STATUTORY INSTRUMENTS

1980 No. 1354

ROAD TRAFFIC

The Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980

Made - - - -	*8th September* 1980
Laid before Parliament	*15th September* 1980
Coming into Operation	*6th October* 1980

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SCHEDULE

(Regulations revoked by Regulation 2)

The Minister of Transport in exercise of the powers conferred by sections 158, 159(1) and 160(1) of the Road Traffic Act 1960(a) and sections 3(3), 5(3), 6(1), 7(1) and (6), 11(1) and 28(9) of the Transport Act 1980(b), and now vested in him(c) and of all other enabling powers, after consultation with representative organisations in accordance with section 260(2) of the Road Traffic Act 1960(d), and with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(e), hereby makes the following Regulations:—

Commencement and citation

1. These Regulations shall come into operation on 1980 and may be cited as the Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980.

Revocation

2. The Regulations specified in columns (1) and (2) in the Schedule to these Regulations are hereby revoked to the extent specified in column (3) in that Schedule.

Interpretation

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

"the holder of a licence" means the individual or company to whom that licence was granted and issued;

"licence" means a road service licence;

"The Minister" means the Minister of Transport; and

"Notices and Proceedings" means the statement issued by the Commissioners in accordance with Regulation 7.

(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 Tranport Act 1980;

(*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) An application for a licence shall be made to the traffic commissioners for every traffic area in which passengers may be taken up or set down in the course of the service.

(a) 1960 c. 16; section 158 of which Act has been amended by section 43 of, and paragraph 10 of Part I of Schedule 5 to, the Transport Act 1980, section 159 of which Act has been amended by section 38 of the Transport Act 1980 and section 160(1) of which Act has been amended by section 43 of, and paragraph 11 of Part I of Schedule 5 to, the Transport Act 1980.

(b) 1980 c. 34.

(c) As regards 1960 c. 16 by virtue of S.I. 1970/1681 and 1979/571.

(d) 1960 c. 16; section 260(2) of which Act has been amended by section 43 of, and paragraph 15 of Part I of Schedule 5 to, the Transport Act 1980.

(e) 1971 c. 62.

(2) Every application for a licence shall be sent to the traffic commissioners to whom it is made, save that in a case where the service will run through two or more traffic areas in which passengers may be taken up or set down, every application shall be sent only to the traffic commissioners for the area in which the service will start.

(3) Where in accordance with paragraph (2), more than one application is sent to the traffic commissioners, they shall send to the traffic commissioners for any other area in respect of which an application is made the application relating to that area.

Notices to accompany applications for licences

5.—(1) Except as provided in paragraph (2), every application for a licence shall be accompanied by a notice for insertion in Notices and Proceedings, giving the name and address of the applicant and the following information:—

(*a*) in any case other than one falling within sub-paragraph (*b*) below:—

(i) the terminal points of the service and a description of the route within the traffic area 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 frequency of the service, either generally or, if that cannot be done briefly, by reference to a timetable submitted with the application; and

(*b*) in respect of each excursion or tour or, as the case may be, in respect of each group of excursions or tours starting from one point:—

(i) the starting point,

(ii) the points (if any) other than the starting point at which passengers are to be taken up,

(iii) a general description of the route,

(iv) the destination,

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

(vi) 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 lawfully in operation, it shall be a sufficient compliance with the requirements specified in paragraph (1) if the notice therein referred to contains:—

(*a*) a short description of the service, including the terminal points, or the starting point in the case of excursions or tours; and

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

Inspection of applications

6.—(1) The traffic commissioners to whom an application is made in accordance with Regulation 4(1), or sent in accordance with Regulation 4(3), shall make a copy of the application available for inspection at their offices.

(2) If the applicant intends to submit any document as evidence at the public sitting, if any, at which the application is heard he shall, if the traffic commissioners so require, supply at his own expense a reasonable number of copies for use at that public sitting.

Notices and Proceedings

7.—(1) The traffic commissioners shall cause to be issued fortnightly a statement to be known as "Notices and Proceedings" which shall include (unless previously notified therein):—

(*a*) notices, relating to applications for licences, sent under Regulation 5 and the serial numbers allotted to such applications;

(*b*) a statement indicating any applications which they propose to dispose of in accordance with section 8 or 9;

(*c*) notices of applications or proposals to vary the conditions of a licence as prescribed in Regulation 10;

(*d*) notices of proposals to revoke or suspend a licence as prescribed in Regulation 13;

(*e*) a statement of the dates on which and the places at which they propose to hold public sittings to hear and determine any application or proposal, and the applications or proposals they propose to hear at each sitting, no such date being, unless for special reasons they otherwise determine within 14 days of the date of the statement and in no case before the expiry of the period prescribed in these Regulations for objections or representations in respect of any application or proposal to be heard at the sitting;

(*f*) their decisions on applications for licences, and a statement of any licences granted in pursuance of either section 8 or section 9;

(*g*) their decisions to vary the conditions attached to licences 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;

(*h*) their decisions to refuse to vary the conditions attached to licences or attach new conditions; and

(*i*) their decisions to revoke or suspend licences.

(2) Copies of Notices and Proceedings shall be made available by the traffic commissioners by whom they were issued for inspection at the offices of those commissioners free of charge, and the said commissioners shall supply copies thereof to any persons requiring such copies on payment of the fee of £1.

(3) The publication of the date of a public sitting shall not prevent the traffic commissioners from postponing or adjourning the consideration of any application to a public sitting at a later date.

Procedure on hearing applications to continue a service already in operation

8. 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 traffic commissioners shall before making any modification to the licence give notice of their intention to do so in the same manner as if such proposed modification were a proposal for a variation within the scope of Regulation 10, and the provisions of that Regulation shall apply accordingly.

Objections and representations in respect of applications for licences

9.—(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 traffic commissioners so as to reach them 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 the requirements specified in paragraph (1) shall send a copy of such objection or other representation to the applicant at the same time as it is sent to the traffic commissioners.

(3) The provisions of paragraph (1) shall not prevent the traffic commissioners at their discretion from hearing and considering objections or other representations other than those made in accordance with the requirements specified in paragraph (1) including any which are advanced (whether orally or in writing) at the public sitting, 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 traffic commissioners, send a copy thereof to the applicant (if the applicant has not already been supplied with a copy in accordance with paragraph (2)) or make such number of copies as those commissioners may specify available for inspection at the public sitting, if any, at which the application is heard.

Variation of conditions and attachment of new conditions

10.—(1) Before varying the conditions attached to a licence (either by alteration in or removal of all or any of them or attaching new conditions being, in either case, conditions as to fares or conditions as to matters other than fares) the traffic commissioners 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 them likely to be affected and notify the holder that such notice has been given, or publish notice of the application in Notices and Proceedings, and

(*b*) in the case of a proposal made by the traffic commissioners 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 them 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 traffic commissioners 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 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 traffic commissioners, and 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 traffic commissioners at their discretion from hearing and considering objections or other representations other than those made in accordance with paragraph (2)

or (3) including any which are advanced (whether orally or in writing) at the public sitting, if any, at which the application or proposal is considered.

(5) The commissioners 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 necessary endorsement on the licence.

(6) Where the traffic commissioners propose to exercise their powers to grant a temporary dispensation of a condition relating to a matter other than fares under section 6(5), or relating to fares under section 7(5), 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 traffic commissioners otherwise determine.

Licences granted for a short period

11. Where the traffic commissioners determine for special reasons, in accordance with section 11(2), 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 traffic commissioners otherwise determine.

Provisions as regards proposed changes in fares

12. For the purposes of section 7(6) (which relates to proposed changes in the fares charged for any service, being changes which do not require the variation of any condition) —

(*a*) the prescribed time not later than which the particulars mentioned in sub-paragraph (*b*) below shall be notified to the traffic commissioners is 21 days before the date of the proposed change to which those particulars relate unless the traffic commissioners determine that for special reasons a shorter time is permissible, in which case it shall be such shorter time as they determine; and

(*b*) the prescribed particulars of a proposed change in the fares charged for any service provided under a licence which shall be supplied to the commissioners are such particulars as will enable the traffic commissioners to comprehend the proposed changes, and without prejudice to the generality of the foregoing provisions shall be either —

(i) in the case of a proposed general increase or decrease in fares affecting the whole of the service operated under the licence, the average and maximum percentage of any proposed change; or

(ii) in the case of a proposed revision of the fare-table affecting the whole of the service operated under the licence (other than the case provided for in sub-paragraph (i) above) a copy of the proposed fare-table indicating the proposed changes either generally or, if that cannot be done briefly, by reference to the current fare-table; or

(iii) in the case of a proposed increase or decrease in a particular fare or fares, not affecting the whole of the service operated under the licence, details of the proposed particular fare or fares indicating the average and maximum percentage of any proposed change.

Provisions as regards revocations and suspensions

13.—(1) Before revoking or suspending any licence the traffic commissioners who granted it shall give notice of the following information to the holder—

(*a*) that they are considering the revocation or suspension of the licence;

(*b*) of 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 said traffic commissioners with respect to that consideration;

(*d*) if the traffic commissioners are to hold a public sitting, of the date (not being a date less than 14 days from the date of the notice) on which that sitting will be held,

and shall either publish such information in Notices and Proceedings or give notice of the same to any person other than the holder who appears to them likely to be affected by the revocation or suspension.

(2) The said traffic commissioners shall take into account any representations which they receive by virtue of and in accordance with any notice which they give under paragraph (1) before they decide whether or not to revoke or suspend the licence to which the representations relate.

(3) The provisions of paragraph (2) shall not prevent the traffic commissioners at their discretion from hearing and considering any representations other than those made in accordance with paragraph (2) including any which are advanced (whether orally or in writing) at the public sitting, if any, at which the proposed revocation or suspension is considered.

Dates of expiry of licences

14. The dates for the expiry of licences for the purpose of section 11(1) shall be the last day of February, the last day of June and the last day of November in each year.

Fees

15.—(1) Except as provided in paragraph (2), (3) or (4), the fee for a licence shall be £9 for each year or part of a year for which it is expressed to have effect.

(2) Where two or more licences are granted in respect of a service which runs through two or more traffic areas in which passengers may be either taken up or set down, no fee shall be payable for any licence other than the one relating to the area in which the service will start.

(3) Where the traffic commissioners grant a licence in pursuance of section 8, the fee for such a licence shall be £4·50 for each year or part of a year for which it is expresed to have effect.

(4) Where the traffic commissioners determine for special reasons, in accordance with section 11(2), that a licence shall continue in force for a period not exceeding six months, the fee for such a licence shall be £4·50.

Surrender of licences

16. In the event of the holder of a licence ceasing to operate the service authorised thereby he shall forthwith notify the traffic commissioners by whom the licence was granted and surrender the licence to them for cancellation.

Return of Licences

17.—(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 given to him, send or deliver such licence to the traffic commissioners by whom it was granted for retention during the time of the suspension, or for cancellation, as the case may be.

(2) On the removal of a suspension referred to in paragraph (1) the said traffic commissioners shall return any licence which has not expired.

Issue of duplicate licences

18.—(1) If a licence has been lost or destroyed, the holder shall forthwith notify the traffic commissioners by whom the licence was granted and those commissioners, if satisfied that the licence has been lost or destroyed, shall issue a copy of it marked as a duplicate.

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

(3) If a licence becomes defaced or illegible the holder shall forthwith return it to the traffic commissioners by whom it was granted and on such return those commissioners shall issue a copy of the licence marked as a duplicate.

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

Production of licences for examination

19. A licence shall within 5 days be produced by the holder for examination if required to do so by any police constable, certifying officer or public service vehicle examiner or by any person authorised by the traffic commissioners by whom the licence was granted, to inspect the licence, and on any such requirement being made the holder may elect whether to produce the licence at his operating centre, head office or principal place of business within the traffic area of the traffic commissioners by whom the licence was granted.

Appeals and applications to the Minister

20.—(1) An appeal shall be made so as to be received by the Minister —

(*a*) if under section 28(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 28(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 28(5) shall state —

(*a*) in a case where no licence has been granted, any reference number given by the traffic commissioners 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 traffic commissioners 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 28(1), (3), (5) or (7) the appellant shall send a copy of the appeal —

(*a*) in every case, to the traffic commissioners against whose decision or failure to come to a decision the appeal is made;

(*b*) in the case of an appeal by an applicant 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 traffic commissioners at any public sitting at which the application or proposal was heard;

(*c*) in the case of an appeal under section 28(7), to the applicant 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 Minister by the holder for a direction under section 28(4) 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 applicant shall send to the traffic commissioners in relation to whose decision the application is made a copy of the application.

Notification of Decisions

21.—(1) The traffic commissioners shall, as regards any application made to them in accordance with the provisions of these Regulations, inform the applicant and any person who, by virtue of section 28(7), may appeal to the Minister, of their decision upon the application, and the traffic commissioners shall inform any applicant who so requests, or any other such person who so requests, of the reasons for their decision.

(2) The Minister 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.

Express services

22. For the purposes of section 3(3)(*b*)(ii) (which relates to conditions to be satisfied for a service to be an "express service" for the purposes of section 3)—

(*a*) the prescribed particulars of the service to be notified to the traffic commissioners are as follows:—

(i) the terminal points of the service,

(ii) a description (either by reference to a map or otherwise) of the route and the stops, other than the terminal points, at which passengers are to be taken up or set down, or taken up and set down, indicating the purpose of each stop,

(iii) the timetable,

(iv) whether or not the service is part of a longer service of which the remainder is one or more stage carriage services, and

(v) whether or not the service is to be provided wholly or mainly to convey passengers to an airport or seaport as part of an international journey to be made by the passengers;

(*b*) the prescribed kind of changes made in the service to be notified to the traffic commissioners are changes of any kind which affect any of the prescribed particulars mentioned in sub-paragraph (*a*) above; and

(*c*) the prescribed time not later than which the particulars mentioned in sub-paragraph (*a*) above shall be notified to the traffic commissioners is

not less than 21 days before the service is due to begin, and the prescribed time not later than which the prescribed kind of changes mentioned in sub-paragraph (*b*) above shall be notified to the traffic commissioners is not less than 21 days before the change is to be made.

Requirement for writing and delivery

23. All notices, applications, appeals, objections or other representations as respects which provision is made in these Regulations shall be in writing and, in the case of a notice given by the traffic commissioners, shall be sent to the address last notified to them by the holder as his business address.

Computation of time

24. No period of time prescribed in these Regulations shall include any day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**).

Amendment

25. In Regulation 5 of the Public Service Vehicles (Licences and Certificates) Regulations 1952(**b**), for the definition of "Licence" substitute the following definition:—

" "Licence" means a public service vehicle licence and, in Regulation 12, a road service licence;".

Norman Fowler,
Minister of Transport.

8th September 1980.

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

(**b**) S.I. 1952/900.

SCHEDULE

REGULATIONS REVOKED BY REGULATION 2

Title	Year and Number	Extent of revocation
The Public Service Vehicles (Records of Licences) Regulations 1933	S.R. and O. 1933/653	In Regulation 2, in the definition of "Licence", the words "or licence to act as conductor of a public service vehicle" and the definition of "Backing"; In Regulation 3, the words "and of every backing of a road service licence backed by them under Part IV of the Act" and "or backing";
The Metropolitan Traffic Area (Drivers' and Conductors' Licences) Order 1934	S.R. and O. 1934/1400	The whole Instrument
The Public Service Vehicles (Duration of Road Service Licences) Regulations 1937	S.R. and O. 1937/414	The whole Instrument
The Public Service Vehicles (Duration of Road Service Licences) Regulations 1938	S.R. and O. 1938/747	The whole Instrument
The Public Service Vehicles (Licences and Certificates) Regulations 1952	S.I. 1952/900	In Regulation 4, in paragraph 1, the definition of "Backing"; In Regulation 6, the words "a backing" and, in the second place where it occurs, the word "backing"; In Regulation 8, the words "or a backing", and "or the backing" and "and in the case of" to the end; In Regulation 9, the words "a road service licence, a backing or", and "licence, backing or" and "licences backings or"; In Regulation 10, in paragraph (1), the words "a backing" and "or backing" and, both where it last occurs and in the proviso, "backing"; and in paragraph (2) the words "a backing"; In Regulation 11, the words "road service licence, backing or" in the first and second places where they occur, "by whom the road service licence or backing was

Title	Year and Number	Extent of revocation
		granted or", and "road service licence, backing or" in the last place where they occur; In Regulation 12, the words "or a backing" in both places where they occur, and "or backing" and "or the backing" in both places where they occur; In Regulation 13, paragraph (1), in paragraph (4) the words "In the case of an appeal" to the end, and sub-paragraph (5); In Regulation 20, in paragraph (1), the words "or express" and, in paragraph (2), the words "or an express carriage" and, in paragraph (3), the words "or a backing"; Regulations 36 to 51
The Transport Charges (Tramways and Trolley Vehicles) Regulations 1954	S.I. 1954/1614	The whole Instrument
The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1957	S.I. 1957/123	Regulation 3(5), (6) and (7)
The Public Service Vehicles (Contract Carriage Records) Regulations 1960	S.I. 1960/1503	The whole Instrument
The Public Service Vehicles (Particulars of Interests) Regulations 1960	S.I. 1960/1506	The whole Instrument
The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1961	S.I. 1961/2128	The whole Instrument
The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1969	S.I. 1969/32	The whole Instrument
The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1976	S.I. 1976/1113	The whole Instrument
The Public Service Vehicles (Definition of Express Carriage) Regulations 1977	S.I. 1977/1496	The whole Instrument

Title	Year and Number	Extent of revocation
The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1978	S.I. 1978/1315	The whole Instrument
The Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1980	S.I. 1980/635	Regulation 2(3)(*d*) and (*e*).

EXPLANATORY NOTE

(*This Note is not part of the Regulations.*)

1. These Regulations are made in consequence of the Transport Act 1980, which provides in Part I, inter alia, for the definition of public service vehicles, for their classification as stage, express or contract carriages and for the road service licences which are needed for stage carriage services. They prescribe various matters as required by the Act and replace in an up-dated manner provisions as regards road service licences contained in earlier statutory instruments.

2. Regulations 4, 5 and 6 relate to the making of applications for road service licences. Regulation 7 requires traffic commissioners to publish fortnightly a statement (known as "Notices and Proceedings") giving information about various applications and proposals in connection with road service licences, the manner in which they are to be dealt with, and their decisions. Regulation 8 contains a requirement relating to modifications where the application is for a licence to continue an existing service. Regulation 9 stipulates what is required as to the mode of making objections and representations in respect of an application for a licence and matters connected therewith. Regulation 10 stipulates what is required in connection with the variation of conditions attached to a licence. Regulation 11 provides that where the traffic commissioners determine for special reasons that a licence shall continue for a period not exceeding 6 months certain provisions in the Regulations shall not apply unless the commissioners otherwise determine. Regulation 12 stipulates what is required as to changes in fares which do not require a variation of any condition. Turning to the ending of licences, Regulation 13 contains provisions as to their revocation and suspension; Regulation 14 stipulates the dates of expiry; Regulation 16 provides for their surrender; and Regulation 17 provides for their return. Regulation 18 provides for the issue of duplicate licences. Regulation 19 provides for the production of licences for examination.

3. The fee for a road service licence is prescribed in Regulation 15. Generally the fee remains at £9 per year as prescribed in the Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1980. A reduced fee is prescribed in circumstances similar to those provided for in section 139A of the Road Traffic Act 1960 (short-term licences) and section 30 of the Transport Act 1968 (c. 73) (permits) for which special fees were previously prescribed. (Both those provisions are repealed in the 1980 Act).

4. Provisions relating to appeals and applications to the Minister against decisions of the traffic commissioners, or against their failure to reach a decision are contained in Regulation 20, and provisions as to the notification of the results of decisions and appeals is contained in Regulation 21.

5. By Regulation 22 various matters are prescribed in relation to the classification of a service as an express carriage service.

6. Incidental matters are dealt with in Regulation 3 (interpretation), Regulation 23 (requirement for writing and delivery) and Regulation 24 (computation of time).

7. By virtue of Regulation 2 and the Schedule, fifteen earlier statutory Instruments are revoked either in whole or in part.

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