PUBLIC SERVICE VEHICLES, TRAMCARS AND TROLLEY VEHICLES

LICENSING AND GENERAL CONTROL

1957 No. 123

The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations, 1957

Made - - - -	*24th January*, 1957
Laid before Parliament	*31st January*, 1957
Coming into Operation	*1st February*, 1957

The Minister of Transport and Civil Aviation in exercise of his powers under sections 73, 79, 81, 94 and 111 of the Road Traffic Act, 1930(a), and sections 47 and 51 of and paragraphs 24 and 25 of the Eighth Schedule to the Road Traffic Act, 1956(b), and of all other powers him enabling in that behalf, hereby makes the following Regulations.

1. These Regulations shall come into operation on the first day of February, 1957, and may be cited as "The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations, 1957".

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

3. The Public Service Vehicles (Licences and Certificates) Regulations, 1952(d), shall have effect as though—

(1) in paragraph (1) of Regulation 4—

(*a*) after the definition of "Backing" there were inserted the following definition:—'"The Commissioners" means either the Traffic Commissioners for one of the Traffic Areas other than the Metropolitan Traffic Area or the Traffic Commissioner for the Metropolitan Traffic Area, as the case may be;';

(*b*) there were deleted the definition of "The Licensing Authority";

(*c*) at the end of the definition of "The Minister" there were added the words "and Civil Aviation"; and

(*d*) in the definition of "Notices and Proceedings" for the words "Licensing Authority" there were substituted the word "Commissioners".

(2) in Regulations 7, 8, 9, 10, 11, 12, 14, 16, 17, 18, 20, 21, 23, 27, 33, 35, 37, 38, 40, 41, 42, 43, 47, and 48, for the words "Licensing Authority", wherever they occur, there were substituted the word "Commissioners";

(3) for Regulation 13 there were substituted the following Regulation:—

"13.—(1) Every appeal to the Minister against the grant, refusal, revocation or suspension of a road service licence or a backing, or against any condition imposed by the Commissioners or attached thereto or any

(a) 20 & 21 Geo. 5. c. 43. (b) 4 & 5 Eliz. 2. c. 67. (c) 52 & 53 Vict. c. 63.
(d) S.I. 1952/900 (1952 III, p. 2907).

variation of the conditions attached thereto, or against the refusal to impose or attach a condition or to vary the conditions attached thereto, shall be lodged with the Minister at the principal office of the Ministry of Transport and Civil Aviation not later than one month after the date of publication of the issue of Notices and Proceedings in which the decision appealed against is published.

(2) Every appeal to the Minister against the refusal, revocation or suspension of a public service vehicle licence or a certificate, shall be lodged with the Minister at the principal office of the Ministry of Transport and Civil Aviation not later than one month after the date of the decision appealed against.

(3) Every appeal to the Minister against the limitation of the duration of a certificate shall be lodged with the Minister at the principal office of the Ministry of Transport and Civil Aviation not later than one month after the date of issue of the certificate.

(4) Every such appeal shall be in writing, shall indicate by reference to the name of the applicant for the licence or certificate and the number allotted to the application by the Commissioners the decision by which the appellant is aggrieved and shall state the grounds on which the appeal is made. In the case of an appeal against the grant of a road service licence or a backing the appeal shall state whether the appellant desires the Minister to revoke the licence or backing or what conditions, if any, he desires the Minister to order to be attached to it. A copy of the appeal shall be sent at the same time as the appeal is sent to the Minister, or as soon as may be thereafter, to the Commissioners, and

(i) in the case of an appeal, by an applicant for the grant of a road service licence or a backing, against the refusal thereof or against any condition imposed by the Commissioners or against the refusal to impose a condition, to every person who lodged an objection or representation in respect of the application, or whose objection or representation was heard by the Commissioners at the public sitting at which the application was heard,

(ii) in the case of an appeal, by the holder of a road service licence or a backing,

(*a*) against the revocation or suspension thereof, to any person who lodged an objection or representation in respect of the application for the licence or backing or whose objection or representation was heard by the Commissioners at the public sitting at which that application was heard, or

(*b*) against a variation or against the refusal of a variation of the conditions attached thereto, to any person who lodged an objection or representation in respect of the application for the licence or backing or in respect of the application or proposal to vary the conditions, or whose objection or representation was heard by the Commissioners at the public sitting at which the application for the licence or backing was heard or at the public sitting, if any, at which the application or proposal to vary the conditions was considered,

(iii) in the case of an appeal, by a person who made objections or other representations with respect to the grant of or the variation of any condition attached to a road service licence or a backing, against the grant thereof or against any condition or variation of the conditions attached thereto or against the refusal to attach a

condition, to the applicant for or the holder of the licence or backing, and to every such person as is mentioned in head (*b*) of sub-paragraph (ii) of this paragraph, or

(iv) in the case of an appeal, by a person who made representations in favour of the variation of any condition attached to a road service licence or a backing, against the refusal of that variation, to the holder of the licence or backing and to every such person as is mentioned in head (*b*) of sub-paragraph (ii) of this paragraph.

(5) Where the holder of a road service licence or a backing appeals to the Minister against any variation of the conditions attached thereto, he may at the same time as the appeal is sent to the Minister give notice to the Commissioners that he desires this paragraph to apply to that variation or to such part of that variation as is specified in such notice, and thereupon that variation or such part thereof as is so specified shall, notwithstanding the provisions of subsection (4) of section 81 of the Act, have effect until the appeal has been disposed of. Every such notice shall be in writing and a copy thereof shall forthwith be sent to every person to whom a copy of the appeal should be sent in accordance with head (b) of sub-paragraph (ii) of paragraph (4) of this Regulation." ;

(4) in Regulation 25 for the words " five years, not being less than one year " there were substituted the words " seven years " ;

(5) in Regulation 41—

(*a*) in paragraph (*a*) after the word " applications " there were inserted the words " for licences or backings " ;

(*b*) in paragraph (*b*) after the word " applications " (where it first occurs) there were inserted the words " for licences or backings " ; and

(*c*) after paragraph (*d*) there were inserted the following paragraph:—

" (*dd*) their decisions to refuse to vary the conditions attached to licences or backings, unless no person is in a position to appeal against the refusal to vary ; " ;

(6) in paragraph (1) of Regulation 42 for the words " proposed variation " there were substituted the words " proposal for a variation " ;

(7) for Regulation 46 there were substituted the following Regulation:—

" 46.—(1) Before varying the conditions attached to a licence or backing the Commissioners shall:—

(*a*) in the case of an application made by the holder of a licence or a backing for a variation of the conditions attached thereto, either give notice of the application to such other persons as it appears to them may be affected and notify the holder that such notice has been given, or publish notice of the application in Notices and Proceedings and notify the holder and such other persons as aforesaid of such publication ;

(*b*) in the case of a proposal made by the Commissioners for a variation of the conditions attached to a licence or a backing, either give notice of the proposal to the holder of the licence or backing and to such other persons as it appears to them may be affected, or publish notice of the proposal in Notices and Proceedings and notify the holder and such other persons as aforesaid of such publication.

(2) If the holder or any other person desires to object to or to make representations about the application or proposal he shall within fourteen days from the date of the notice give notice in writing to the Commissioners (and in the case of such other person to the holder) of his objection or representation and of the specific grounds on which it is based. The holder shall in any event send or deliver such licence or backing to the Commissioners within the fourteen days aforesaid. The Commissioners may at their discretion hear and consider any other objections or representations which may be advanced at the public sitting, if any, at which the application or proposal is considered. The Commissioners after considering any objection or representation made as aforesaid shall make any necessary endorsement and shall return the licence or backing to the holder.".

Given under the Official Seal of the Minister of Transport and Civil Aviation this twenty-fourth day of January, 1957.

(L.S.)

Harold Watkinson,

The Minister of Transport and Civil Aviation.

EXPLANATORY NOTE

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

These Regulations amend "The Public Service Vehicles (Licences and Certificates) Regulations, 1952. The principal changes are as follows:—

1. Provision is made prescribing the time and manner in which appeals may be made against the refusal of the Commissioners to vary the conditions attached to a road service licence or backing, and for the publication in Notices and Proceedings of decisions to refuse to vary conditions. Provision is also made for the variation of conditions to have effect, if the holder of the licence or backing so desires, pending such time as his appeal against the variation is disposed of. (Regulations 3 (3) and (5)).

2. Provision is made for the Commissioners to give notice of applications made by the holders of road service licences or backings for the variation of the conditions attached thereto. (Regulation 3 (7)).