STATUTORY INSTRUMENTS

1986 No. 1691

PUBLIC PASSENGER TRANSPORT

The Public Service Vehicles (London Local Service Licences) Regulations 1986

Made - - -	30*th September* 1986
Laid before Parliament	3*rd October* 1986
Coming into Operation	26*th October* 1986

The Secretary of State for Transport, in exercise of the powers conferred by sections 5, 52(1), 57(3), 59 and 60(1) of the Public Passenger Vehicles Act 1981(**a**), and section 42(10) of the Transport Act 1985(**b**), and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of the said Act of 1981(**c**) and with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(**d**), hereby makes the following regulations:

Commencement and citation

1. These regulations may be cited as the Public Service Vehicles (London Local Service Licences) Regulations 1986 and shall come into operation on 26th October 1986.

Revocation

2. The Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980(**e**), the Public Service Vehicles (Road Service Licences and Express Services) (Amendment) Regulations 1981(**f**) and the Public Service Vehicles (Road Service Licences and Express Services) (Amendment) Regulations 1985(**g**) are hereby revoked.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires:

"certifying officer" means an officer appointed under section 7(1) of the Public Passenger Vehicles Act 1981;

"commissioner" means the traffic commissioner for the Metropolitan Traffic Area;

(**a**) 1981 c.14; section 5 was substituted by section 3(2) of the Transport Act 1985 (c.67); section 52(1) was applied by section 126(1) of, and amended by paragraph 4(14) of Part II of Schedule 2 and Schedule 8 to, that Act; sections 57(3) and 59 were applied by section 44 and amended by Schedule 8 to that Act; section 60(1) was amended by section 134 of, and paragraph 4(18) of Part II of Schedule 2, paragraph 21(9) of Schedule 7 and Schedule 8 to, that Act.
(**b**) 1985 c.67.
(**c**) Section 61(2) was amended by section 135(1) of the Transport Act 1985.
(**d**) 1971 c.62. (**e**) S.I. 1980/1354. (**f**) S.I. 1981/264.
(**g**) S.I. 1985/1907.

"holder" in relation to a licence means the individual, company or (in the case of a partnership) firm to whom that licence was granted;

"licence" means a London local service licence;

"Notices and Proceedings" has the meaning given in regulation 3 of the Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986(**a**); and

"public service vehicle examiner" means a person appointed under section 7(2) of the Public Passenger Vehicles Act 1981.

(2) Unless the context otherwise requires, any reference in these Regulations to:

(*a*) a numbered section is a reference to the section bearing that number in the Transport Act 1985;

(*b*) a numbered regulation is a reference to the regulation bearing that number in these Regulations; and

(*c*) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

Applications for licences

4.—(1) Except as provided in paragraph (2), every application for a licence shall include a notice for insertion in Notices and Proceedings, giving the name and address of the person making the application and the following information in so far as it is applicable to the service in question:

(*a*) in respect of each service which is not an excursion or tour:

(i) the starting and finishing points of the service and a description of the route sufficient to identify the roads to be traversed;

(ii) any route number or name;

(iii) the period or periods of the year during which the service is to be operated; and

(iv) the frequency of the service, either generally or, if that cannot be stated briefly, by reference to a timetable submitted with the application; and

(*b*) in respect of each excursion or tour:

(i) the starting and finishing points of the service, any other points at which passengers are to be taken up or set down, and a description of the route sufficient to identify the roads to be traversed;

(ii) the period or periods of the year during which the service is to be operated; and

(iii) the maximum number of vehicle departures to be made on any one day.

(2) In the case of an application for a licence to continue a service already in operation, it shall be a sufficient compliance with the requirements specified in paragraph (1) if the notice therein referred to contains:

(**a**) S.I. 1986/1629.

(*a*) a short description of the service, including the starting and finishing points; and

(*b*) particulars of any proposed modifications of the service.

Inspection of applications

5.—(1) The commissioner shall make a copy of any application available for inspection at his offices.

(2) If the person making an application intends to submit any document at an inquiry at which the application is heard he shall, if the commissioner so requires, supply at his own expense a reasonable number of copies for use at that inquiry.

Notices and Proceedings

6. The commissioner shall publish in Notices and Proceedings (unless previously notified therein):

(*a*) the notice included pursuant to regulation 4 with any application for a licence and the reference number allotted to that application;

(*b*) a statement indicating any application which he proposes to dispose of in accordance with section 39;

(*c*) a notice as prescribed in regulation 9 of any application or proposal to vary the conditions attached to a licence;

(*d*) a notice as prescribed in regulation 11 of any proposal to revoke or suspend a licence;

(*e*) particulars of any decision of his on an application for a licence, including a statement of any licence granted in pursuance of section 39;

(*f*) particulars of any decision of his to vary the conditions attached to a licence or to attach new conditions except in the case of a decision which has been agreed to by the holder of the licence and no other person is in a position to appeal against the decision;

(*g*) particulars of any decision of his to refuse to vary the conditions attached to a licence or attach new conditions; and

(*h*) particulars of any decision of his to revoke or suspend a licence.

Procedure on hearing applications to continue a service already in operation

7. Where an application is made for a licence to continue a service already in operation and such application is stated in Notices and Proceedings to be for a licence without modification, the commissioner shall before making any modification to the licence give notice of his intention to do so in the same manner as if such proposed modification were a proposal for a variation within the scope of regulation 9, and the provisions of that regulation shall apply accordingly.

Objections and representations in respect of applications for licences

8.—(1) Every objection or other representation in respect of an application for a licence shall:

(*a*) state the specific grounds on which it is based;

(*b*) specify any conditions which the person making the objection or other representation considers should be attached to the licence if granted; and

(*c*) be sent to the commissioner so as to reach him not later than 28 days after notice of the application has appeared in Notices and Proceedings.

(2) Every person making an objection or other representation in accordance with paragraph (1) shall send a copy of such objection or other representation to the person making the application at the same time as that objection or representation is sent to the commissioner.

(3) The provisions of paragraph (1) shall not prevent the commissioner at his discretion from hearing and considering objections or other representations other than those made in accordance with paragraph (1) including any which are advanced (whether orally or in writing) at the inquiry, if any, at which the application is heard.

(4) Any person who makes a written objection or other representation in accordance with paragraph (1) or by virtue of paragraph (3) shall, if so required by the commissioner, send a copy thereof to the person making the application (if he has not already been supplied with a copy in accordance with paragraph (2)) or make such number of copies as the commissioner may specify available for use at the inquiry, if any, at which the application is heard.

Variation of conditions and attachment of new conditions

9.—(1) Before varying the conditions attached to a licence (by alteration in or removal of all or any of them or attaching new conditions) the commissioner shall:

(*a*) in the case of an application made by the holder of a licence, either give notice of the application to any other person who appears to him likely to be affected and notify the holder that such notice has been given, or publish notice of the application in Notice and Proceedings; and

(*b*) in the case of a proposal made by the commissioner, either give notice of the proposal and of the grounds for the proposal to the holder of the licence and to any other person who appears to him likely to be affected, or publish notice of the proposal and of the grounds for the proposal in Notices and Proceedings and notify the holder.

(2) If the holder of a licence desires to object to or to make other representations about a proposal he shall within 28 days from the date of the notice give notice to the commissioner of his objection or other representation and of the grounds on which it is based.

(3) If any person other than the holder of a licence desires to object to or to make other representations about the application or proposal he shall, within 28 days from the date of the notice, give notice to the commissioner, and to the holder, of his objection or other representation and of the grounds on which it is based.

(4) The provisions of paragraphs (2) and (3) shall not prevent the commissioner at his discretion from hearing and considering objections or other

representations other than those made in accordance with paragraph (2) and (3) including any which are advanced (whether orally or in writing) at the inquiry, if any, at which the application or proposal is considered.

(5) The commissioner shall, after considering any objection or other representation made in accordance with paragraph (2) or (3), or heard and considered under paragraph (4), make any endorsement on the licence required to give effect to his decision.

(6) Where the commissioner proposes to exercise his powers to grant a temporary dispensation from compliance with a condition under section 38(6) the provisions of this regulation with respect to the notification or publication of applications or proposals for the variation of conditions of a licence and the consideration of objections or other representations in connection therewith shall not apply unless the commissioner otherwise determines.

Licences granted for a short period

10. Where the commissioner determines for special reasons, in accordance with section 41(1), that a licence shall continue in force for a period not exceeding 6 months, the provisions of these Regulations with respect to the notification or publication of applications or proposals for the variation of conditions of a licence and the consideration of objections or other representations in connection therewith shall not apply unless the commissioner otherwise determines.

Provisions as regards revocations and suspensions

11.—(1) Before revoking or suspending any licence the commissioner shall give notice of the following matters to the holder:

(*a*) that he is considering the revocation or suspension of the licence;

(*b*) the grounds on which that consideration is based;

(*c*) that within 14 days of such notice the holder and any other person who may be affected may make representations to the commissioner with respect to the action being considered;

(*d*) either —

(i) that the commissioner proposes to hold an inquiry and the date (not being a date less than 14 days from the date of the notice) on which that inquiry will be held; or

(ii) that the commissioner does not intend to hold an inquiry unless the holder, within 14 days of the notice, requests him to do so;

and shall publish such matters in Notices and Proceedings.

(2) The commissioner shall take into account any representations which he receives in consequence of any notice which he gives under paragraph (1) before he decides whether or not to revoke or suspend the licence to which the representations relate.

(3) The provisions of paragraph (2) shall not prevent the commissioner at his discretion from hearing and considering any representations other than those

made in accordance with paragraph (1) including any which are advanced (whether orally or in writing) at the inquiry, if any, at which the proposed revocation or suspension is considered.

Fees

12.—(1) The fee for an application for a licence shall be £50 and shall be paid at the time of application.

(2) Except as provided in paragraph (3), the fee for the grant of licence shall be £20 for each year or part of a year for which it is expressed to have effect.

(3) Where the commissioner determines for special reasons, in accordance with section 41(1), that a licence shall continue in force for a period not exceeding six months, the fee for the grant of such a licence shall be £10.

(4) A fee for the grant of licence shall be paid before the licence is granted.

Fare tables, timetables and destination notices

13.—(1) Subject to paragraph (2) the holder of a licence shall, during such time as a vehicle is being used provide a service under that licence, cause:

(*a*) to be displayed in the vehicle in a manner clearly legible to passengers, or to be available on the vehicle to passengers on request —

(i) a fare table containing sufficient information to enable any passenger to ascertain the fare for his journey or the manner in which that fare is computed, and

(ii) a timetable containing the scheduled times of individual services at principal points on the route, save when the service interval is 10 minutes or less when a statement of that fact may be given;

(*b*) to be displayed on the vehicle a notice, clearly legible from the exterior of the vehicle, indicating the destination (if any) and the route of the service.

(2) This regulation shall not apply to a vehicle being used:

(*a*) under a special licence (as defined in section 12(2)); or

(*b*) to provide an excursion or tour to which section 39 applies.

Surrender of licences

14. In the event of the holder of a licence ceasing to operate the service authorised thereby he shall forthwith notify the commissioner and surrender the licence to him for cancellation.

Return of Licences

15.—(1) In the event of the suspension or revocation of a licence the holder shall, within 14 days after a notice of the suspension or revocation has been received by him, produce such licence to the commissioner for retention during the time of the suspension, or for cancellation, as the case may be.

(2) Any licence required to be produced to the commissioner under paragraph (1) shall be produced at the address in the traffic area, and within the business

hours, specified in the notice given under paragraph (1), and if sent by post shall not be treated as having been produced until actually received by the commissioner.

(3) On the removal of a suspension referred to in paragraph (1) the commissioner shall return any licence which has not expired.

Termination of licences held by companies

16. In a case where a licence is held by a company the events relating to the holder on the occurrence of which the licence is to terminate are as follows:

(1) the making of a winding up order; and

(2) the passing of a resolution for voluntary winding up.

Issue of duplicate licences

17.—(1) If a licence has been lost or destroyed, the holder shall forthwith notify the commissioner who, if satisfied that the licence has been lost or destroyed, shall issue a duplicate of it marked as such.

(2) If a licence referred to in paragraph (1) is subsequently recovered by the holder he shall forthwith return it to the commissioner.

(3) If a licence becomes defaced or illegible the holder shall forthwith return it to the commissioner and on such return the commissioner shall issue a duplicate of the licence marked as such.

(4) A duplicate of a licence issued in accordance with paragraph (1) or (3) shall have the same effect as the original licence.

Production of licences for examination

18. A licence shall within 7 days be produced by the holder for examination if he is required to do so by any police constable, certifying officer or public service vehicle examiner or by any person authorised by the commissioner to examine the licence, and on any such requirement being made the holder may elect to produce the licence within the Metropolitan Traffic Area at his operating centre or principal place of business.

Appeals and applications to the Secretary of State

19.—(1) An appeal shall be made so as to be received by the Secretary of State:

(*a*) if under section 42(1), not later than 42 days from the date of the publication in Notices and Proceedings of the decision against which the appeal is made;

(*b*) if under section 42(3) or (7), not later than 28 days from that date.

(2) Every appeal made in accordance with paragraph (1) and every appeal under section 42(6) shall state:

(*a*) in a case where no licence has been granted, any reference number allocated by the commissioner to the application in respect of which the

appeal is made, and in a case where the appeal relates to a licence which has been granted, the number given by the commissioner to that licence; and

(*b*) the grounds on which the appeal is made.

(3) At the same time as an appeal is made under section 42(1), (3), (6) or (7) the appellant shall send a copy of the appeal:

(*a*) in every case, to the commissioner;

(*b*) in the case of an appeal by a person applying for a licence or the holder of a licence, to any person who made an objection or representation in respect of the application or proposal in accordance with the provisions of these Regulations, and to any person who made no such objection or representation but who made an objection or representation which was heard and considered by the commissioner at any inquiry at which the application or proposal was heard;

(*c*) in the case of an appeal under section 42(7), to the person who applied for the licence or the holder of the licence and to any such person as is mentioned in sub-paragraph (*b*) above.

(4) Every application to the Secretary of State by the holder for a direction under section 42(5) shall state particulars of:

(*a*) the decision in respect of which the application is made; and

(*b*) the grounds on which the application is made;

and at the same time as an application is made the person making it shall send to the commissioner a copy of the application.

Notification of decisions

20—(1) The commissioner shall, as regards any application made to him relating to a licence, inform the person making it and any person who, by virtue of section 42(7), may appeal to the Secretary of State, of his decision upon the application, and the commissioner shall inform any such person of the reasons for his decision when he refuses an application, grants an application other than as requested, or grants an application despite objections to it.

(2) The Secretary of State shall notify his decision, and his reason for it, as regards any appeal or application made to him in accordance with the provisions of these Regulations, to the person who made the appeal.

Requirement for writing and delivery

21. All notices, applications, appeals, objections or other representations as respects which provision is made in these Regulations shall, save where otherwise provided, be in writing and, in the case of a notice given by the commissioner to the holder of, or applicant for, a licence, shall be left at, or sent by the recorded delivery service to, the address last notified to him by the holder or applicant for the purpose of the licence or application (as the case may be).

Computation of time

22. Any day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**) shall be excluded from the computation of any period of a specified number of days prescribed in these Regulations.

John Moore,
Secretary of State for Transport.

30th September 1986.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

On 26th October 1986, the system of road service licences was abolished and, in Greater London, replaced by a system of London local service licences. These Regulations therefore replace, with modifications, the Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980 (as amended) in London. The provisions made by these Regulations include:

(1) the information for insertion in Notices and Proceedings to be included in applications for licences (regulation 4);

(2) the inspection of applications for licences (regulation 5);

(3) the information to be included in Notices and Proceedings (regulation 6);

(4) the procedure on applications for licence (regulations 7 and 8);

(5) the procedure on the variation of conditions and attachment of new conditions to licences (regulation 9);

(6) variations in the procedure in respect of licences granted for a short period (regulation 10);

(7) the procedure as regards revoking or suspending licences (regulation 11);

(8) fees for applications and the grant of licences (regulation 12);

(9) requirements for the display of fare tables, timetables and destination notices (regulation 13);

(10) requirements for the surrender and return of licences (regulations 14 and 15);

(11) prescribing events when the licences held by companies terminate (regulation 16);

(12) the procedure for the issue of duplicate licences (regulation 17);

(13) requirements for the production of licences for examination (regulation 18); and

(14) the procedure for appeals and applications to the Secretary of State (regulation 19).

(**a**) 1971 c.80.

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