

SCHEDULES

SCHEDULE 5

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 " .