



Vehicle and Driving Licences Act 1969

1969 CHAPTER 27

Transfer of functions

1 Transfer to Minister of local authorities' functions relating to vehicle and driving licences etc.

(1) The functions conferred on local authorities by the Vehicles (Excise) Act 1962 and Part II of the Road Traffic Act 1960 (which provide for the levying of excise duty on vehicles, the licensing and registration of vehicles and the licensing of drivers) shall be transferred to the Minister of Transport by virtue of this section on the transfer date.

(2) In this Act—

" the transfer date " means such date as the Minister may by order appoint for the purposes of the foregoing subsection; and

" relevant functions " means functions which will be or were transferred to the Minister by virtue of this section on the transfer date.

2 Provisions supplementary to s. 1

(1) The Minister may by order make such provision as he considers appropriate for the purposes of section 1 of this Act—

(a) with respect to the transfer and management and the custody of property which is held by local authorities for the purposes of any relevant functions and the transfer of rights acquired and liabilities incurred by local authorities in connection with any relevant functions;

(b) with respect to the payment by the Minister of compensation in respect of any transfer of property or rights in pursuance of paragraph (a) above and in respect of liabilities of local authorities which are not transferred in pursuance of that paragraph ; and

(c) for securing that anything done by or in relation to a local authority before the transfer date in connection with any relevant functions is deemed on and after that date to have been done by or in relation to the Minister and, without prejudice to the foregoing provisions of this paragraph, that anything begun

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before that date by a local authority in the exercise of any relevant functions may be carried on and completed on and after that date by the Minister ;

and an order under this subsection may be made to take effect before the transfer date in so far as the Minister considers that it should so take effect for the purpose of facilitating the exercise by him of any relevant functions.

- (2) The Minister shall not make an order under the foregoing subsection with respect to the transfer of premises appearing to him to form part of premises held by a local authority for the purposes of relevant and other functions unless he has given notice to the authority of his proposal to make the order and has specified in the notice the time within which the authority may request that the order shall be in accordance with the following provisions of this subsection ; and where the authority does so request and the Minister decides to make the order, then—
- (a) the order shall secure that the transfer is for such period only as the Minister may determine, being a period ending not later than the end of the period of seven years beginning with the transfer date ; and
 - (b) without prejudice to the generality of the foregoing subsection, the other terms of the transfer shall be such as may be specified in the order.
- (3) The Minister shall make regulations providing for the payment by him, subject to such exceptions or conditions as may be prescribed, of compensation to or in respect of persons who are or were, or but for any national service of theirs would be or would have been, the holders of any such place, situation or employment as may be prescribed and who suffer or have suffered loss of employment or loss or diminution of emoluments which is attributable to the provisions of section 1 of this Act; and any such regulations may include provision for the determination of questions arising under the regulations.

In this subsection " national service " means any such service in any of Her Majesty's forces or other employment (whether or not in the service of Her Majesty) as may be prescribed.

- (4) If a person employed by a local authority for the purposes of any relevant functions ceases to be employed by that authority in consequence of the provisions of section 1 of this Act and as soon as practicable after so ceasing enters an employment of a class specified in section 2(2) of the Superannuation (Miscellaneous Provisions) Act 1948, the latter employment and his employment by the authority aforesaid shall be deemed to be one continuous employment for the purposes of the National Insurance (Modification of Local Government Superannuation Schemes) Regulations 1961 and the National Insurance (Modification of Local Government Superannuation Schemes) (Scotland) Regulations 1961 and any certificate specifying non-participating employments in pursuance of the National Insurance Act 1965 ; and in section 6(5) of the Local Government Superannuation Act 1937 and section 6(5) of the Local Government Superannuation (Scotland) Act 1937 (under which a contributory employee whose remuneration is reduced in consequence, among other things, of such an incapacity as is there mentioned may make the same superannuation contributions as if the reduction had not occurred) and in any corresponding provision of a local Act scheme within the meaning of the latter Act the references to such an incapacity shall be construed as including references to the provisions of the said section 1.

Any question arising under this subsection or either of the said sections 6(5) or such a scheme as to whether a person was employed by a local authority for the purposes of any relevant functions or entered another employment as soon as practicable after

ceasing to be employed by a local authority or as to whether an employment ceased or a reduction of remuneration occurred in consequence of the provisions of the said section 1 shall be determined by the Minister.

- (5) Without prejudice to the powers of local authorities apart from this subsection, any local authority shall have power to enter into an agreement with the Minister providing for the exercise of any relevant functions on and after the transfer date by the authority on behalf of the Minister on such terms as may be provided by the agreement; and it is hereby declared that, in relation to any period before the transfer date, a local authority have and always had power to make arrangements with the Postmaster General for him to issue licences and collect duty under the Act of 1962 on their behalf, and subsection (1) of this section shall be construed accordingly.
- (6) The functions mentioned in section 1(1) of this Act include the functions relating to the licensing of drivers which are conferred on the Council of the Isles of Scilly by virtue of the Isles of Scilly Order 1937, and in relation to the functions so conferred the said Council shall be deemed to be a local authority for the purposes of this section; and it is hereby declared that after the transfer date the Minister's functions under the Act of 1962 extend to the Isles of Scilly, and references to local authorities and relevant functions in subsection (5) of this section shall include respectively references to the said Council and the Minister's said functions in relation to the Isles.
- (7) Nothing in this Act shall relieve a local authority from the obligation to pay into the Consolidated Fund any fees for licences received by the authority before the transfer date under Part II of the Act of 1960 and any sums received by the authority before that date by way of duty or penalties under the Act of 1962.
- (8) The enactments mentioned in Part I of Schedule 1 to this Act shall have effect subject to the amendments specified in that Part (which are consequential upon the provisions of section 1 of this Act).

3 Interim provisions with respect to functions of local authorities

- (1) The Minister may, at any time before the transfer date, by order provide that any relevant functions shall, as respects any area specified in the order, be exercisable by a local authority so specified instead of by the authority by whom they would be exercisable apart from the order.
- (2) Where at any time before the transfer date a local authority is to cease to be a local authority and it appears to the Minister that, having regard to the provisions of section 1 of this Act, it is expedient to prevent that event from affecting the exercise of any of the relevant functions, he may by order direct that the relevant functions shall, except so far as the order otherwise provides, be exercised after that event as if it had not occurred.
- (3) An order under the foregoing provisions of this section may contain such provisions, if any, as the Minister considers appropriate with respect to the transfer of persons employed by a local authority and shall contain provisions for safeguarding the interests of such persons; and section 2(3) of this Act shall have effect for the purposes of this section as if for the reference to section 1 of this Act there were substituted a reference to this section.
- (4) If an authority exercising functions by virtue of an order under subsection (2) of this section is not a local authority, it shall be deemed to be a local authority for the purposes of those functions and references to a local authority in any enactment (including this

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Act) shall be construed accordingly; and the reference in section 1(1) of this Act to functions conferred by the enactments there mentioned shall be construed as including a reference to functions conferred by virtue of the foregoing provisions of this section.