

SCHEDULES

SCHEDULE 5

Section 43.

MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PUBLIC SERVICE VEHICLES

PART I

AMENDMENTS OF ROAD TRAFFIC ACT 1960 (C.16)

- 1 (1) Section 128 (certifying officers and public service vehicle examiners) shall be amended as follows.
- (2) In subsection (1) (appointment and duties of certifying officers) before " fitness ", where last occurring, insert " initial .
- (3) In subsection (2) (appointment of public service vehicle examiners), for " shall appoint" substitute " may, with the approval of the Minister for the Civil Service, appoint ".
- (4) For subsection (3) substitute—
- “(3) A certifying officer or public service vehicle examiner shall, in exercising any of the functions of such an officer or examiner, act under the general directions of the Minister.”
- 2 In section 130 (approval of type vehicles), in subsection (3) (withdrawal of approval), for the words from " and " onwards substitute " and thereafter no certificate that any other vehicle conforms to the type vehicle shall be issued ; but as regards any such certificate previously issued, the withdrawal of the approval shall not affect the operation of that certificate for the purposes of section 17 of the Transport Act 1980 (certificates of initial fitness or their equivalents). "
- 3 (1) Section 131 (certificates of fitness for experimental vehicles) shall be amended as follows.
- (2) For subsection (1) (and the side-note), substitute—

“131 Modification of s. 17 of Transport Act 1980 in relation to experimental vehicles.

- (1) Where it appears to the Minister expedient to do so for the purpose of the making of tests or trials of a vehicle or its equipment, he may by order made in respect of that vehicle for the purposes of section 17 of the Transport Act 1980 dispense with such of the prescribed conditions as to fitness referred to in subsection (1)(a) of that section as are specified in the order.
- (1A) While such an order is in force in respect of a vehicle, the said section 17 shall have effect in relation to the vehicle as if the prescribed conditions as

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to fitness referred to in subsection (1)(a) of that section did not include such of those conditions as are dispensed with by the order.”.

(3) For subsections (4) and (5) substitute—

“(4) Where an order under this section in respect of a vehicle is revoked or otherwise ceases to have effect, any certificate of initial fitness issued under section 17 of the Transport Act 1980 in respect of the vehicle while the order was in force shall, for the purpose of that section as regards any use of the vehicle after the order has ceased to have effect, be deemed never to have been issued.”.

4 In section 144 (drivers' licences)—

- (a) in subsection (3), for " either such " substitute " such a ";
- (b) in subsection (6) (duration of licences), for "three years" substitute " five years "; and
- (c) after subsection (8) insert—

“(9) Notwithstanding section 2(1) of the Transport Act 1980, in this section and sections 145 to 148 of this Act " public service vehicle " shall be construed as meaning a stage, express or contract carriage.”.

5 (1) Section 146 (regulation of conduct of drivers and conductors) shall be amended as follows.

(2) For subsection (1) (power to make regulations as to conduct of drivers or conductors of public service vehicles) substitute—

“(1) Regulations may make provision for regulating the conduct, when acting as such, of—

- (a) persons licensed to act as drivers of public service vehicles; and
- (b) conductors of such vehicles.”.

(3) In subsection (2) (penalty for contravention of regulations), after the words " £20, and " insert " , in the case of an offence by a person acting as driver, " .

6 (1) Section 146 (regulation of conduct of drivers and conductors) and section 147 (regulation of conduct of passengers) shall apply in relation to inspectors as they apply in relation to conductors.

(2) In sub-paragraph (1) " inspector " , in relation to a public service vehicle, means a person authorised to act as such by the holder of the PSV operator's licence under which the vehicle is being used.

(3) In section 147(1)(d) the words " or other person authorised by the licensee of the vehicle " shall be omitted.

7 Section 149 (power of Minister to modify restrictions on use of roads by public service vehicles) shall cease to have effect.

8 In section 152 (wages and conditions of employment of persons employed in connection with public service vehicles), for any reference to, or to the holder of, a public service vehicle licence or to the holder of a road service licence there shall be substituted a reference to, or to the holder of, a PSV operator's licence.

9 (1) Section 153 (procedure of traffic commissioners) shall be amended as follows.

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- (2) Omit subsection (2) (requirement to hold public sittings for certain purposes).
- (3) In subsection (3), for " of an application " substitute " of an opposed application for the grant of a road service licence ",
and after " where " insert " such ".
- (4) In subsection (4) (power of commissioners to delegate functions to one of their members), for " requiring to be discharged at a public sitting" substitute " of hearing and determining opposed applications for the grant of road service licences ".
- (5) After subsection (4) insert—
- “(5) So much of subsection (3) above as requires not less than two commissioners to be present at the hearing of an opposed application for the grant of a road service licence shall not apply—
- (a) to so much of the hearing of any such application as is devoted to determining whether the commissioners are satisfied as mentioned in section 8(1) or 9(1) of the Transport Act 1980 (grant of road service licences for services on routes not otherwise served, or for certain excursions or tours); or
- (b) to the remainder of the hearing of any such application in the case of which the commissioners have determined that they are so satisfied.
- (6) In this section ' opposed application' means an application with respect to which an objection has been made and not withdrawn, being an objection to which the traffic commissioners are obliged to have regard by virtue of section 5(3)(c) of the Transport Act 1980.”
- 10 In section 158 (power to regulate procedure on applications for licences etc.), in paragraph (a)—
- (a) for " public service vehicle licences " substitute " PSV operators' licences "; and
- (b) after " road service licences ", in the second place where it occurs, insert " or PSV operators' licences ".
- 11 In section 160(1) (regulations for purposes of Part III)—
- (a) in paragraphs (b) and (g), before " fitness " insert " initial ";
- (b) in paragraph (cc) for " section 5(6)" substitute " section 5(2) ";
- (c) for paragraphs (k) to (a) substitute—
- “(k) for providing that this Part of this Act, or any provision thereof, shall have effect in relation to—
- (i) public service vehicles registered in Great Britain, while making journeys to or from places outside Great Britain ; and
- (ii) public service vehicle registered outside great Britain,
- with such additions, omissions, alteration or other modification (wether conditional or not)as may be prescribed ;”;
- (d) for " and different regulations may be made " substitute " and regulations under these actions may make different provision for different circumstance, and may in particular make different provision "

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- 12 The documents to which section 233 (forgery and misuse of documents, etc.) applies shall include—
- (a) a certificate of initial fitness under section 17 of this Act ;
 - (b) an operator's disc under section 24 of this Act ;
 - (c) a certificate under section 27 of this Act as to the repute, financial standing or professional competence of any person ;
 - (d) a certificate under section 130 of the 1960 Act that a vehicle conforms to a type vehicle ; and
 - (e) a document evidencing the appointment of a person as a certifying officer or public service vehicle examiner ;
- and in section 235 (false statements to obtain licence, etc.) the reference to obtaining the grant of a licence shall include a reference to obtaining the issue of such a certificate or disc.
- 13 In section 248 (power to hold inquiries) after "the London Government Act 1963 " insert " or section 23A of the Transport (London) Act 1969 ".
- 14 In section 257(1) (general interpretation), for the words from " and the expressions " onwards substitute " and any expression used in this Part of this Act which is defined for the purposes of Part III of this Act or Part I of the Transport Act 1980 has the same meaning in this Part of this Act as in those Parts. "
- 15 In section 260(2) (consultation before regulations are made), for " or they think " substitute " thinks ".

PART II

OTHER AMENDMENTS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1953 (c. 26)

In section 4 (power of local authority to provide bus shelters), in subsection (4) (definitions), for the words from " and the references " onwards substitute " and " public service vehicle " has the meaning which it would have in Part I of the Transport Act 1980 if in section 2(1) of that Act the words " (other than a tramcar)" were omitted."

LOCAL GOVERNMENT (OMNIBUS SHELTERS AND QUEUE BARRIERS) (SCOTLAND) ACT 1958 (c. 50)

In section 7(1) (interpretation), after the definition of " local authority " insert—
 “" public service vehicle " has the meaning which it would have in Part I of the Transport Act 1980 if in section 2(1) of that Act the words " (other than a tramcar)" were omitted.”.

TRANSPORT ACT 1962 (c. 46)

In section 4(5) (by virtue of which the Railways Board are not authorised to carry passengers by road in certain hackney carriages adapted to carry less than eight passengers), for " eight" substitute " nine".

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FINANCE ACT 1965 (c. 25)

In section 92 (grants towards duty charged on bus fuel), in the definition of "operator" in subsection (8), after paragraph (c) insert—

- “(d) if and to the extent that the service operates within a trial area (within the meaning of Part I of the Transport Act 1980), the person by whom the service is provided;”.

ROAD TRAFFIC REGULATION ACT 1967 (c. 76)

- 1 So much of subsection (3) of section 1 as prevents a prohibition or restriction on waiting imposed by a traffic regulation order under that section from applying to an express carriage shall cease to have effect.
- 2 In sections 6(8) and 9(8), for the words from " section 135(8)" to " 1960 " substitute " section 28 of the Transport Act 1980 ".
- 3 In section 104(1) (interpretation), for the words from " shall be construed " onwards substitute " have the same meaning as in Part I of the Transport Act 1980".
- 4 (1) Schedule 5 (speed limits for vehicles of certain classes) shall be amended as follows.
 - (2) In paragraph 1—
 - (a) for "7 passengers", wherever occurring, substitute "8 passengers" ;
 - (b) in sub-paragraphs (1) and (5), for the words from " in respect" to " force " substitute " while being used under a PSV operator's licence " ; and
 - (c) in sub-paragraph (2), for the words from " and " onwards substitute " while being used otherwise than under a PSV operator's licence " .
 - (3) In paragraph 26, after the definition of "maximum gross weight" insert —

“"PSV operator's licence means " a PSV operator's licence granted under Part I of the Transport Act 1980 ; ”.
 - (4) This paragraph does not affect the power to vary Schedule 5 by regulations under section 78.

TRANSPORT ACT 1968 (c. 73)

In section 159(1) (interpretation)—

- (a) for the definition of " excursion or tour " substitute—

“" excursion or tour " means a stage or express carriage service on which the passengers travel together on a journey, with or without breaks, from one or more places to one or more other places back;” ; and
- (b) for a definition of " bus service" substitute —

“"bus service" means a stage carriage service within the meaning of part I of the Transport Act 1980 which is neither —

 - (a) an excursion or tour ; nor
 - (b) a service as regards which the condition specified in section 3(3)(a) of the Transport Act 1980 (long journeys only) is satisfied ;”.

TRANSPORT (LONDON) ACT 1969 (c. 35)

- 1 In section 23(7) (regulation of London bus services : interpretation) after the definition of " road service licence " insert—

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“" service of express carriages " means an express carriage service within the meaning of Part I of the Transport Act 1980 or a stage carriage service within the meaning of that Part as to which the condition in section 3(3)(a) of that Act (long journeys only) is satisfied.”.

- 2 In section 24(4)(c), for "sections 135(8) and 163(1)" substitute "section 163(1) ".

ROAD TRAFFIC ACT 1972 (c. 20)

In section 44(4) (test certificates: exemption for certain public service vehicles), for " eight" substitute " nine ".

ROAD TRAFFIC (FOREIGN VEHICLES) ACT 1972 (c. 27)

- 1 In section 4(2)(b) (circumstances in which drivers of foreign public service vehicles may be required to produce certain documents)—
- (a) for " section 127(1) of the Road Traffic Act 1960 " substitute section 19(1) of the Transport Act 1980 " ; and
 - (b) for "brought into Great Britain to carry persons staying there temporarily" substitute " registered outside Great Britain ".
- 2 In section 7 (interpretation), in the definition of " public service vehicle" for "sections 117 and 118" substitute " Part III ".
- 3 In Schedule 1 (enactments conferring functions on examiners), for "Section 128(3) of the Road Traffic Act 1960" substitute "Section 16(1) of the Transport Act 1980 ".

ROAD TRAFFIC ACT 1974 (c. 50)

An order under section 24(4) of the Road Traffic Act 1974 appointing a day for the coming into operation of the repeal by that Act of section 130 of the 1960 Act may include provision, to take effect on that day, for the repeal of sections 17(1)(6) and 28(6)(6) of, and paragraphs 2 and 12(d) of Part I of Schedule 5 to, this Act.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 (c. 57)

- 1 In section 63(3)(6) (hackney carriage stands not to be appointed so as to impede use of authorised stopping places by public service vehicles), for the words from " granted " to " 1968 " substitute " or PSV operator's licence granted under Part I of the Transport Act 1980 ".
- 2 In section 80(1) (interpretation of Part II)—
- (a) in the definition of " private hire vehicle ", for " fewer than eight passengers " substitute " fewer than nine passengers "; and
 - (b) in the definition of "public service vehicle", for "section 117 " substitute " Part III ".

ENERGY ACT 1976 (c. 76)

- In Schedule 1 (permissible relaxations of road traffic and transport law), in paragraph 1(1)—
- (a) for " use, or cause or permit the use of," substitute " provide any stage carriage service or use ";
 - (b) in paragraph (a), for " permit " substitute " certificate " ;

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- (c) at the end of paragraph (b) insert “; and
 - (c) notwithstanding that any conditions attached to any licence under Part I of the Transport Act 1980 are not complied with; and
 - (d) without being obliged to comply with the requirements of section 14 of that Act (duty to publish particulars of stage carriage services in trial areas).”.

PASSENGER VEHICLES (EXPERIMENTAL AREAS) ACT 1977 (c. 21)

- 1 In section 2(8) (authorised vehicle in experimental area not to be regarded as a public service vehicle) at the beginning insert " Subject to subsection (8A) below," and after that subsection insert—

“(8A) Nothing in subsection (8) above shall affect the operation of section 14 of the Transport Act 1980 (duty to publish particulars of stage carriage services in trial areas).”.

- 2 In section 2(9)—
 - (a) in the definition of " commercial vehicle ", for " not more than five passengers" substitute " not more than eight passengers " ; and
 - (b) for "section 118(3) of the Road Traffic Act 1960" substitute " section 2(5) of the Transport Act 1980 " .

- 3 In the Schedule, in paragraph 14—
 - (a) after " notice ", in both places where it occurs, insert " or announcement " ; and
 - (b) for "section 118(3) of the Road Traffic Act 1960" substitute " paragraph 9 of Schedule 1 to the Transport Act 1980".

MINIBUS ACT 1977 (c. 25)

In section 4(2)(c) for the words from "as if" onwards substitute " in accordance with section 2(5) of the Transport Act 1980".

TRANSPORT ACT 1978 (c. 55)

- 1 In section 1(5) (power of non-metropolitan counties to make grants) for paragraph (b) substitute—
 - “(b) to persons providing facilities for sharing motor vehicles not adapted to carry more than eight passengers with a view to meeting the social and welfare needs of one or more communities.”.

- 2 For subsections (1) to (9) of section 5 (community bus services) substitute the following subsections—

“(1) Where on an application in that behalf the traffic commissioners for any traffic area grant a road service licence under Part I of the Transport Act 1980 in respect of a community bus service—

- (a) the licence shall state that it is granted in respect of such a service ;
- (b) the conditions specified in subsection (2) below shall be attached to the licence ; and

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- (c) such provision as is mentioned in subsection (3) below may be included in the licence with respect to the use of the community bus otherwise than in the operation of the community bus service.
- (2) The conditions to be attached in every case to a road service licence granted in respect of a community bus service are—
- (a) that any vehicle used in the course of the service is adapted to carry more than eight but not more than sixteen passengers ;
 - (b) that the driver of any vehicle being used in the course of the service—
 - (i) is a volunteer ; and
 - (ii) if not the holder of a public service vehicle driver's licence, fulfils any prescribed conditions for drivers of community buses ;
 - (c) that any vehicle used in the course of the service fulfils the prescribed conditions of fitness for use as a community bus ; and
 - (d) that there is displayed on any vehicle being used in the course of the service such disc or other document issued by the traffic commissioners as may be prescribed for a vehicle used as a community bus ;
- and the powers conferred by section b(3) and (5) of the Transport Act 1980 to alter, remove or dispense from compliance with conditions attached to a road service licence shall not apply to conditions attached under this subsection.
- (3) Traffic commissioners on granting a road service licence in respect of a community bus service may, if they are satisfied that in all the circumstances it is reasonable to do so with a view to providing financial support for that service, include in the licence provision authorising the use of the community bus as a contract carriage or as an express carriage (or both), subject to such restrictions (if any) as the commissioners think fit to impose ; and where such provision is included in a licence, the conditions attached under subsection (2) to the licence shall apply to the use of the community bus as a contract carriage or express carriage as they apply to the use of a vehicle in the course of the community bus service.
- (4) None of the following provisions, that is to say—
- (a) section 144 of the Road Traffic Act 1960 (public service vehicle drivers' licences);
 - (b) section 17 of the Transport Act 1980 (certificate of initial fitness, or equivalent, required for use of public service vehicle);
 - (c) section 18 of that Act (power to prohibit driving of unfit public service vehicle); and
 - (d) section 19(1) of that Act (PSV operator's licence required for use of vehicle as stage, express or contract carriage),
- shall apply to the driving or use of a vehicle in the course of a community bus service or in the course of its use as a contract carriage or express carriage in accordance with any such provision as is mentioned in subsection (3) above.
- (5) Where a community bus service is provided in whole or in part in Greater London, that service or part shall not be regarded as a London bus service within section 23 of the Transport (London) Act 1969 (under which the agreement or consent of the London Transport Executive is required instead

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of a road service licence); but where the traffic commissioners for the Metropolitan Traffic Area propose—

- (a) to grant a road service licence in respect of such a service ; or
- (b) to vary the conditions attached to such a licence,

they shall consult the London Transport Executive about the proposal.

- (6) Subsection (7) of section 4 of the Transport Act 1980 (penalty for breach of condition attached to a road service licence) shall apply in relation to a condition so attached under subsection (2) above as it applies in relation to a condition so attached under section 6 of that Act.
- (7) Regulations may provide that, in relation to any community bus service provided in whole or in part within a trial area, the preceding provisions of this section shall have effect with such additions, omissions, alterations or other modifications as may be prescribed.

- (8) In this section—

" community bus service " means a stage carriage service provided—

- (a) by a body of persons (whether corporate or unincorporate) concerned for the social and welfare needs of one or more communities ; and
- (b) without a view to profit, either on the part of those persons or of anyone else ; and in relation to such a service " the community bus " means any vehicle used on a regular basis in the course of the service;

" volunteer ", in reference to the driver of a vehicle on any journey, means that he is not paid for driving the vehicle on that journey, disregarding—

- (a) any payment of reasonable expenses incurred by him in making himself available to drive ; and
- (b) any payment representing earnings lost as a result of making himself available to drive in exceptional circumstances ;

and section 1(3) and (4) of the Transport Act 1980 (construction as one, etc) shall have effect as if references in those subsections to Part I of that Act included a reference to this section."

3 Section 6 shall be omitted.

4 In section 7(3) (vehicles excluded from regulation as private hire vehicles)—

- (a) for the words " section 118 of the 1960 Act" there shall be substituted the words " section 2(3) of the Transport Act 1980 " ;
- (b) for the words " no more than 7 passengers " there shall be substituted the words " no more than 8 passengers " ; and
- (c) for the words " 8 to 16 seaters " substitute " 9 to 16 seaters " .