribed circumstances of fees paid under this Part of this Act;
- (g) the circumstances in which goods are to be treated for the purposes of this Part of this Act as carried for hire or reward and the circumstances in which goods are to be treated for those purposes as carried by any person for or in connection with a trade or business carried on by him;

and different regulations may be made as respects different classes of vehicles.

- (2) The power conferred by subsection (1) of this section to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles or as vehicles used under a special authorisation shall include power to require that any such means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which an operator's licence or special authorisation is required.
- (3) The Minister may by regulations substitute for any weight, distance, volume or area specified by or under this Part of this Act a weight, distance, volume or area expressed in terms of the metric system, being a weight, distance, volume or area which is equivalent to that for which it is substituted or does not differ from it by more than five per cent. thereof.
- (4) The Minister may make regulations—
  - (a) for providing that any provision of this Part of this Act shall, in relation to vehicles brought temporarily into Great Britain, have effect subject to such modifications as may be prescribed ;
  - (b) for applying section 71 of this Act and the other provisions of this Part of this Act relating to special authorisations, subject to such modifications as may be prescribed, to the carriage of goods on journeys between places in Great Britain and places outside Great Britain;

and different provision may be made by the regulations for different classes of case.

- (5) A definition or description of a class of vehicles for the purposes of any regulation under this Part of this Act may be framed by reference to any characteristic of the vehicles or to any other circumstances whatsoever.
- (6) Any person who contravenes a provision of regulations under this section, a contravention of which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding £20.

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

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- (7) Any order or regulations made by the Minister under this Part of this Act or Schedule 9 thereto shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) Before making any regulations under this Part of this Act or the said Schedule 9, the Minister shall consult with such representative organisations as he thinks fit.

## 92 Interpretation of Part V

- (1) In this Part of this Act and Schedule 9 thereto, unless the context otherwise requires—

" articulated combination " means a combination made up of—

- (a) a motor vehicle which is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, and
- (b) a trailer attached to it as aforesaid;

" authorised vehicle " means, in relation to an operator's licence, a vehicle authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which an operator's licence is required and whether it is specified therein as so authorised or, being of a type so authorised subject to a maximum number, belongs to the holder of the licence or is in his possession under an agreement for hire-purchase, hire or loan;

" carriage of goods " includes haulage of goods ;

" carrier's licence " means a licence granted under Part IV of the Act of 1960;

" contravention ", in relation to any condition or provision, includes a failure to comply with the condition or provision, and " contravenes " shall be construed accordingly;

" driver " means, in relation to a trailer, the driver of the vehicle by which the trailer is drawn and " drive " shall be construed accordingly;

" goods " includes goods or burden of any description;

" goods vehicle " means, subject to subsection (5) of this section, a motor vehicle constructed or adapted for use' for the carriage of goods, or a trailer so constructed or adapted;

" large goods vehicle " shall be construed in accordance with section 71 of this Act ;

" operating centre " means, in relation to any vehicles, the base or centre from which the vehicles are, or are intended to be, normally used ;

" prescribed " means prescribed by regulations ;

" regulations " means regulations made by the Minister under this Part of this Act;

" subsidiary " means a subsidiary as defined by section 154 of the Companies Act 1948 ;

" vehicle combination " means a combination of goods vehicles made up of one or more motor vehicles and one or more trailers all of which are linked together when travelling;

and any expression not defined above which is also used in the Act of 1960 has the same meaning as in that Act.

- (2) For the purposes of this Part of this Act, the driver of a vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan, and in any other

case the person whose servant or agent the driver is, shall be deemed to be the person using the vehicle; and references to using a vehicle shall be construed accordingly.

- (3) In this Part of this Act references to directing that an operator's licence be curtailed are references to directing (with effect for the remainder of the duration of the licence or for any shorter period) all or any of the following, that is to say—
- (a) that any one or more of the vehicles specified in the licence be removed therefrom ;
  - (b) that the maximum number of trailers or of motor vehicles specified in the licence in pursuance of section 61(1)(b) or (c) of this Act be reduced;
  - (c) that the addition of authorised vehicles under the said section 61(1)(c) be no longer permitted.
- (4) In this Part of this Act, references to the bankruptcy of a person shall, as respects Scotland, be construed as references to an award of sequestration having been made of his estate.
- (5) In this Part of this Act and Schedule 9 thereto, references to goods vehicles do not include references to tramcars or trolley vehicles operated under statutory powers within the meaning of section 259 of the Act of 1960.
- (6) Anything required or authorised by this Part of this Act to be done to or by a licensing authority by whom a licence or authorisation was granted may be done to or by any person for the time being acting as licensing authority for the area for which the first-mentioned authority was acting at the time of the granting of the licence or authorisation.

#### *Abolition of carriers' licensing for certain vehicles*

### **93 Carriers' licences not to be required for small vehicles or for medium vehicles covered by operators' licences**

- (1) Section 164 of the Act of 1960 (users of goods vehicles to hold carriers' licences) shall cease to apply to the use of any vehicle the unladen weight of which does not exceed thirty hundredweight, and any carrier's licence so far as it authorises the use of such a vehicle shall cease to have effect.
- (2) The said section 164 shall not apply to the use of any vehicle for the use of which an operator's licence is required, unless that vehicle is a large goods vehicle.

#### *Transitional provisions and amendments*

### **94 Transitional provisions and amendments**

- (1) Where, before the day on which section 60 of this Act comes into force in relation to any vehicles, an application for an operator's licence is made in respect of those vehicles by a person who is the holder of a carrier's licence in respect of all or any of those vehicles, section 63 of this Act shall not apply to the application and section 64 of this Act shall apply to it with the omission of subsection (2)(b), (c) and (e).
- (2) Notwithstanding section 171(3) of the Act of 1960 (which requires an application for a C licence under Part IV of that Act to be made to the licensing authority for the area in which the principal place of business of the applicant or his head office is situated),

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any application for such a licence in respect of vehicles which consist of or include vehicles in relation to which section 60 of this Act has come into force shall be made to the licensing authority (within the meaning of the said Part IV) for the area containing the operating centre or operating centres of the vehicles proposed to be used under the licence.

- (3) The Minister may, if he thinks fit, by order provide for section 65 of this Act to have effect in relation to any, or any class of, persons who on any day appointed for the purposes of that section under section 166(2) of this Act hold, or have applied for, operators' licences, and may by that order make such provisions as he thinks necessary or expedient for securing that the necessary matters are specified in those licences for giving effect to that section as aforesaid.

- (4) If, on the appointed day for the purposes of section 71 of this Act, a person is the holder of a relevant carrier's licence, that is to say, a carrier's licence under which a large goods vehicle is an authorised vehicle, that section shall not apply to the use by him of any vehicle which is an authorised vehicle under that licence—

- (a) until the expiration of the period of three weeks beginning with—
  - (i) the date on which he ceases to hold that licence; or
  - (ii) the date on which he ceases to hold any other relevant carrier's licence of which he is the holder on that appointed day and which was granted to him by the same licensing authority, whichever is the earlier; and
- (b) if before the expiration of that period he duly applies—
  - (i) for a special authorisation covering the use of that vehicle; or
  - (ii) if he already holds a special authorisation which does not cover the use of that vehicle, for a variation thereof so that it does cover the use of that vehicle,

until that application, and any appeal under section 80 of this Act arising out of the application, are disposed of;

but, during any time for which the said section 71 does not by virtue of this subsection apply to the use by him of that vehicle, the relevant carrier's licence shall be deemed to be held by him and to be in force notwithstanding that he has ceased to be the holder thereof.

- (5) Without prejudice to so much of subsection (4) of this section as provides that a licence is to be deemed during any period to be held by a person and to be in force—

- (a) regulations may make provision for enabling a licensing authority, in such circumstances and subject to such conditions as may be specified in regulations, to direct that any carrier's licence granted by the authority which is held by any person on the appointed day for the purposes of section 71 of this Act shall expire on a date earlier than that on which it would have expired under the provisions of section 169 of the Act of 1960 (which relates to the duration of carrier's licences); and
- (b) a person who is the holder of a carrier's licence on the appointed day aforesaid may, by notice to the licensing authority by whom the licence was granted, surrender that licence from such date as may be specified in the notice, and as from that date the licence shall cease to have effect.

- (6) Where a carrier's licence granted by the licensing authority for any area expires by virtue of a direction given under subsection (5)(a) of this section, then, if on an application for a special authorisation made to the licensing authority for that area by the person who was the holder of the licence, it appears to the licensing authority—

- (a) that the application could not be granted, or could not be granted in full, if it were determined in accordance with section 74 of this Act; but
- (b) that the applicant would suffer financial hardship if the powers of the authority under this subsection were not exercised,

the licensing authority may, notwithstanding anything in that section, grant the applicant a special authorisation which is such as to permit him to continue to provide, until the date on which the licence would apart from that direction have expired, or for any shorter period, a transport service corresponding to that which he was entitled to provide under the licence.

- (7) The enactments specified in Part I of Schedule 10 to this Act shall have effect subject to the amendments there specified.

- (8) On the appointed day for the purposes of this subsection—

- (a) the enactments specified in Part II of Schedule 10 to this Act shall have effect subject to the amendments there specified; and
- (b) the enactments specified in Part IV of Schedule 18 to this Act shall cease to have effect to the extent specified in the third column of that Part;

but, if the appointed day for the purposes of this subsection is the same as that for the purposes of section 71 of this Act, this subsection shall not affect the operation of those enactments in relation to any carrier's licence held by any person on that day during the period for which it is, or by virtue of subsection (4) of this section is deemed to be, in force after that day.

- (9) Regulations may provide for the repayment in the prescribed circumstances of fees paid under section 182 of the Act of 1960 in respect of carriers' licences which are in force on the appointed day for the purpose of the last foregoing subsection.

- (10) If on the appointed day for the purposes of subsection (8) of this section—

- (a) the operation of a wages regulation order in force under Part II of the Wages Councils Act 1959 depends on whether or not a vehicle is, or is deemed to be, specified in an A licence or a B licence granted under Part IV of the Act of 1960; or
- (b) the description of the workers in relation to whom the Road Haulage Wages Council operates under that Act is such as to depend on whether or not a vehicle is, or is deemed to be, specified as aforesaid,

then, for the purposes of that order and that description, any vehicle which immediately before that day is, or for those purposes is deemed to be, specified as aforesaid, shall be treated as so specified on and after that day; and if on or after the day on which section 93 of this Act comes into force the operation of any such order depends on the matters mentioned in paragraph (a) of this subsection, or the description of the workers in relation to whom the said Council operates is such as mentioned in paragraph (b) of this subsection, then, for the purposes of that order and that description, any vehicle not specified as aforesaid shall be treated as so specified if used wholly or mainly for a purpose for which, but for the said section 93, an A licence or a B licence would be required.