PART II.

ADDITIONAL CUSTOMS DUTIES IN RESPECT OF ALL IMMATURE SPIRITS.

1. Description of Spirits.	2. Where the Spirits have been warehoused for a period of two years and less than three years.	3. Where the Spirits have not been warehoused, or have been warehoused for a period of less than two years.
	s. d.	*s. d.*
For every gallon computed at proof of spirits of any description except perfumed spirits - - - -	1 0	1 6
For every gallon of liqueurs, cordials, mixtures and other preparations entered in such manner as to indicate that the strength is not to be tested - - - - - -	1 4	2 0
For every gallon of perfumed spirits	1 7	2 5

CHAPTER 43.

An Act to make provision for the regulation of traffic on roads and of motor vehicles and otherwise with respect to roads and vehicles thereon, to make provision for the protection of third parties against risks arising out of the use of motor vehicles and in connection with such protection to amend the Assurance Companies Act, 1909, to amend the law with respect to the powers of local authorities to provide public service vehicles, and for other purposes connected with the matters aforesaid.

[1st August, 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

PART I.

REGULATION OF MOTOR VEHICLES.

Classification of Motor Vehicles.

Motor vehicles to which Part I. applies.

1. This Part of this Act shall apply to all mechanically propelled vehicles intended or adapted for use on roads (in this Act referred to as "motor vehicles") and to vehicles (in this Act referred to as "trailers") drawn by motor vehicles:

Provided that—

(*a*) the provisions of this Part of this Act shall not apply to tramcars the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, and

(*b*) the provisions of this Part of this Act, other than sections four to eight, both inclusive, sections eleven, twelve, fifteen and twenty-three shall not apply to trolley vehicles the use of which is authorised or regulated as aforesaid;

unless in either case the special Act or order so provides.

Classification of motor vehicles.

2.—(1) Motor vehicles shall, for the purposes of this Act and the regulations, be divided into the following classes:—

(*a*) Heavy locomotives; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than the following articles, that is to say, water, fuel, accumulators and other equipment used for the purpose of propulsion, loose tools and loose equipment), and the weight of which unladen exceeds eleven tons and a half:

(*b*) Light locomotives; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than any of the articles aforesaid), and the weight of

PART I. —*cont.*

which unladen does not exceed eleven tons and a half, but does exceed seven tons and a quarter:

(*c*) Motor tractors; that is to say, mechanically propelled vehicles which are not constructed themselves to carry any load (other than any of the articles aforesaid), and the weight of which unladen does not exceed seven tons and a quarter:

(*d*) Heavy motor cars; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as motor cars) which are constructed themselves to carry a load or passengers, and the weight of which unladen exceeds two tons and a half:

(*e*) Motor cars; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as motor cycles or invalid carriages) which are constructed themselves to carry a load or passengers and the weight of which unladen—

(i) in the case of vehicles which are—

(1) constructed solely for the carriage of passengers and their effects; and

(2) adapted to carry not more than seven passengers exclusive of the driver; and

(3) fitted with tyres of the prescribed type;

does not exceed three tons;

(ii) in any other case does not exceed two tons and a half:

(*f*) Motor cycles; that is to say, mechanically propelled vehicles (not being vehicles classified under this section as invalid carriages) with less than four wheels and the weight of which unladen does not exceed eight hundredweight:

(*g*) Invalid carriages; that is to say, mechanically propelled vehicles the weight of which unladen

does not exceed five hundredweight and which are specially designed and constructed, and not merely adapted, for the use of persons suffering from some physical defect or disability and are used solely by such persons:

(2) Provision may be made by regulations for—

(i) subdividing any such class as aforesaid, whether according to weight, construction, nature of tyres, use or otherwise, and making different provision with respect to each subdivision; and

(ii) varying as respects any class the maximum or minimum weight fixed by this section.

(3) Any reference in this Part of this Act to a class of motor vehicles shall include a reference to a subdivision of such a class.

(4) For the purposes of this Part of this Act—

(*a*) in any case where a motor vehicle is so constructed that a trailer may by partial superimposition be attached to the vehicle in such manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, that vehicle shall be deemed to be a vehicle itself constructed to carry a load; and

(*b*) in the case of a motor vehicle fitted with a crane, dynamo, welding plant or other special appliance or apparatus which is a permanent or essentially permanent fixture, the appliance or apparatus shall not be deemed to constitute a load, but shall be deemed to form part of the vehicle; and

(*c*) a side car attached to a motor cycle shall, if it complies with the prescribed conditions, be regarded as forming part of the vehicle to which it is attached and not as being a trailer.

Prohibition of motor vehicles not complying with regulations as to construction, &c.

3.—(1) Subject as hereinafter provided, it shall not be lawful, to use on any road a motor vehicle or trailer which does not comply with the regulations applicable to the class or description of vehicles to which the vehicle belongs, as to the construction, weight and equipment thereof:

PART I. —*cont.*

Provided that—

(*a*) Where any regulations made after the passing of this Act contain provisions varying the requirements as regards the construction or weight of any class or description of vehicles, provision shall be made by the regulations for exempting for such period (not being less than five years) as may be specified therein from the provisions aforesaid any vehicle of that class or description registered under the Roads Act, 1920, before the expiration of one year from the making of the regulations; and

10 & 11 Geo. 5. c. 72.

(*b*) the Minister may by order authorise, subject to such restrictions and conditions as may be specified in the order, the use on roads of special motor vehicles or trailers, or special types of motor vehicles or trailers, which are constructed either for special purposes or for tests or trials, and of new or improved types of motor vehicles and trailers whether wheeled or wheel-less.

(2) The Minister may at any time revoke, vary, or amend an order made under this section.

(3) If a motor vehicle or trailer is used on a road in contravention of this section, any person who so uses the vehicle or causes or permits the vehicle to be so used shall be guilty of an offence.

Licensing of Drivers.

Licensing of drivers, &c.

4.—(1) A person shall not drive a motor vehicle on a road unless he is the holder of a licence, and a person shall not employ any person to drive a motor vehicle on a road unless the person so employed is the holder of a licence, and if any person acts in contravention of this provision, he shall be guilty of an offence.

(2) Subject to the provisions of this Part of this Act as to the physical fitness of applicants for licences, the licensing authority, except in the case of an applicant who is disqualified as hereinafter mentioned, shall on payment of a fee of five shillings grant a licence to any person who applies for it in the prescribed manner and makes a declaration in the prescribed form that he is

not, under the provisions of this Part of this Act, disqualified by reason of age or otherwise for obtaining the licence for which he is applying.

(3) Licences shall be in the prescribed form, and where under the provisions of this Part of this Act the applicant is subject to any restriction with respect to the driving of any class of motor vehicle, the extent of the restriction shall be specified in the prescribed manner on the licence.

(4) Subject to the provisions of this Act with respect to provisional licences, a licence shall, unless previously revoked or surrendered, remain in force for a period of twelve months from the date on which it is granted.

(5) Any person driving a motor vehicle on a road shall, on being so required by a police constable, produce his licence for examination, so as to enable the police constable to ascertain the name and address of the holder of the licence, the date of issue, and the authority by which it was issued, and if he fails so to do, he shall be liable to a fine not exceeding five pounds:

Provided that, if within five days after the production of his licence was so required the licensee produces the licence in person at such police station as may be specified by him at the time its production was required, he shall not be convicted of an offence under this subsection.

(6) A person shall be disqualified for obtaining a licence—

(*a*) while another licence granted to him is in force whether the licence is suspended or not;

(*b*) if he is by a conviction under this Part of this Act or by an order of a court thereunder disqualified for holding or obtaining a licence.

(7) In any proceedings the fact that a licence has been granted to a person shall be evidence that that person for the purpose of obtaining that licence made a declaration that he was not disqualified for holding or obtaining the licence.

(8) In this Part of this Act the expression "licence" means a licence to drive a motor vehicle granted under

PART I. —*cont.*

this Part of this Act, and the expression "licensing authority" means the council of the county or county borough in which the applicant for the licence resides.

Provisions as to physical fitness of applicants for licences.

5.—(1) On an application for the grant of a licence the applicant shall make a declaration in the prescribed form as to whether or not he is suffering from any such disease or physical disability as may be specified in the form, or any other disease or physical disability which would be likely to cause the driving by him of a motor vehicle, being a vehicle of such a class or description as he would be authorised by the licence to drive, to be a source of danger to the public.

(2) If from the declaration it appears that the applicant is suffering from any such disease or disability as aforesaid, the licensing authority shall refuse to grant the licence:

Provided that—

(*a*) a licence limited to driving an invalid carriage may be granted to the applicant if the licensing authority are satisfied that he is fit to drive such a carriage;

(*b*) the applicant may, except in the case of such diseases and disabilities as may be prescribed, on payment of the prescribed fee, claim to be subjected to a test as to his fitness or ability to drive a motor vehicle of any such class or description as he would be authorised by the licence to drive, and if he passes the prescribed test and is not otherwise disqualified, the licence shall not be refused by reason only of the provisions of this subsection so, however, that if the test proves his fitness to drive vehicles of a particular construction or design only, the licence shall be limited to the driving of such vehicles;

(*c*) if on the first application for the grant of a licence by a person who at the commencement of this Act is the holder of a driver's licence under the Motor Car Act, 1903, an applicant who is suffering from a disease or

3 Edw. 7. c. 36.

disability other than a disease or disability prescribed as aforesaid makes a declaration that notwithstanding his disease or disability he has during the six months immediately preceding the application been in the habit of driving a motor vehicle of any such class or description as he would be authorised by the licence to drive and that the disease or disability from which he suffered did not cause the driving of such a motor vehicle by him to be a source of danger to the public, the licence shall not be refused by reason only of the provisions of this subsection;

(*d*) if on the application for the grant of a licence the applicant makes a declaration that on the occasion of a previous application by him a licence was granted to him after passing such a test as aforesaid, or making such a declaration as is mentioned in the last preceding proviso, a further test shall not be required, unless from the declaration as to physical fitness made by him for the purposes of his application, or from information received by the licensing authority, it appears that the disease or physical disability from which the applicant is suffering has become more acute, or that the applicant is suffering from some disease or disability not disclosed on the previous occasion or contracted since that occasion.

(3) For the purpose of enabling the applicant for the grant of a licence to learn to drive a motor vehicle with a view to passing a test under this section, the licensing authority may, if so requested by him and on payment of a fee of five shillings, grant him a provisional licence to be in force for a period of three months, which licence shall be in the prescribed form and granted subject to the prescribed conditions.

If any person to whom such a provisional licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be guilty of an offence.

(4) If it appears to a licensing authority that there is reason to believe that any person who holds a licence

PART I. —*cont.*

granted by them is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle, being a vehicle of any such class or description as he is authorised by the licence to drive, to be a source of danger to the public, and on inquiry into the matter the authority are satisfied that the licence holder is suffering from such a disease or disability as aforesaid, then, whether or not the licence holder so suffering as aforesaid has previously passed a test under this section, the licensing authority may, after giving to the licence holder notice of their intention so to do, revoke the licence, and the licence holder shall, on receipt of such notice, deliver the licence to the licensing authority for cancellation:

Provided that the licence holder may, except in the case of such diseases and disabilities as may be prescribed, claim to be subjected to a test as to his fitness or disability to drive a motor vehicle, and if he passes the prescribed test the licence shall not be revoked.

(5) If any person is aggrieved by the refusal of a licensing authority to grant a licence or by the revocation of a licence under this section, he may, after giving to the authority notice of his intention so to do, appeal to a court of summary jurisdiction acting for the petty sessional division in which the said person resides, and on any such appeal the court may make such order as it thinks fit, and any order so made shall be binding on the licensing authority.

Disqualification for offences and endorsement of convictions.

6.—(1) Any court before which a person is convicted of any criminal offence in connection with the driving of a motor vehicle (not being an offence under Part IV of this Act)—

(*a*) may in any case, except where otherwise expressly provided by this Part of this Act, and shall where so required by this Part of this Act, order him to be disqualified for holding or obtaining a licence for such period as the court thinks fit; and

(*b*) may in any case, and shall where a person is by virtue of a conviction disqualified for holding or obtaining a licence, or where an order so disqualifying any person is made or where so

PART I. —*cont.*

required by this Part of this Act, order that particulars of the conviction and of any disqualification to which the convicted person has become subject shall be endorsed on any licence held by the offender:

Provided that, if the court thinks fit, any disqualification imposed under this section may be limited to the driving of a motor vehicle of the same class or description as the vehicle in relation to which the offence was committed.

(2) A person who by virtue of an order of a court under this Part of this Act is disqualified for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

Provisions as to disqualifications and suspensions.

7.—(1) Where a person who is disqualified by virtue of a conviction or order under this Part of this Act is the holder of a licence, the licence shall be suspended so long as the disqualification continues in force.

(2) A licence suspended by virtue of this Part of this Act shall during the time of suspension be of no effect.

(3) A person who by virtue of a conviction or order under this Part of this Act is disqualified for holding or obtaining a licence, may, at any time after the expiration of six months from the date of the conviction or order, and from time to time apply to the court before which he was convicted or by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the conviction or order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

Provided that, where an application under this subsection is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

If the court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence, if any, previously held

PART I.—*cont.*

by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(4) If any person who under the provisions of this Part of this Act is disqualified for holding or obtaining a licence applies for or obtains a licence while he is so disqualified, or if any such person while he is so disqualified drives a motor vehicle, or, if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description, on a road, that person shall be liable on summary conviction to imprisonment for a term not exceeding six months or if the court think that, having regard to the special circumstances of the case, a fine would be an adequate punishment for the offence, to a fine not exceeding fifty pounds, or to both such imprisonment and such fine, and a licence obtained by any person disqualified as aforesaid shall be of no effect.

(5) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under subsection (4) of this section may be brought—

(*a*) within a period of six months from the date of the commission of the alleged offence; or

(*b*) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence;

whichever period is the longer.

(6) For the purposes of this section, references to orders and convictions under this Part of this Act include references to orders and convictions under the corresponding provisions of any enactment repealed by this Act.

Provisions as to endorsements.

8.—(1) An order that the particulars of any conviction or of any disqualification to which the convicted person has become subject are to be endorsed on any licence held by the offender shall, whether the offender is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain, shall be so endorsed until

he becomes entitled under the provisions of this section to have a licence issued to him free from endorsement.

(2) Where an order is made requiring any licence held by an offender to be endorsed, then—

(*a*) if the offender is at the time the holder of a licence, he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and

(*b*) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement;

and if he fails to do so, he shall be guilty of an offence; and if the licence is not produced for the purpose of endorsement within such time as aforesaid, it shall be suspended from the expiration of such time until it is produced for the purpose of endorsement.

(3) On the issue of a new licence to any person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the provisions of this section to have a licence issued to him free from endorsements.

(4) If any person whose licence has been ordered to be endorsed and who has not previously become entitled under the provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, and any licence so obtained shall be of no effect.

(5) Where a person in respect of whom an order has been made under this Part of this Act, or the corresponding provisions of any Act repealed by this Act requiring the endorsement of any licence held by him, has during a continuous period of three years or upwards since the order was made had no such order made against him, he shall be entitled, either on applying for

PART I. —*cont.*

the grant of a licence under this Part of this Act, or, subject to payment of a fee of five shillings, and subject to surrender of any subsisting licence, at any time, to have issued to him a new licence free from endorsements:

Provided that, in reckoning the said period of three years, any period during which the person was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

(6) Where a court orders particulars to be endorsed on a licence held by any person, or where by a conviction or order of a court a person is disqualified for holding or obtaining a licence, the court shall send notice of the conviction or order to the licensing authority by which the licence was granted and to the licensing authority in whose area that person resides, and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the authority by which it was granted, and that authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

Where the disqualification to which a person has become subject is limited to the driving of a motor vehicle of a particular class or description, the licensing authority to whom that person's licence has been forwarded under this subsection shall forthwith after the receipt thereof issue to that person a new licence on which there shall be indicated in the prescribed manner the class or description of vehicle which the holder of the licence is not thereby authorised to drive, and the licence so issued shall remain in force either for the unexpired period of the original licence or for the period of the disqualification, whichever is the shorter.

(7) Where on an appeal against any such order the appeal is allowed, or where any such conviction is quashed, the court by which the appeal is allowed or the conviction is quashed shall send notice thereof to the licensing authority in whose area the person affected by the order or conviction resides and to the authority who issued the licence.

Provisions as to Driving and Offences in connection therewith.

PART I —*cont.*

Restriction on driving by young persons.

9.—(1) A person under sixteen years of age shall not drive a motor vehicle on a road unless on first applying for a licence after the commencement of this Act he satisfies the licensing authority that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, in the habit of driving a motor vehicle.

(2) A person under seventeen years of age shall not drive a motor vehicle other than a motor cycle or an invalid carriage on a road.

(3) A person under twenty-one years of age shall not drive a heavy locomotive, light locomotive, motor tractor or heavy motor car on a road unless on first applying for a licence after the commencement of this Act he satisfies the licensing authority that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, in the habit of driving a motor vehicle of that class:

Provided that a vehicle being an agricultural tractor shall not be deemed to be driven on a road within the meaning of this subsection while it is being so driven in the course of the internal operations of a farm.

(4) Any person who drives, or causes or permits any person to drive, a motor vehicle in contravention of this section, shall be guilty of an offence.

(5) A person prohibited by this section by reason of his age from driving a motor vehicle or a motor vehicle of any class, shall, for the purposes of this Part of this Act, be deemed to be disqualified under the provisions of this Part of this Act for holding or obtaining any licence other than a licence to drive such motor vehicles, if any, as he is not by this section forbidden to drive.

Rate of speed.

10.—(1) It shall not be lawful for any person to drive a motor vehicle of any class or description on a road at a speed greater than the speed specified in the First Schedule to this Act as the maximum speed in relation to a vehicle of that class or description, and if

PART I. —*cont.*

any person acts in contravention of this section he shall be guilty of an offence.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

(3) A person charged under this section with the offence of driving a motor vehicle of any class or description on a road at a speed greater than the maximum speed allowed in the case of a vehicle of that class or description, shall not be liable to be convicted of the offence solely on the evidence of one witness to the effect that in the opinion of the witness the person charged was driving the vehicle at such greater speed.

(4) The Minister may by regulation vary, subject to such conditions as may be specified in the regulation, the provisions of the First Schedule to this Act provided that—

(*a*) no speed limit shall be imposed on any vehicle in the case of which no speed limit is provided by the said Schedule; and

(*b*) a regulation under this subsection shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament.

(5) If any person is convicted under section five of the Summary Jurisdiction Act, 1848, of aiding, abetting, counselling or procuring any person who is employed by him to drive, or is subject to his orders in driving, a motor vehicle on a road to commit an offence under this section, he shall, instead of being liable on being so convicted to the same punishment as the principal offender, be liable in the case of a first conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction, to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and if any person is convicted summarily of the offence of inciting to commit an offence under this section, he shall, notwithstanding anything in proviso (*c*) to subsection (1) of section twenty-four of the Criminal Justice Act, 1925, be liable to the same

11 & 12 Vict. c. 43.

15 & 16 Geo. 5. c. 86.

PART I. —*cont.*

punishment as if he had procured the commission of an offence under this section.

(6) If a person who employs other persons to drive motor vehicles on roads publishes or issues any time table or schedule or gives any directions, under which any journey or any stage or part of any journey is to be completed within some specified time and it is not practicable in the circumstances of the case for that journey or that stage or part of the journey to be completed in the specified time without an infringement of the provisions of this section, the publication or issue of the said time table or schedule or the giving of the directions may be produced as prima facie evidence that the employer, as the case may be, procured or incited the persons employed by him to drive the vehicles to commit an offence under this section.

Reckless or dangerous driving.

11.—(1) If any person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition, and use of the road, and the amount of traffic which is actually at the time, or which might reasonably be expected to be, on the road, he shall be liable—

(*a*) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;

(*b*) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such imprisonment and fine.

(2) The court shall order particulars of any such conviction to be endorsed on any licence held by the person convicted.

(3) On a second or subsequent conviction under this section the convicting court shall exercise the power conferred by this Part of this Act of ordering that the offender shall be disqualified for holding or obtaining a licence unless the court, having regard to the lapse of time since the date of the previous or last previous conviction or for any other special reason thinks fit

PART I. —*cont.*

to order otherwise, but this provision shall not be construed as affecting the right of the court to exercise the power aforesaid on a first conviction.

(4) Where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section, and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of this Part of this Act relating to disqualification for holding or obtaining licences, be deemed to be an offence in connection with the driving of a motor vehicle.

Careless driving.

12.—(1) If any person drives a motor vehicle on a road without due care and attention or without reasonable consideration for other persons using the road he shall be guilty of an offence.

(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence.

Prohibition of motor racing and speed trials on highways.

13.—(1) Any person who promotes or takes part in a race or trial of speed between motor vehicles on a public highway shall be liable to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

Prohibition of driving motor vehicles elsewhere than on roads.

14.—(1) If without lawful authority any person drives a motor vehicle on to or upon any common land, moor land or other land of whatsoever description (not being land forming part of a road), or on any road being a bridleway or footway, he shall be guilty of an offence, and shall be liable in the case of a first conviction to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds:

Provided that—

(*a*) it shall not be an offence under this section to drive a motor vehicle on any land within

fifteen yards of a road, being a road on which a motor vehicle may lawfully be driven, for the purpose only of parking the vehicle on that land; and

(*b*) a person shall not be convicted of an offence under this section if he proves to the satisfaction of the court that the motor vehicle was driven in contravention of this section for the purpose of saving life or extinguishing fire or meeting any other like emergency.

(2) It is hereby declared that nothing in this section prejudices the operation of section one hundred and ninety-three of the Law of Property Act, 1925 (which relates to the rights of the public over commons and waste lands), or of any byelaws applying to any land or affects the law of trespass to land or any right or remedy to which any person may by law be entitled in respect of any such trespass or in particular confers any right to park a vehicle on any land.

15 & 16 Geo. 5. c. 20.

Punishment of persons driving motor vehicles when under influence of drink or drugs.

15.—(1) Any person who when driving or attempting to drive, or when in charge of, a motor vehicle on a road or other public place is under the influence of drink or a drug to such an extent as to be incapable of having proper control of the vehicle, shall be liable—

(*a*) on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding four months, and in the case of a second or subsequent conviction either to a fine not exceeding one hundred pounds or to such imprisonment as aforesaid or to both such fine and imprisonment;

(*b*) on conviction on indictment to imprisonment for a term not exceeding six months or to a fine, or to both such imprisonment and fine.

(2) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a licence.

(3) A person liable to be charged with an offence under this section shall not be liable to be charged

PART I. —*cont.*

under section twelve of the Licensing Act, 1872, with the offence of being drunk while in charge, on a highway or other public place, of a carriage.

35 & 36 Vict. c. 94.

(4) A police constable may arrest without warrant any person committing an offence under this section.

Restriction on pillion riding.

16.—(1) It shall not be lawful for more than one person in addition to the driver to be carried on any two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.

(2) If any person is carried on any such cycle in contravention of the provisions of this section, the driver of the cycle shall be liable in the case of the first conviction to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

Requirements as to employment of drivers and attendants.

17.—(1) In the case of heavy locomotives and light locomotives, two persons shall be employed in driving or attending the locomotive whilst being driven on any highway, and where any such locomotive is drawing a trailer or trailers on a highway one or more persons, in addition to the persons employed as aforesaid, shall be employed for the purpose of attending to the trailer or trailers at the rate of one such additional person for each trailer in excess of one:

Provided that this subsection shall not apply to a road roller while engaged in rolling a road.

(2) Where a motor vehicle other than a heavy locomotive or a light locomotive is drawing a trailer or trailers on a highway, one person, in addition to the driver of the vehicle, shall be carried either on the vehicle or on a trailer for the purpose of attending to the trailer or trailers.

(3) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(4) If any person causes or permits a motor vehicle or trailer to be driven or drawn in contravention of this section, he shall be guilty of an offence.

(5) The Minister may by regulation vary the requirements of this section in respect of any class or description of motor vehicles or any class or description of trailers.

PART I. —*cont.*

Restriction on the number of trailers drawn.

18.—(1) The number of trailers, if any, which may be drawn by a motor vehicle on a highway shall not exceed—

(*a*) in the case of a heavy locomotive or light locomotive, three;

(*b*) in the case of a motor tractor, one, if laden, or two, if unladen;

(*c*) in the case of a motor car or a heavy motor car, one;

or such less number as may be prescribed in relation to vehicles of the respective classes aforesaid.

(2) For the purposes of this section the expression "trailer" shall not include any vehicle used solely for carrying water for the purposes of the drawing vehicle or any agricultural vehicle not constructed to carry a load.

(3) If any person causes or permits a trailer to be drawn in contravention of this section, he shall be guilty of an offence.

Limitation of time for which drivers of certain vehicles may remain continuously on duty.

19.—(1) With a view to protecting the public against the risks which arise in cases where the drivers of motor vehicles are suffering from excessive fatigue, it is hereby enacted that it shall not be lawful in the case of—

(*a*) any public service vehicle within the meaning of Part IV of this Act;

(*b*) any heavy locomotive, light locomotive or motor tractor; or

(*c*) any motor vehicle constructed to carry goods other than the effects of passengers;

for any person to drive or cause or permit any person employed by him or subject to his orders to drive—

(i) for any continuous period of more than five hours and one half; or

(ii) for continuous periods amounting in the aggregate to more than eleven hours in any period of twenty-four hours commencing two hours after midnight; or

(iii) so that the driver has not at least ten consecutive hours for rest in any period of twenty-four hours calculated from the commencement of any period of driving:

PART I. —*cont.*

Provided that it shall be a sufficient compliance with the provisions of paragraph (iii) if the driver has at least nine consecutive hours for rest in any such period of twenty-four hours provided that he has an interval of at least twelve consecutive hours for rest in the next following period of twenty-four hours.

(2) For the purposes of this section—

(*a*) any two or more periods of time shall be deemed to be a continuous period unless separated by an interval of not less than half-an-hour in which the driver is able to obtain rest and refreshment;

(*b*) any time spent by a driver on other work in connection with a vehicle or the load carried thereby, including in the case of a public service vehicle any time spent on a vehicle while on a journey in any other capacity than as a passenger shall be reckoned as time spent in driving;

(*c*) in the case of a vehicle which is being used in the course of operations of agriculture or forestry a person shall not be deemed to be driving the vehicle or to be spending time on work in connection with the vehicle or the load carried thereby so long as the vehicle is elsewhere than on a road.

(3) The Minister may, on the application of a joint industrial council, conciliation board, or other similar body, or on a joint application by such organisations, representative of employers and workpeople in the industry, as the Minister of Labour may certify to be proper bodies to make such an application, and after referring the matter to the Industrial Court for advice, by order vary the periods of time prescribed in this section, provided that he is of opinion that such variation is not likely to be detrimental to the public safety.

Any order made under this subsection may be revoked or varied by a subsequent order made in like manner and subject to the like conditions.

(4) If any person acts in contravention of this section, he shall be guilty of an offence:

Provided that a person shall not be liable to be convicted under this section if he proves to the court that the contravention was due to unavoidable delay in

PART I. —*cont.*

the completion of any journey arising out of circumstances which he could not reasonably have foreseen.

(5) This section shall not apply to motor vehicles used for fire brigade or ambulance purposes.

Duty to give name and address and to stop and power of arrest in certain cases.

20.—(1) If the driver of a motor vehicle who is alleged to have committed an offence under the foregoing provisions of this Act as to reckless or dangerous driving or careless driving refuses, on being so required by any person having reasonable ground for so requiring, to give his name or address, or gives a false name or address, he shall be guilty of an offence.

(2) Any police constable may arrest without warrant the driver of any motor vehicle who within his view commits any offence under the provisions of this Act as to reckless or dangerous driving or careless driving, unless the driver either gives his name and address or produces his licence for examination.

(3) Any person driving a motor vehicle on a road shall stop the vehicle on being so required by a police constable in uniform, and if he fails so to do shall be liable to a fine not exceeding five pounds.

Restrictions on prosecutions under the preceding sections.

21. Where a person is prosecuted for an offence under any of the provisions of this Part of this Act relating respectively to the maximum speed at which motor vehicles may be driven, to reckless or dangerous driving, and to careless driving he shall not be convicted unless either—

(*a*) he was warned at the time the offence was committed that the question of prosecuting him for an offence under some one or other of the provisions aforesaid would be taken into consideration; or

(*b*) within fourteen days of the commission of the offence a summons for the offence was served on him; or

(*c*) within the said fourteen days a notice of the intended prosecution specifying the nature of the alleged offence and the time and place where it is alleged to have been committed was served on or sent by registered post to him or the person registered as the owner of the vehicle at the time of the commission of the offence:

PART I. —*cont.*

Provided that—

(i) Failure to comply with this requirement shall not be a bar to the conviction of the accused in any case where the court is satisfied that—

(1) neither the name and address of the accused nor the name and address of the registered owner of the vehicle, could with reasonable diligence have been ascertained in time for a summons to be served or for a notice to be served or sent as aforesaid; or

(2) the accused by his own conduct contributed to the failure; and

(ii) the requirement of this section shall in every case be deemed to have been complied with unless and until the contrary is proved.

Accidents.

Duty to stop in case of accident.

22.—(1) If in any case, owing to the presence of a motor vehicle on a road, an accident occurs whereby damage or injury is caused to any person, vehicle or animal, the driver of the motor vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner and the identification marks of the vehicle.

(2) If in the case of any such accident as aforesaid the driver of the motor vehicle for any reason does not give his name and address to any such person as aforesaid, he shall report the accident at a police station or to a police constable as soon as reasonably practicable, and in any case within twenty-four hours of the occurrence thereof.

(3) In this section, the expression "animal" means any horse, cattle, ass, mule, sheep, pig, goat, or dog.

(4) If any person fails to comply with this section, he shall be guilty of an offence.

Inquiries into accidents.

23.—(1) Where an accident arises out of the presence of a motor vehicle on a road, the Minister may direct inquiry to be made into the cause of the accident.

(2) Where any such accident has occurred, any person authorised by the Minister in that behalf may, on production if so required of his authority, inspect any

PART I. —*cont.*

vehicle in connection with which the accident arose, and for that purpose may enter at any reasonable time any premises where the vehicle is, and if any person obstructs any person so authorised in the performance of his duty under this subsection, he shall be guilty of an offence.

(3) If in any case the Minister considers that any inquiry to be made by him under this section should be made by means of the holding of a public inquiry, he may direct a public inquiry to be held.

(4) Any report made by or to the Minister as the result of an inquiry under this section shall not be used in evidence by or on behalf of any person by or against whom any legal proceedings are instituted in consequence of the accident to which the inquiry relates.

Provisions as to Weight and Weighing of Motor Vehicles.

Power of highway and bridge authorities to authorise on specified roads carriage of greater weights.

24.—(1) A highway authority as regards any road for the maintenance of which they are responsible and a bridge authority as regards any bridge for the maintenance of which they are responsible may, subject to such conditions as they think fit, grant a permit in respect of any trailer specified in the permit drawn by a heavy locomotive or a light locomotive on the road or bridge to carry weights specified in the permit notwithstanding that when conveying such weights the trailer does not comply with any regulations as to the weight laden of trailers or as to the maximum weight which may be transmitted to the road or any part thereof by trailers, and where such a permit is given it shall not, so long as the conditions, if any, attached to the permit are complied with, be an offence in the case of any such trailer to carry on that road or bridge weights authorised by the permit by reason only that the trailer when conveying them does not comply with such regulations as aforesaid:

Provided that, where a highway authority are responsible for the maintenance of a road passing over a bridge but not for the maintenance of the bridge itself, the power conferred by this section shall be exerciseable by the bridge authority and not by the highway authority.

(2) In this section the expression "highway authority" includes any person responsible for the maintenance of a road.

PART I. —*cont.*

Power to prohibit the use of bridges by motor vehicles.

25.—(1) Where the bridge authority of any bridge over which a road passes are satisfied that the bridge is insufficient either—

(*a*) to carry a motor vehicle of which the weight exceeds a certain maximum weight; or

(*b*) to carry a motor vehicle of which the weight exceeds a certain maximum weight when travelling at more than a certain maximum speed,

the authority may, by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge, prohibit the use of the bridge, as the case may be, either by a vehicle weighing more than a weight specified in the notice or by a vehicle weighing more than a weight specified in the notice when travelling at more than a speed specified in the notice:

Provided that the weight specified in any such notice shall not be less than five tons and shall not exceed the aggregate of the maximum weights permitted for the time being for a heavy locomotive and the trailers drawn thereby when crossing a bridge.

For the purposes of this section, the expression "placed in a proper position" means placed in such a position either on or near the bridge or on or near the road leading to the bridge as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it, and the highway authority of any such road shall give to the bridge authority reasonable facilities for placing thereon any such notice as aforesaid.

(2) If a motor vehicle is driven across a bridge in the case of which a notice has been so placed as aforesaid in contravention of the notice without the consent of the bridge authority, any person who so drives it or causes or permits it to be so driven shall be guilty of an offence without prejudice, however, to any civil liability of that person in the case of damage being caused to the bridge.

(3) For the purposes of this section, weight means weight laden, and the weight of a vehicle means, in relation to a vehicle drawing a trailer, the aggregate of the weights of the vehicle and the trailer, and where the maximum permissible weight laden of any vehicle or trailer is indicated by marks placed thereon in accordance with any Act, order or regulation for the

PART I. —*cont.*

time being in force, the weight of the vehicle or trailer shall be taken not to be less than the weight so indicated unless the person charged with an offence under subsection (2) of this section proves to the satisfaction of the court that at the time of passing over the bridge the weight of the vehicle or trailer, as the case may be, was some less weight.

(4) Where a notice has been so placed as aforesaid any person who causes or permits any motor vehicle, being either a heavy locomotive, light locomotive, motor tractor or heavy motor car to stop on the bridge or to be driven on the bridge while another vehicle of any such class as aforesaid or a tramcar or trolley vehicle is on the bridge shall be guilty of an offence, without prejudice, however, to any civil liability of that person in the case of damage being caused to the bridge.

(5) Any person or body of persons aggrieved by any restriction or prohibition placed on the use of a bridge under this section, may appeal to the Minister, and the Minister, if he considers that the bridge is sufficient, as the case may be, to bear a vehicle of a weight greater than the weight specified in the notice, or a vehicle of a weight greater than the weight specified in the notice travelling at a speed greater than the speed so specified, after considering any representations made by the bridge authority, may order the restriction or prohibition to be removed or to be varied in such manner as he may direct, and the authority by whom the restriction or prohibition has been imposed shall comply within such time as may be specified in the order of the Minister with that order, and if they fail to do so the Minister may cause the notice to be removed or varied so as to comply with the order and recover summarily as a civil debt from the authority by whom the notice was placed as aforesaid the expenses incurred by him in so doing.

(6) The Minister instead of himself determining any appeal under this section may refer the matter of the appeal to an arbitrator to be appointed, in default of agreement between the parties to the appeal, by the Minister.

On any such arbitration the arbitrator shall have power to make any such order as the Minister has power to make under subsection (5) of this section, and for the

PART I. —*cont.*

purposes of this section any order made by the arbitrator shall be deemed to be the order of the Minister.

(7) An order of the Minister under this section with regard to any bridge shall not prevent the imposition of any restriction or prohibition with regard to the bridge at any future time if the authority empowered to impose the restriction or prohibition consider that it is necessary to do so having regard to any change in the circumstances of the bridge or the traffic, but the imposition of any such restriction or prohibition shall be subject to appeal under this section.

(8) The Minister may refuse to consider any appeal under this section with regard to any bridge if the question raised by the appeal has already been considered under a former appeal.

Method of calculating weight.

26. For the purposes of this Part of this Act, and of any other enactment relating to the use of motor vehicles on roads, the weight unladen of any vehicle shall be taken to be the weight of the vehicle inclusive of the body and all parts (the heavier being taken where alternative bodies or parts are used) which are necessary to or ordinarily used with the vehicle when working on a road, but exclusive of the weight of water, fuel or accumulators used for the purpose of the supply of power for the propulsion of the vehicle, and of loose tools and loose equipment.

Weighing of motor vehicles, &c.

27.—(1) Subject to any regulations, it shall be lawful for any person authorised by a highway authority, or for any police constable authorised on behalf of a highway authority by a police authority or a chief officer of police, on production of his authority, to require the person in charge of any motor vehicle to allow the vehicle or any trailer drawn thereby to be weighed, either laden or unladen, and the weight transmitted to the road by any parts of the vehicle or trailer in contact with the road to be tested, and for that purpose to proceed to a weighbridge or other machine for weighing vehicles, and if any person in charge of a motor vehicle refuses or neglects to comply with any such requirement, he shall be guilty of an offence:

Provided that it shall not be lawful for any person or police constable so authorised to require the person in charge of the motor vehicle to unload the vehicle or

PART I. —*cont.*

trailer, or to cause or allow it to be unloaded, for the purpose of being weighed unladen.

(2) If at the time when the requirement is made the vehicle is more than one mile from the weighbridge or other machine, and the weight is found to be within the limits authorised by law, the highway authority on whose behalf the requirement is made shall pay in respect of loss occasioned, such amount as in default of agreement may be determined by a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Minister.

(3) Where a motor vehicle or trailer is weighed under this section, a certificate of weight shall be given to the person in charge of the vehicle, and the certificate so given shall exempt the motor vehicle and the trailer, if any, from being weighed so long as it is during the continuance of the same journey carrying the same load.

(4) It shall be lawful for a highway authority to erect and maintain, or to join with any other highway authority in erecting and maintaining, weighbridges or other machines for weighing vehicles or to contribute towards the cost of the erection and maintenance of any such weighbridge or other machine by any other authority or person.

(5) Any expenses incurred by a highway authority under this section shall be defrayed, in the case of a county council, as expenses for general county purposes, and in the case of a borough or district council, as general expenses incurred by the council in the execution of the Public Health Acts, 1875 to 1926, and the erection or making a contribution towards the erection of any such weighbridge or other machine shall be a purpose for which the highway authority may borrow in the case of a county council under the Local Government Act, 1888, and in the case of a borough or district council, under and subject to the provisions of the Public Health Acts, 1875 to 1926.

51 & 52 Vict. c. 41.

Miscellaneous.

Taking motor vehicle without owner's consent or other authority to be an offence.

28.—(1) Every person who takes and drives away any motor vehicle without having either the consent of the owner thereof or other lawful authority shall be liable—

(*a*) on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds;

PART I. —*cont.*

(*b*) on conviction on indictment, to imprisonment for a term not exceeding twelve months, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine:

Provided that, if on summary proceedings under this section the court, or on proceedings under this section on indictment the jury, are satisfied that the accused acted in the reasonable belief that he had lawful authority, or in the reasonable belief that the owner would, in the circumstances of the case, have given his consent, if he had been asked therefor, the accused shall not be liable to be convicted of the offence.

(2) If on the trial of any indictment for stealing a motor vehicle the jury are of opinion that the defendant was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the jury may find him guilty of an offence under this section and thereupon he shall be liable to be punished accordingly.

(3) Any police constable may arrest without a warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

Restrictions on persons being towed by getting on to or tampering with motor vehicles.

29.—(1) If any person otherwise than with lawful authority or reasonable cause takes or retains hold of or gets on to a motor vehicle or trailer while in motion on any road, for the purpose of being drawn or carried, he shall be liable, in the case of a first conviction, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(2) If while a motor vehicle is on a road or on a parking place provided by a local authority any person otherwise than with lawful authority or reasonable cause gets on to the vehicle or tampers with the brake or other part of its mechanism, he shall be guilty of an offence.

Regulations.

30.—(1) The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act, and for prescribing anything which may be prescribed under this Part of this Act, and generally as to the use of motor vehicles and trailers on roads, their construction and equipment and the conditions under which they may be so used and otherwise for the purpose of carrying this Part of this Act into

PART I. —*cont.*

effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters :—

(*a*) the width, height and length of motor vehicles and trailers and the load carried thereby, the diameter of wheels, and the width, nature and condition of tyres, of motor vehicles and trailers;

(*b*) the consumption of smoke and the emission of visible vapour, sparks, ashes and grit;

(*c*) excessive noise owing to the design or condition of the vehicle, or the loading thereof;

(*d*) the maximum weight unladen of heavy locomotives and heavy motor cars, and the maximum weight laden of motor vehicles and trailers, and the maximum weight to be transmitted to the road or any specified area thereof by a motor vehicle or trailer of any class or description or by any part or parts of such a vehicle or trailer in contact with the road, and the conditions under which the weights may be required to be tested;

(*e*) the particulars to be marked on motor vehicles and trailers;

(*f*) the towing of or drawing of vehicles by motor vehicles;

(*g*) the number and nature of brakes, and for securing that brakes, silencers and steering gear shall be efficient and kept in proper working order, and for empowering persons authorised by or under the regulations to test and inspect, either on a road or, subject to the consent of the owner of the premises, on any premises where the vehicle is, any such brakes, silencers or steering gear;

(*h*) the appliances to be fitted for signalling the approach of a motor vehicle, or enabling the driver of a motor vehicle to become aware of the approach of another vehicle from the rear, or for intimating any intended change of speed or direction of a motor vehicle and the use of any such appliance, and for securing that they shall be efficient and kept in proper working order;

PART I. —*cont.*

(*i*) licences, and in particular with respect to the record to be kept of licences, and for providing special facilities for granting licences to persons not resident in Great Britain, and for dispensing in the case of any such persons with the requirements of section five of this Act, and for the communication by licensing authorities to one another of particulars of licences, and for making any particulars with respect to any persons who are disqualified for holding or obtaining drivers' licences or whose licences are suspended or endorsed available for use by the police, and for preventing a person holding more than one licence and for facilitating the identification of holders of licences and for providing for the issue of a new licence in the place of a licence lost or defaced on payment of such fee, not exceeding one shilling, as may be prescribed;

and different regulations may be made as respects different classes or descriptions of vehicles or as respects the same class or description of vehicles in different circumstances.

(2) In this Part of this Act the expression "regulations" means regulations made under this section.

General law relating to carriages to apply to motor vehicles.

31. Any motor vehicle or trailer shall be deemed to be a carriage within the meaning of any Act of Parliament, whether a public general Act or a local Act, and of any rule, regulation or byelaw made under any Act of Parliament, and if used as a carriage of any particular class, shall for the purpose of any enactment relating to carriages of any particular class be deemed to be a carriage of that class.

Provisions as to Northern Ireland drivers' licences.

32.—(1) If the Minister certifies that satisfactory provision is made by the law of Northern Ireland for the granting of licences to drive motor vehicles, it shall be lawful for the holder of such a licence, to drive and be employed in driving in Great Britain a motor vehicle of any class or description which he is authorised by that licence to drive, and which he is not disqualified from driving under this Act notwithstanding that he is not the holder of a licence under this Part of this Act:

Provided that any such driver shall be under the like obligation to produce such a licence as if it had been

PART I. —*cont.*

a licence granted under this Part of this Act, and the provisions of this Part of this Act as to the production of licences granted thereunder shall apply accordingly.

(2) The holder of any such licence who by a conviction or order of the court is disqualified for holding or obtaining a driver's licence under this Part of this Act shall produce the licence so held by him to the court within such time as the court may determine, and the court shall on production of the licence forward it to the Minister.

If the holder fails to produce the licence within such time as aforesaid, he shall be guilty of an offence.

(3) If the holder of any such licence is convicted of an offence, and had he been the holder of a licence under this Part of this Act the court would have ordered particulars of the conviction to be endorsed thereon, the court instead of making such an order shall send to the Minister particulars of the conviction.

Savings

33.—(1) Nothing in this Part of this Act shall authorise any person to use on any road any vehicle so constructed or used as to cause a public or private nuisance, or affect the liability, whether under statute or common law, of the driver or owner so using such a vehicle.

(2) A motor vehicle shall not be driven on or over Menai Bridge except in accordance with and subject to any restrictions contained in regulations made by the Minister, and if any person acts in contravention of this provision he shall be guilty of an offence.

25 & 26 Vict. c. xciii.

(3) Section forty-one of the Thames Embankment Act, 1862, shall not apply to motor tractors, heavy motor cars, motor cars, motor cycles or invalid carriages, but save as aforesaid nothing in this Part of this Act shall affect the provisions of that section.

Application to Scotland.

34. This Part of this Act shall apply to Scotland subject to the following modifications :—

(*a*) The expression " county borough " shall mean a burgh containing within its boundaries as ascertained, fixed or determined for police purposes, a population, according to the census for the time being last taken, of or exceeding fifty thousand :

PART I. —*cont.*

(*b*) Subsection (5) of section five shall have effect with the substitution for an appeal to a court of summary jurisdiction of an appeal to the sheriff within whose jurisdiction the person aggrieved resides:

(*c*) A reference to a charge under section seventy of the Licensing (Scotland) Act, 1903, of being drunk while in charge, in a street or place, of a carriage shall be substituted for any reference to a charge under section twelve of the Licensing Act, 1872, of the offence of being drunk while in charge, on a highway or other public place, of a carriage:

3 Edw. 7. c. 25.

(*d*) A reference to a "nuisance" shall be substituted for the reference to a public or private nuisance:

(*e*) Section twenty-one shall have effect with the substitution of a reference to a complaint for the reference to a summons.

PART II.

PROVISION AGAINST THIRD-PARTY RISKS ARISING OUT OF THE USE OF MOTOR VEHICLES.

Users of motor vehicles to be insured against third-party risks.

35.—(1) Subject to the provisions of this Part of this Act, it shall not be lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force in relation to the user of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third-party risks as complies with the requirements of this Part of this Act.

(2) If a person acts in contravention of this section, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment, and a person convicted of an offence under this section shall (unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification) be disqualified for holding or obtaining a licence under Part I of this Act for a period of twelve months from the date of the conviction.

A person disqualified by virtue of a conviction under this section or of an order made thereunder for

PART II. —*cont.*

holding or obtaining a licence shall, for the purposes of Part I of this Act, be deemed to be disqualified by virtue of a conviction under the provisions of that Part.

(3) Notwithstanding any enactment prescribing a time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under this section may be brought—

(*a*) within a period of six months from the date of the commission of the alleged offence; or

(*b*) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence,

whichever period is the longer.

(4) This section shall not apply to a vehicle owned by a local authority, a police authority, or the receiver for the Metropolitan Police District, or by a person who has deposited and keeps deposited with the Accountant-General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds, at any time when the vehicle is being driven by the owner or by a servant of the owner in the course of his employment, or is otherwise subject to the control of the owner.

(5) This Part of this Act shall not extend to invalid carriages within the meaning of Part I of this Act or to tramcars or trolley vehicles the use of which is authorised or regulated by special Act of Parliament or by an order having the force of an Act, unless the special Act or order so provides.

(6) In this section the expression "local authority" means the council of any county, county borough or county district, the common council of the City of London and the council of any metropolitan borough, and includes any joint board or joint committee which is so constituted as to include among its members representatives of any such council.

Requirements in respect of policies.

36.—(1) In order to comply with the requirements of this Part of this Act, a policy of insurance must be a policy which—

(*a*) is issued by a person who is an authorised insurer within the meaning of this Part of this Act; and

PART II. —*cont.*

(*b*) insures such person, persons or classes of persons as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of or bodily injury to any person caused by or arising out of the use of the vehicle on a road:

Provided that such a policy shall not be required to cover—

(i) liability in respect of the death arising out of and in the course of his employment of a person in the employment of a person insured by the policy or of bodily injury sustained by such a person arising out of and in the course of his employment; or

(ii) except in the case of a vehicle in which passengers are carried for hire or reward or by reason of or in pursuance of a contract of employment, liability in respect of the death of or bodily injury to persons being carried in or upon or entering or getting on to or alighting from the vehicle at the time of the occurrence of the event out of which the claims arise; or

(iii) any contractual liability.

(2) Where any payment is made by an authorised insurer under a policy issued under this Part of this Act or by the owner of a vehicle in relation to the user of which a security under this Part of this Act is in force, or who has made a deposit under this Part of this Act in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road and the person who has so died or been bodily injured has to the knowledge of the authorised insurer or such owner received treatment in a hospital in respect of the fatal or other bodily injury so arising, there shall also be paid by the authorised insurer or such owner to such hospital the expenses reasonably incurred by the hospital in affording such treatment to an amount not exceeding twenty-five pounds for each person so treated.

For the purposes of this subsection the expression "hospital" means an institution which provides medical or surgical treatment for in-patients, and the expression "expenses reasonably incurred" means, in relation to a

PART II. —*cont.*

person who receives treatment in a hospital, an amount for each day such person is maintained in such hospital representing the average daily cost per patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the patients therein:

Provided that this subsection shall not apply in any case where a charge has been made by the hospital in respect of such treatment.

(3) For the purposes of this Part of this Act, the expression "authorised insurer" means an assurance company or an underwriter in whose case the requirements of the Assurance Companies Act, 1909, as amended by this Act, with respect to deposits by assurance companies and deposits and guarantees by underwriters are complied with. 9 Edw. 7. c. 49.

(4) Notwithstanding anything in any enactment, a person issuing a policy of insurance under this section shall be liable to indemnify the persons or classes of persons specified in the policy in respect of any liability which the policy purports to cover in the case of those persons or classes of persons.

(5) A policy shall be of no effect for the purposes of this Part of this Act unless and until there is delivered by the insurer to the person by whom the policy is effected a certificate (in this Part of this Act referred to as a "certificate of insurance") in the prescribed form and containing such particulars of any conditions subject to which the policy is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

(6) In this Part of this Act the expression "policy of insurance" includes a covering note.

Requirements in respect of securities.

37.—(1) In order to comply with the requirements of this Part of this Act a security must—

(*a*) be given either by an authorised insurer or by some body of persons which carries on in the United Kingdom the business of giving securities of a like kind and which has deposited and keeps deposited with the Accountant-General of the Supreme Court for and on behalf of the Supreme Court the sum of fifteen thousand pounds in respect of that business; and

PART II. —*cont.*

(*b*) consist of an undertaking by the giver of the security to make good, subject to any conditions specified therein, and up to the amount, in the case of an undertaking relating to the use of public service vehicles, of not less than twenty-five thousand pounds, and, in any other case, of not less than five thousand pounds, any failure by the owner of the vehicle or such other persons or classes of persons as may be specified in the security duly to discharge any such liability as is required to be covered by a policy of insurance under the last preceding section which may be incurred by him or them.

(2) A security shall be of no effect for the purposes of this Part of this Act unless and until there is issued by the person giving the security to the person to whom it is given a certificate (in this Part of this Act referred to as a "certificate of security") in the prescribed form and containing such particulars of any conditions subject to which the security is issued and of any other matters as may be prescribed, and different forms and different particulars may be prescribed in relation to different cases or circumstances.

Certain conditions to policies or securities to be of no effect.

38. Any condition in a policy or security issued or given for the purposes of this Part of this Act, providing that no liability shall arise under the policy or security or that any liability so arising shall cease, in the event of some specified thing being done or omitted to be done after the happening of the event giving rise to a claim under the policy or security, shall be of no effect in connection with such claims as are mentioned in paragraph (*b*) of subsection (1) of section thirty-six:

Provided that nothing in this section shall be taken to render void any provision in a policy or security requiring the person insured or secured to repay to the insurer or the giver of the security any sums which the latter may have become liable to pay under the policy or security and which have been applied to the satisfaction of the claims of third parties.

Production of certificate of insurance or certificate of security on application for

39. Provision may be made by regulations under section twelve of the Roads Act, 1920, for requiring a person applying for a licence in respect of a motor vehicle under section thirteen of the Finance Act, 1920,

PART II. —*cont.* motor vehicle licence. 10 & 11 Geo. 5. c. 72. 10 & 11 Geo. 5. c. 18.

as amended by any subsequent enactment, to produce such evidence as may be prescribed that either—

(*a*) on the date when the licence comes into operation there will be in force the necessary policy of insurance or the necessary security in relation to the user of the vehicle by the applicant or by other persons on his order or with his permission; or

(*b*) the vehicle is a vehicle to which the first section contained in this Part of this Act does not apply at any time when it is being driven by the owner thereof, or by a servant of his in the course of his employment, or is otherwise subject to the control of the owner.

Requirements as to production of certificate of insurance or of security.

40.—(1) Any person driving a motor vehicle on a road shall, on being so required by a police constable, give his name and address and the name and address of the owner of the vehicle and produce his certificate, and if he fails so to do he shall be guilty of an offence:

Provided that, if the driver of a motor vehicle within five days after the date on which the production of his certificate was so required produces the certificate in person at such police station as may have been specified by him at the time its production was required, he shall not be convicted of an offence under this subsection by reason only of failure to produce his certificate to the constable.

(2) If in any case where, owing to the presence of a motor vehicle on a road, an accident occurs involving personal injury to another person, the driver of the vehicle does not at the time produce his certificate to a police constable or to some person who, having reasonable grounds for so doing, has required its production, the driver shall as soon as possible, and in any case within twenty-four hours of the occurrence of the accident, report the accident at a police station or to a police constable and thereupon produce his certificate, and if he fails so to do, he shall be guilty of an offence:

Provided that a person shall not be convicted of an offence under this subsection by reason only of failure to produce his certificate if, within five days after the occurrence of the accident, he produces the certificate in person at such police station as may be specified by him at the time the accident was reported.

PART II. —*cont.*

(3) It shall be the duty of the owner of a motor vehicle to give such information as he may be required by or on behalf of a chief officer of police to give for the purpose of determining whether the vehicle was or was not being driven in contravention of section thirty-five of this Act on any occasion when the driver was required under this section to produce his certificate, and if the owner fails to do so he shall be guilty of an offence.

(4) In this section the expression "produce his certificate" means produce for examination the relevant certificate of insurance or certificate of security or such other evidence that the vehicle is not or was not being driven in contravention of section thirty-five of this Act as may be prescribed.

Regulations for purposes of Part II.

41. The Minister may make regulations for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations—

(*a*) as to the forms to be used for the purposes of this Part of this Act;

(*b*) as to applications for and the issue of certificates of insurance and certificates of security and any other documents which may be prescribed and as to the keeping of records of documents and the furnishing of particulars thereof or the giving of information with respect thereto to the Minister or a chief officer of police;

(*c*) as to the issue of copies of any such certificates or other documents which are lost or destroyed;

(*d*) as to the custody, production, cancellation and surrender of any such certificates or other documents;

(*e*) for providing that any provisions of this Part of this Act shall, in relation to vehicles brought into Great Britain by persons making only a temporary stay therein, have effect subject to such modifications and adaptations as may be prescribed.

Amendment of Assurance Companies Act, 1909..

42.—(1) Section one of the Assurance Companies Act, 1909, shall have effect as if after paragraph (*e*) thereof there were added the following paragraph:—

"(*f*) motor vehicle insurance business, that is to say, the business of effecting contracts of

insurance against loss of, or damage to or arising out of or in connection with the use of, motor vehicles, including third party risks."

(2) Where an assurance company within the meaning of the Assurance Companies Act, 1909, carries on motor vehicle insurance business, that Act shall apply with respect to that business in the same way as it applies to accident insurance business subject to the following modifications:—

(*a*) If the company does not also carry on assurance business of some other class, the reference in subsection (1) of section two of that Act to the sum of twenty thousand pounds shall be construed as a reference to the sum of fifteen thousand pounds;

(*b*) If the company also carries on assurance business of some other class, the reference in subsection (4) of the said section two to a sum of twenty thousand pounds shall, as respects the motor vehicle insurance business, be construed as a reference to a sum of fifteen thousand pounds, and, notwithstanding anything in the said Act relieving a company from making a deposit in respect of any class of insurance business where it has made a deposit in respect of any other class of assurance business, the total sum to be deposited under the said subsection (4) shall in no case be less than thirty-five thousand pounds;

(*c*) Sections five and six and paragraphs (*a*), (*b*) and (*c*) of section thirty-two of that Act shall not apply.

Deposits under Part II.

43.—(1) No part of any sum deposited by any person with the Accountant-General of the Supreme Court under section thirty-five or section thirty-seven of this Act shall, so long as any liabilities, being such liabilities as are required to be covered by a policy of insurance under this Part of this Act, which have been incurred by him have not been discharged or otherwise provided for, be applicable in discharge of any other liabilities incurred by him.

(2) Any rules made by the Board of Trade under section two of the Assurance Companies Act, 1909, which apply to deposits made by insurers carrying on

PART II. —*cont.*

motor vehicle insurance business shall, with such necessary modifications and adaptations as the Minister, after consultation with the Lord Chancellor, may prescribe, apply to deposits made with the said Accountant-General under the sections aforesaid.

Application to Scotland.

44. This Part of this Act shall apply to Scotland subject to the following modification:—

In section thirty-five the expression "local authority" means any county, town, or district council or any joint committee which is so constituted as to include among its members representatives of any such council.

PART III.

AMENDMENT OF LAW RELATING TO HIGHWAYS.

Issue by Minister of directions for guidance of users of roads.

45.—(1) The Minister shall as soon as may be after the commencement of this Act prepare a code (in this section referred to as the "highway code") comprising such directions as appear to him to be proper for the guidance of persons using roads and may from time to time revise the code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(2) The highway code and any alterations proposed to be made in the provisions of the code on any revision thereof, shall, as soon as prepared by the Minister, be laid before both Houses of Parliament, and the code or revised code, as the case may be, shall not be issued until the code or the proposed alterations have been approved by both Houses.

(3) Subject to the foregoing provisions of this section, the Minister shall cause the code and every revised edition of the code to be printed and issued to the public at a price not exceeding one penny for each copy.

(4) A failure on the part of any person to observe any provision of the highway code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may in any proceedings (whether civil or criminal, and including proceedings for an offence under this Act) be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings.

PART III. —*cont.*

Power to restrict use of vehicles on specified roads.

46.—(1) The Minister may, on the application of a council to which this section applies and after holding, if he thinks fit, a public inquiry, by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or otherwise as may be specified in the order, the driving of vehicles, or of any specified class or description of vehicles, on any specified road within the area of the council in any case in which he is satisfied that any such vehicles cannot be used, or cannot without restriction be used, on that road without endangering the safety of the vehicles or the persons therein, or of other persons using the road, or that the road is unsuitable for use or for unrestricted use by any such vehicles.

(2) The Minister may on the application of a council to which this section applies or the governing body of any university in the receipt of a grant from public moneys and after holding, if he thinks fit, a public inquiry, make an order for any of the following purposes:—

(*a*) the specification of the routes to be followed by vehicles;

(*b*) the prohibition or restriction of the use of specified roads by vehicles of any specified class or description, either generally or during particular hours;

(*c*) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction;

(*d*) otherwise in relation to the regulation of traffic.

Provided that no order shall be made under this subsection with respect to any road which would have the effect of preventing such access as may be reasonably required for vehicles of any class or description to any premises situated on or adjacent to the road.

(3) The Minister may at any time after giving notice to the council on whose application an order under this section, or an order under the corresponding provision of any enactment repealed by this Act, was made and after holding, if he thinks fit a public inquiry, revoke, vary or amend the order.

(4) Where an order is made under this section the council on whose application the order, or the original order, was made shall publish in such manner as may be prescribed notice of the fact that the order has been made and of its effect.

PART III. —*cont.*

(5) The provisions contained in the Second Schedule to this Act shall have effect with respect to applications and inquiries under this section.

(6) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of an order made under this section shall be liable in the case of a first conviction to a fine not exceeding five pounds and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(7) No order made under this section shall apply to the driving of any tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or order having the force of an Act.

(8) The councils to which this section applies are the councils of counties or county boroughs or of urban districts having a population of over twenty thousand according to the last census for the time being.

(9) In the case of the administrative county of London an application under this section may be made by a highway authority as respects any road vested in them.

Power of highway authority temporarily to prohibit or restrict traffic on roads.

47.—(1) Subject to the provisions of this section, if a highway authority are satisfied that traffic on any road for the maintenance of which they are responsible should, by reason of works of repair or reconstruction being required or being in progress on the road, be restricted or prohibited, they may by order restrict or prohibit the use of that road or of any part thereof by vehicles or by vehicles of any particular class or description to such extent and subject to such conditions or exceptions as they may consider necessary.

(2) Subject to the provisions of this section, a highway authority shall, not less than seven days before making an order under this section, cause notice of their intention to make the order to be published in one or more newspapers circulating in the district in which the road or part of a road affected by the order is situate, and shall also within a period of seven days after making any such order cause a notice of the making of the order to be published in the like manner.

Every such notice shall contain a statement of the effect of the order and a description of the alternative route or routes available for traffic.

PART III. —*cont*

(3) A highway authority, when considering the question of the making of an order under this section, shall have regard to the existence of alternative routes suitable for the traffic which will be affected by the order.

(4) No order made under this section shall, without the approval of the Minister, continue in force for a longer period than three months from the making thereof, and where the Minister gives his approval to an order continuing in force after the expiration of that period, the authority shall give such notice of the Minister's approval as may be directed by him.

(5) So long as any order made under this section is in force, a notice stating the effect of the order, and describing the alternative route or routes available for traffic, shall be kept posted in a conspicuous manner at each end of the part of the road to which the order relates, and at the points at which it will be necessary for vehicles to diverge from the road.

(6) A highway authority may at any time by notice restrict or prohibit temporarily the use of any road or any part of any road by vehicles or by vehicles of any particular class or description where owing to the likelihood of danger to the public or of serious damage to the highway, it appears to them necessary that such restriction or prohibition should come into force without delay.

Any such notice shall describe the alternative route or routes available for traffic, and shall be kept posted in accordance with the provisions of the last preceding subsection, and shall not continue in force for a longer period than seven days from the date thereof; but, where such a notice has been posted, the authority may before the expiration of that period, proceed to make an order under subsection (1) of this section with respect to the same road or part of a road without causing notice of their intention to make such order to be published in any newspaper.

(7) Any person who uses or permits the use of a vehicle in contravention of any restriction or prohibition imposed under this section shall be liable in the case of a first conviction to a fine not exceeding five pounds and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

PART III. —*cont.*

(8) Any person aggrieved by any restriction or prohibition imposed under this section may appeal to the Minister who may either quash the restriction or prohibition or confirm it with or without modifications, and the Minister's decision shall be final and conclusive.

(9) No restriction or prohibition imposed under this section shall apply to the driving of any tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or order having the force of an Act.

Erection of notice boards, &c.

48.—(1) Subject to and in conformity with such general or other directions as may be given by the Minister a highway authority may cause or permit traffic signs to be placed on or near any road in their area:

(2) Traffic signs shall be of the prescribed size, colour, and type except where the Minister authorises the erection of a sign of another character.

(3) After the commencement of this Act no traffic signs shall be placed on or near any road except under and in accordance with the preceding provisions of this section:

Provided that nothing in this subsection shall apply to any notice in respect of the use of a bridge or to any traffic sign placed by the owners or workers of any tramway, light railway, or trolley vehicle undertaking, any dock undertaking or any harbour undertaking in pursuance of powers conferred by any special Act of Parliament or order having the force of an Act.

(4) The highway authority shall by notice in writing require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign to remove it, and if any person fails to comply with such a notice the highway authority may themselves effect the removal, doing as little damage as may be, and may recover summarily as a civil debt from the person so in default the expense incurred by them in so doing:

Provided that the provisions of this subsection shall not apply in the case of any sign or object so long as its retention is expressly authorised by the highway authority.

(5) A highway authority shall, if so directed by the Minister, remove or cause to be removed any traffic sign

or any such object as is mentioned in subsection (4) of this section.

(6) A bridge authority shall, if so directed by the Minister, remove, or cause to be removed, any notice in respect of the use of a bridge placed under any Act or Order repealed by this Act, or by any Order under this Act.

(7) If a highway or bridge authority fails to comply with any direction, given under either of the preceding subsections, the Minister may himself effect the removal, and may recover summarily as a civil debt from the authority the expenses incurred by him in so doing.

(8) A highway or bridge authority and the Minister may enter any land and exercise such other powers as may be necessary for the purpose of the exercise and performance of their powers and duties under this section.

(9) In this Part of this Act, the expression "traffic sign," includes all signals, warning sign posts, direction posts, signs, or other devices for the guidance or direction of persons using roads; and in this section the expression "highway authority" includes any person responsible for the maintenance of a road.

Penalties for neglect of traffic directions

49. Where a police constable is for the time being engaged in the regulation of traffic in a road, or where any traffic sign being a sign for regulating the movement of traffic or indicating the route to be followed by traffic, has been lawfully placed on or near any road in accordance with the provisions of the last preceding section, any person driving or propelling any vehicle who—

(*a*) neglects or refuses to stop the vehicle or to make it proceed in or keep to a particular line of traffic when directed so to do by the police constable in the execution of his duty; or

(*b*) fails to conform to the indication given by the sign, shall be guilty of an offence.

Leaving vehicles in dangerous positions.

50. If any person in charge of a vehicle causes or permits the vehicle or any trailer drawn thereby to remain at rest on any road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, he shall be guilty of an offence.

PART III. —*cont.*

Provisions with respect to stretching of ropes, &c., across highways.

51. Any person who for any purpose places or causes to be placed any rope, wire or other apparatus across a highway or any part thereof in such a manner as to be likely to cause danger to persons using the highway shall, unless he proves that he had taken all necessary means to give adequate warning of the danger, be guilty of an offence.

Exemption of agricultural machines from 5 & 6 Will. 4. c. 50. s. 70.

52. The restrictions contained in section seventy of the Highways Act, 1835, on the erection of machines and machinery within twenty-five yards of a highway shall not apply so as to prohibit any machines or mechanically propelled vehicles from being used for purposes connected with agriculture, forestry, building operations, or the repair, maintenance or construction of roads.

Provisions with respect to the transfer of toll bridges and toll roads to local authorities.

53.—(1) Where a person is, under any special Act or charter, authorised to charge tolls in respect of the use of any bridge or road, the council of the county, county borough, or urban district within whose area the bridge or road is situate—

(*a*) may agree with that person that he shall, upon such terms as may be agreed, transfer to them; or

(*b*) subject to the provisions of this section, may by written notice to treat require that person to transfer to them

either all his property, rights, and obligations under the special Act or charter (being property, rights or obligations connected with the bridge or road, or such of them as may be specified in the agreement, or, as the case may be, the notice to treat.

(2) Upon the making of a transfer under the preceding subsection—

(*a*) the bridge or road shall—

(i) in the case of a transfer to a county council become vested in and repairable by the council as a county bridge or a county road; and

(ii) in the case of a transfer to any other council become vested in and repairable by the council as an ordinary bridge or an ordinary road,

and the provisions of all general enactments relating to bridges and roads shall become applicable to it accordingly;

PART III. —*cont.*

(*b*) the right to take tolls and any other property, right, or obligation transferred shall vest in and be imposed upon and exercisable by the council, but a right to take tolls so transferred shall continue to be exercisable for such number of years only as may be allowed by the Minister in the particular case.

(3) The consideration to be paid to any person for a compulsory transfer under this section shall, in default of agreement, be determined by an official arbitrator in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, and subject to any agreement with respect to the date of transfer the person upon whom a notice to treat has been served under this section shall upon payment to him of the consideration determined in the manner aforesaid transfer to the council all such property, rights, obligations and liabilities vested in or imposed upon him as are required by the notice to treat to be so transferred. 9 & 10 Geo. 5. c. 57.

(4) The payment of the consideration for a transfer under this section shall be a purpose for which a council may borrow under the enactments applicable to the council as a highway authority.

(5) A council in whose area part only of a bridge or road is situate shall have in relation to that bridge or road the same powers as they would have had under subsection (1) of this section if the bridge or road had been wholly situate within their area, but shall not exercise those powers except in pursuance of an agreement made under the next succeeding subsection.

(6) Any two or more councils having under either subsection (1) or subsection (5) of this section powers in relation to any bridge or road may, subject to the approval of the Minister, enter into agreements with respect to the exercise of those powers by one council on behalf of the other or others of them and with respect to the making of contributions by any of them towards the expenses of any action so taken, and where those powers are exercised in pursuance of any such agreement, the transfer of the bridge or road and any other property, rights and obligations to be transferred, shall be made to such council or councils as may be provided by the agreement.

PART III. —*cont.*

(7) The provisions of this section with respect to compulsory transfers shall not apply in relation to any bridge or road vested in a statutory dock authority as such or in a statutory harbour authority as such nor in relation to the property in the structure of any bridge vested in a railway company.

Provisions as to extraordinary traffic.

54.—(1) Where as respects any road it appears to the highway authority by a certificate of their surveyor that having regard to the average expense of repairing the road or other similar roads in the neighbourhood extraordinary expenses have been incurred by the authority in repairing the road by reason of the damage caused by excessive weight passing along the road, or other extraordinary traffic thereon, the highway authority may recover from any person (hereinafter referred to as "the undertaker") by or in consequence of whose order the traffic has been conducted the amount of such expenses as may be proved to the satisfaction of the court having cognizance of the case to have been incurred by the highway authority by reason of the damage arising from the extraordinary traffic:

Provided that, if before traffic which may cause such damage commences the undertaker admits liability in respect of such traffic, the undertaker and the highway authority may agree for the payment by the undertaker to the highway authority of a sum by way of a composition of such liability, or either party may require that the sum to be so paid shall be determined by arbitration; and where a sum has been so agreed or determined as aforesaid the undertaker shall be liable to pay that sum to the highway authority, and shall not be liable to proceedings for the recovery of such expenses as aforesaid.

(2) The sums recoverable under this section shall be recoverable in the High Court, or if the claim does not exceed five hundred pounds, in the county court in the district of which the road or any part thereof is situate:

Provided that proceedings for the recovery of any such sums shall be commenced within twelve months of the time at which the damage has been done, or where the damage is the consequence of any particular building contract or work extending over a long period, shall be commenced not later than six months after completion of the contract or work.

(3) This section shall not apply to the administrative county of London. PART III. —*cont.*

Power of certain authorities as to refuges and subways.

55. The council of an urban district as respects any road in their area (subject, however, in the case of a county road not vested in them, to the consent of the county council) and a highway authority as respects any road vested in them may, for the purpose of protecting traffic along the road from danger or of making the crossing of any road less dangerous to foot passengers, erect, light, maintain, alter and remove places of refuge in the road, and construct, light, maintain, alter, remove and temporarily close subways under the road for the use of foot passengers.

Power to remove structures from highways.

56.—(1) Where any structure has been erected or set up on a highway otherwise than under or in pursuance of any enactment the highway authority may by notice in writing require the person having control or possession of the structure to remove it within such time as may be specified in the notice.

(2) Any person on whom any notice is served under this section may, within one month of the service of the notice, appeal to the Minister, and if it is shown to the satisfaction of the Minister that the removal of the structure within the time specified in the notice would cause undue hardship to any person, the Minister may extend the time by such period as he thinks just.

(3) If any structure in respect of which a notice has been served under this section is not removed within the time specified in the notice, the highway authority may themselves remove the structure and recover the expense of so doing summarily as a civil debt from the person having the control or possession of the structure:

Provided that the power of the highway authority under this subsection shall not be exercised until the expiration of one month after the date of the service of the notice or, if an appeal has been made to the Minister against the notice, until after the appeal has been determined.

(4) A notice under this section may be served either personally or by post.

PART III. —*cont.*

(5) In this section the expression "structure" includes any machine, pump post or other object of such a nature as to be capable of causing obstruction.

Advances from road fund.

9 Edw. 7. c. 47.

57.—(1) It is hereby declared that in relation to any roads for the maintenance of which he is responsible, the Minister is a highway authority for the purposes of Part II of the Development and Road Improvement Funds Act, 1909, and, accordingly, advances out of the Road Fund may be made to the Minister in his capacity of highway authority.

(2) The expression "improvement of roads" in the said Part II shall include the following works, that is to say, the erection, lighting, maintenance, alteration and removal of places of refuge in roads, and the construction, lighting, maintenance, alteration, and removal of subways under roads for the use of foot passengers, and advances may be made out of the Road Fund towards the costs incurred by the council of an urban district in connection with the execution of any such works in a county road.

(3) Advances may be made out of the Road Fund towards the expenses incurred by any highway authority in the erection of weighbridges or other machines for weighing vehicles, or towards any sum paid by a highway authority to a person in consideration of his allowing a weighbridge or other weighing machine to be used for weighing motor vehicles or trailers.

(4) Advances may be made out of the Road Fund towards any expenses incurred by a police authority in the provision and maintenance of vehicles or equipment for use by the police force in connection with the enforcement of this Act.

(5) The provisions of the Development and Road Improvement Funds Act, 1909, as amended by any subsequent enactment, shall apply in relation to advances made under subsections (3) and (4) of this section as they apply in relation to advances to a highway authority under Part II of the said Act.

Provision of footpaths and grass or other margins.

58. It is hereby declared to be the duty of a highway authority to provide wherever they shall deem it necessary or desirable for the safety or accommodation of foot passengers proper and sufficient footpaths by

the side of roads under their control, and to provide wherever they shall deem it necessary or desirable for the safety or accommodation of ridden horses and driven livestock adequate grass or other margins by the side of the roads under their control.

Regulations.

59.—(1) The Minister may make regulations—

(*a*) for prescribing anything which under this Part of this Act may be prescribed, and for regulating the number, nature and use of brakes, including skid pans and locking chains, in the case of vehicles drawn by horses or other animals, or any class or description of such vehicles, when used on roads, and for securing that such brakes shall be efficient and kept in proper working order and for empowering persons authorised by or under the regulations to test and inspect any such brakes, whether on a road or elsewhere; and

(*b*) for prescribing the appliances to be fitted to bicycles or tricycles, not being motor vehicles, for signalling their approach when used on roads and for securing that the riders of such vehicles shall by means of such appliances as aforesaid give audible and sufficient warning of their approach; and

(*c*) for making provision for the removal from roads of vehicles which have broken down and of the loads carried thereby or of vehicles which have been left in a dangerous position on a road.

(2) Regulations under this section may provide for repealing any byelaws dealing with the same subject matter as the regulations, and for suspending whilst the regulations remain in force any power of making any such byelaws.

Application to Scotland.

60. This Part of this Act shall apply to Scotland subject to the following modifications :—

(*a*) Subsection (1) of section forty-six of this Act shall apply to a county council and to the town

Part III. —*cont.*

council of a large burgh, as defined in the Local Government (Scotland) Act, 1929:

19 & 20 Geo. 5. c. 25.

(*b*) Subsection (2) of section forty-six of this Act shall apply to a county council:

(*c*) In lieu of the provisions of subsection (2) of section fifty-four of this Act, other than the proviso thereto, the following provision shall have effect—

> Any sums recoverable under this section shall be recoverable if not exceeding fifty pounds before the sheriff, whose decision shall be final, and, if exceeding that sum, either before the sheriff subject to an appeal to the Court of Session, or in the Court of Session:

5 & 6 Will. 4. c. 50.

(*d*) For the reference to the restrictions contained in section seventy of the Highways Act, 1835, there shall be substituted a reference to the restrictions on the erection of steam engines within one hundred yards of a highway contained in section one hundred and seven of the Act First and Second William the Fourth, Chapter forty-three, as incorporated with and extended and applied by the Roads and Bridges (Scotland) Act, 1878:

41 & 42 Vict. c. 51.

(*e*) Section fifty-three of this Act shall have effect as if for any reference to the council of a county borough or urban district there were substituted a reference to the town council of a burgh charged with the maintenance and management of any of the highways therein, and as if paragraph (*a*) of subsection (2) were omitted therefrom, and on any transfer under the said section of a road or bridge to a county or town council the road or bridge shall become vested in and maintainable by such council as a highway, and the provisions of all general enactments relating to highways shall become applicable accordingly;

11 Geo. 3. c. 53.

(*f*) The Highways (Scotland) Act, 1771, is hereby repealed.

PART IV.

REGULATION OF PUBLIC SERVICE VEHICLES.

Classification of Public Service Vehicles.

Application of Part IV and classification of public service vehicles.

61.—(1) Public service vehicles shall, for the purposes of this Part of this Act and the regulations made thereunder, be divided into the following classes:—

(*a*) Stage carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (any or all of which are less than one shilling for a single journey or such greater sum as may be prescribed), stage by stage, and stopping to pick up or set down passengers along the line of route, and any other motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined:

(*b*) Express carriages; that is to say, motor vehicles carrying passengers for hire or reward at separate fares (none of which is less than one shilling for a single journey or such greater sum as may be prescribed) and for a journey or journeys from one or more points specified in advance to one or more common destinations so specified, and not stopping to take up or set down passengers other than those paying the appropriate fares for the journey or journeys in question:

(*c*) Contract carriages; that is to say, motor vehicles carrying passengers for hire or reward under a contract expressed or implied for the use of the vehicle as a whole at or for a fixed or agreed rate or sum:

Provided that a motor vehicle adapted to carry less than eight passengers shall not be deemed to be a stage carriage or an express carriage by reason only that on occasions of race meetings, public gatherings and other like special occasions it is used to carry passengers at separate fares.

(2) It is hereby declared that where persons are carried in a motor vehicle for any journey in consideration of separate payments made by them, whether to the owner of the vehicle or to any other person, the vehicle in

PART IV. —*cont.*

which they are carried shall be deemed to be a vehicle carrying passengers for hire or reward at separate fares, whether the payments are solely in respect of the journey or not:

Provided that a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

(3) Where a person uses or allows to be used without reward for carrying eight or more persons as passengers any motor vehicle ordinarily used for the purposes of agriculture, trade or business, then, except where the persons so carried are workpeople being carried in the course of or to or from their employment, the vehicle shall for the purposes of this Part of this Act be treated as if it was a contract carriage, and the provisions of this Part of this Act and the regulations made thereunder shall apply accordingly.

Traffic Areas and Traffic Commissioners.

Constitution of traffic areas.

62.—(1) For the purposes of this Part of this Act England and Scotland shall be divided into the traffic areas specified respectively in the first column of Part I and Part II of the Third Schedule to this Act, and those traffic areas shall consist of the several areas respectively specified in the second column of that Schedule.

(2) The Minister may from time to time by order vary the provisions of the said Third Schedule, either by altering the limits of any existing traffic area or by increasing or reducing the number of traffic areas or otherwise as he may think fit.

(3) Every order made under this section shall be laid before both Houses of Parliament forthwith, but shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which the House has sat, and, if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.

(4) Any order made under this section may be revoked or altered by a subsequent order.

PART IV. —*cont.* Traffic commissioners.

63.—(1) For each traffic area there shall be a body of three commissioners who shall have the power and be charged with the duty of issuing licences under this Part of this Act and shall exercise such other powers and perform such other duties as are conferred or imposed on them by or in pursuance of this Act, and subject as aforesaid shall act under the general directions of the Minister.

(2) The commissioners for any traffic area shall be appointed by the Minister in manner provided by this section, and in this Part of this Act the expression "the commissioners" means the traffic commissioners for any traffic area.

Where the Minister proposes to appoint a person to be traffic commissioner for any traffic area he shall, before making the appointment, require the person whom he proposes to appoint to declare whether he has any, and if so what, financial interest in any transport undertaking which carries passengers.

(3) One of the commissioners shall be appointed by the Minister from a panel of persons nominated by the councils of the counties whose area, or any part of whose area, is situated in the traffic area, another of the commissioners shall be appointed by the Minister from a panel of persons nominated by the councils of the county boroughs and urban districts whose area, or any part of whose area, is situated in the traffic area, and the other commissioner shall be such person as the Minister thinks fit to appoint to be chairman of the commissioners.

(4) For the purpose of constituting the panels mentioned in the last foregoing subsection, each of the councils concerned shall nominate one person annually as a member of the panel, and a person so nominated shall continue to be a member of the panel for one year from the date of his nomination, but shall be eligible for re-nomination from time to time.

(5) The chairman of the commissioners, who shall be required to devote the whole of his time to the duties of his office, shall hold office for such term not exceeding seven years as the Minister may determine at the time of his appointment, and shall be eligible for reappointment from time to time on the expiration of his term of office.

PART IV. —*cont.*

(6) A commissioner, other than the chairman, shall hold office for such term not exceeding three years as the Minister may determine at the time of his appointment, and shall, if at the date at which his term of office expires his name is still included in the panel from which he was appointed, be eligible for reappointment.

(7) In the case of illness, incapacity or absence of the chairman, the Minister may appoint such person as he thinks fit to act as deputy to the chairman, and in the case of illness, incapacity or absence of either of the other commissioners, the Minister may appoint some other person, being a person whose name is included in the panel from which that commissioner was appointed to act as deputy for that commissioner.

(8) Subject to the approval of the Treasury, the Minister may appoint such persons to act as officers and servants of the commissioners as he considers requisite for the purpose of enabling them to discharge their duties under this Part of this Act.

(9) The Minister may by regulation make provision as to the dates on which nominations to panels are to be made and as to the filling of casual vacancies.

(10) If any person being a commissioner for any traffic area acquires any financial interest in any transport undertaking which carries passengers he shall within four weeks after so doing give notice thereof in writing to the Minister specifying the interest so acquired, and the Minister after taking the matter into consideration may, if he thinks fit, declare that the commissioner has vacated his office.

(11) The Minister may remove any commissioner from his office for inability or misbehaviour.

(12) A person shall be disqualified from being appointed or being a commissioner so long as he is a member of the Commons House of Parliament.

Procedure of traffic commissioners.

64.—(1) The commissioners shall, for the purpose of hearing and determining applications for the grant and backing of road service licences, and may for any other purpose, if they so think fit, hold public sittings at such places in any part of their area as appears to them convenient.

(2) Not less than two commissioners shall be present at the hearing of any application, and if where an application is heard by two commissioners only there is a

PART IV. —*cont.*

difference of opinion between them, the matter shall be reheard and determined by all the commissioners.

(3) The commissioners may delegate to any one of their members any of their functions other than those requiring to be discharged at a public sitting or that of advising the Minister on any order made by a local authority under this Part of this Act.

Traffic commissioners to make annual report to Minister.

65. The commissioners shall make an annual report to the Minister on their proceedings containing particulars with respect to such matters as the Minister may direct.

Information to be given to commissioners as to licences issued before commencement of Act.

66. It shall be the duty of a local authority to produce to the commissioners all registers kept by the local authority relating to the grant or refusal by them before the commencement of this Act of licences to ply for hire, and to furnish to the commissioners such other information relating to the matters aforesaid as the commissioners may require for the purpose of carrying out their duties under this Act.

Public Service Vehicle Licences.

Public service vehicle licences.

67.—(1) No person shall cause or permit a motor vehicle to be used on any road as a stage carriage an express carriage or a contract carriage unless he is the holder of a licence (in this Act referred to as "a public service vehicle licence") to use it as a vehicle of that class in accordance with the provisions of this Part of this Act:

Provided that—

(*a*) a person who is the holder of a licence to use a vehicle as a stage carriage may use it as a contract carriage or, subject to any condition attached to his road service licence, as an express carriage, and a person who is the holder of a licence to use a vehicle as an express carriage may use it as a contract carriage; and

(*b*) in the case of a service of stage carriages, a vehicle licensed as an express carriage may be used on the service if the commissioners of each of the traffic areas in which the vehicle is to be so used think that it may in any special circumstances, including the character of the service, properly be so used and consent in writing thereto.

PART IV. —*cont.*

(2) A public service vehicle licence may be refused or, if it has already been granted, may at any time be suspended or revoked by the commissioners by whom it was granted if, having regard to the conduct of the applicant or holder of the licence or to the manner in which the vehicle is being used, it appears to them that he is not a fit person to hold such a licence.

(3) If any person causes or permits a vehicle to be used in contravention of this section, he shall be guilty of an offence.

Certificates of fitness of vehicles.

68.—(1) Subject to the provisions of this section relating to vehicles in respect of which a licence to ply for hire has been granted before the commencement of this Act, a licence to use a vehicle adapted to carry eight or more passengers as a stage carriage, express carriage or contract carriage shall not be granted unless a certificate (hereinafter referred to as a certificate of fitness) has been issued by a certifying officer that the prescribed conditions as to fitness are fulfilled in respect of the vehicle and such a certificate is in force in respect of the vehicle:

Provided that the Minister may by regulations extend the provisions of this subsection to stage carriages and express carriages adapted to carry seven passengers or any smaller number of passengers specified in the regulations.

(2) A public service vehicle licence of any class shall not be refused on the ground that the construction or fixed equipment of the vehicle is not suitable if a certificate of fitness as a vehicle of that class has been issued and is in force with respect to the vehicle:

Provided that, if the commissioners are satisfied that the structure of the vehicle or the fixed equipment thereof has become defective or has been so altered as no longer to comply with the prescribed conditions as to fitness, they may refuse to grant a public service vehicle licence until a new certificate of fitness has been obtained.

(3) A certificate of fitness shall, unless previously revoked or cancelled, continue in force for five years, or, if the certifying officer thinks fit, for such shorter period, not being less than one year, as may be specified in the certificate.

PART IV. —*cont.*

(4) The Minister may at any time revoke a certificate of fitness, and if on the inspection of a public service vehicle it appears to the certifying officer that the vehicle does not comply with the prescribed conditions as to fitness, that officer may revoke the certificate of fitness, and where by reason of the revocation of a certificate of fitness or otherwise a vehicle ceases to be a vehicle in respect of which a certificate of fitness is in force, any licence granted in respect of that vehicle shall cease to have effect unless or until a new certificate of fitness is obtained.

(5) Where the Minister is satisfied in respect of one vehicle of a particular type that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, he may, on payment of the prescribed fee, approve the vehicle as a type vehicle, and where a type vehicle has been so approved and a declaration in the prescribed form has been made by a person authorised by the Minister in that behalf that any other vehicle conforms in design, construction and equipment with the type vehicle, the certifying officer may, after examining such other vehicle, issue a certificate in the prescribed form that the vehicle conforms to the type vehicle, and such a certificate shall for the purposes of this Part of this Act be deemed to be a certificate of fitness and shall have effect accordingly.

The Minister may at any time withdraw his approval of any type vehicle, and thereupon any certificate that any other vehicle conforms to that type vehicle shall cease to have effect as a certificate of fitness.

(6) With a view to spreading the certification of vehicles over a term of years the commissioners may during the first four years after the commencement of this Act grant public service vehicle licences in respect of such vehicles, being vehicles in respect of which licences to ply for hire were granted before the commencement of this Act, as they think fit, notwithstanding that the provisions of subsection (1) of this section have not been complied with, and the Minister may by order provide that as and when the said subsection becomes applicable to any such vehicle, the requirements of the regulations prescribing the conditions as to fitness shall be relaxed in relation to that vehicle to such extent as may be specified in the order.

PART IV. —*cont.*

Certifying officers and public service vehicle examiners.

69.—(1) For the purpose of the provisions of this Part of this Act with respect to the certification of fitness of vehicles, the Minister may, with the approval of the Treasury, appoint such officers (in this Part of this Act referred to as certifying officers) as he thinks fit, and those officers shall perform such duties in relation to the examination of vehicles, the issue of certificates of fitness and otherwise, as the Minister may require.

(2) The Minister shall appoint as public service vehicle examiners, such persons as he considers necessary for the purpose of the inspection of public service vehicles within the several traffic areas and for the purpose of the discharge of such other duties as the Minister considers can conveniently be discharged by persons acting as such examiners, and for that purpose may, with the concurrence of the Secretary of State, make arrangements with any police authority for the appointment of members of their police force for this purpose.

(3) Any certifying officer or public service vehicle examiner shall at any time on production, if so required, of his authority, be entitled to enter and inspect any public service vehicle, and for that purpose may require any public service vehicle to be stopped, and may at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that a public service vehicle is kept, and if any person obstructs any such officer or examiner in the performance of his duty, or when required so to do fails to stop the vehicle, he shall be guilty of an offence.

Notice to be given to commissioners of failure in, damage to, or alteration of vehicles.

70.—(1) It shall be the duty of the holder of a public service vehicle licence on the happening to the vehicle in respect of which the licence was granted of any failure or damage of a nature calculated to affect the safety of the passengers or of persons using the road, as soon as may be to report the matter to the commissioners for the traffic area in which the failure or damage happened.

(2) It shall be the duty of the holder of a public service vehicle licence on any alteration otherwise than by way of replacement of parts being made in the structure or fixed equipment of the vehicle forthwith to give notice of the alteration to the commissioners for the traffic area in which the licence was issued.

PART IV. —*cont.*

(3) If any person fails to comply with the provisions of this section, he shall be guilty of an offence.

Suspension of vehicle licences for defects.

71.—(1) If on the inspection of a public service vehicle it appears to a certifying officer or public service vehicle examiner that the vehicle, owing to any defects therein, is or is likely to become unfit for service until the defects have been remedied, he may suspend the public service vehicle licence in respect of the vehicle:

Provided that, where in the opinion of the officer or examiner the defects are such as can be remedied within forty-eight hours, and are not defects which involve danger to the public, the suspension shall not operate before the expiration of forty-eight hours, nor shall it operate after the expiration of that time if the licensee before the expiration of that time furnishes evidence to the satisfaction of the officer or examiner that the defects have been or are in the course of being remedied.

(2) Where a certifying officer or public service vehicle examiner suspends a licence under this section, he shall forthwith give notice of the suspension to the commissioners who granted the licence, and to the licensee, and a suspension under this section which becomes operative shall continue in force until it is removed or ceases in accordance with the provisions hereinafter contained.

(3) Where a licence has been suspended under this section, the suspension may be removed by any certifying officer or public service vehicle examiner and where any such officer or examiner removes any suspension of a licence, he shall forthwith give notice of the removal to the commissioners by whom the licence was granted.

(4) Where a public service vehicle examiner for any traffic area refuses to remove the suspension of a public service vehicle licence, the holder of the licence may make an application to the commissioners of that area to have the vehicle inspected by the certifying officer for that area, and where any such application is made, a certifying officer, on the matter being referred to him, shall, if he considers that the prescribed conditions as to fitness are fulfilled in respect of the vehicle, remove the suspension.

PART IV. —*cont.*

Road Service Licences.

Road service licences.

72.—(1) Subject to the provisions of this section the commissioners may grant to any person applying therefor a licence (in this Act referred to as a "road service licence") to provide such a road service as may be specified therein, and a vehicle shall not be used as a stage carriage or an express carriage except under such a licence.

(2) For the purposes of this section a vehicle used as a stage carriage, or as an express carriage, shall not be deemed to be so used under a road service licence unless it is so used by the holder of the licence and in accordance with the provisions thereof.

(3) The commissioners shall not grant a road service licence in respect of any route if it appears to them from the particulars furnished in pursuance of subsection (5) of this section that the provisions of Part I of this Act relating to the speed of motor vehicles are likely to be contravened, and in exercising their discretion to grant or to refuse a road service licence in respect of any routes and their discretion to attach conditions to any such licence shall have regard to the following matters :—

(*a*) the suitability of the routes on which a service may be provided under the licence;

(*b*) the extent, if any, to which the needs of the proposed routes or any of them are already adequately served;

(*c*) the extent to which the proposed service is necessary or desirable in the public interest;

(*d*) the needs of the area as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services), and the co-ordination of all forms of passenger transport, including transport by rail;

and take into consideration any representations which may be made by persons who are already providing transport facilities along or near to the routes or any part thereof or by any local authority in whose area any of the routes or any part of any of the routes is situate.

(4) Subject to the provisions of this section and to any regulations made by the Minister, the commissioners

may attach to a road service licence such conditions as they may think fit with respect to the matters to which they are required to have regard under the preceding subsection, and in particular for securing that—

(*a*) the fares shall not be unreasonable;

(*b*) where desirable in the public interest the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the route or any part thereof, or in proximity thereto;

(*c*) copies of the time-table and fare-table shall be carried and be available for inspection in vehicles used on the service;

(*d*) passengers shall not be taken up or shall not be set down except at specified points or shall not be taken up or shall not be set down between specified points;

and generally for securing the safety and convenience of the public; and the commissioners may from time to time vary in such manner as they think fit the conditions attached to a road service licence.

(5) Every person applying for a road service licence shall submit to the commissioners—

(*a*) particulars of the type or types of vehicle to be used; and

(*b*) in the case of regular services, the time-tables and fare-tables of the services which it is proposed to provide under the licence; and

(*c*) in any other case, such particulars as to the frequency of the services and the times to be taken on the journeys included in those services as the commissioners may require.

(6) If where an application has been made for a road service licence it is represented to the commissioners by any person interested in or affected by the application that it is necessary or desirable in the public interest that the commissioners should fix the minimum or maximum fares for any service which the applicant proposes to provide under the licence, the commissioners may, subject to the provisions of this section fix such fares and make it a condition of the licence that fares shall not be charged under or in excess of the minimum or maximum:

PART IV. —*cont.*

(7) In any case where provision is made by any Act for the fixing of fares or maximum fares in respect of any service or stage of any service, nothing in this section shall be taken to authorise the commissioners to fix maximum fares in respect of that service or stage, or to fix a minimum fare for any stage in excess of any fare or maximum fare for the time being fixed for that stage under any such Act.

(8) A road service licence in respect of any route shall be required notwithstanding that the provision of a service of stage carriages or express carriages is authorised under Part V of this Act or by a special Act or an order having the force of an Act.

(9) The commissioners, on granting a road service licence, shall send notice thereof, including particulars of the services to be provided thereunder, to every chief officer of police and every local authority in whose district or area any such service is to be provided.

(10) If any person uses a vehicle or causes or permits it to be used in contravention of this section, or being the holder of a road service licence wilfully or negligently fails to comply with any of the conditions attached to that licence, he shall be guilty of an offence:

Provided that failure in any case to comply with any such conditions shall not be an offence if the alleged offender proves that the commissioners for the traffic area in which the offence is alleged to have been committed had dispensed with compliance in that case.

(11) In this section the expression "local authority" means the council of any county, county borough, or county district.

Validity of licences in other areas and backing of licences.

73.—(1) A road service licence granted by the commissioners of any traffic area shall not be valid in any other traffic area through which the route to be followed runs, but a road service licence granted by the commissioners of one traffic area may be backed in the prescribed manner by the commissioners of another traffic area, and if so backed, shall in the area of the commissioners by whom the licence is backed have effect as if it were a road service licence granted by them.

(2) The commissioners of any traffic area, on backing a road service licence, may as respects their area impose any condition which they might have imposed on granting the licence, or vary any condition attached to the licence

PART IV. —*cont.*

by the commissioners by whom the licence was granted, and all the provisions of this Part of this Act as to applications for road service licences and the granting, refusal, suspension or revocation of such licences and matters connected therewith shall apply to the backing of road service licences, subject to the modification that references in the said provisions to the commissioners by whom the licence was granted shall be construed as references to the commissioners by whom the licence was backed.

(3) Save as aforesaid, any licence issued under this Part of this Act by the commissioners of any traffic area shall be valid in every other traffic area.

Power to revoke or suspend licences for non-compliance with conditions.

74.—(1) A road service licence may be revoked or suspended by the commissioners who granted the licence on the ground that any condition subject to which the licence was granted has not been complied with:

Provided that the commissioners shall not revoke such a licence unless, owing to the frequency of the breach of conditions on the part of the licensee, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the commissioners are satisfied that the licence should be revoked or suspended.

(2) The commissioners, on revoking or suspending a road service licence, shall send notice thereof to every chief officer of police and to every local authority in whose district or area the service to which such licence relates was provided.

Returns to be made by persons operating public service vehicles.

75.—(1) It shall be the duty of any person carrying on the business of operating public service vehicles to keep such accounts and records in relation thereto and to make to the Minister such financial and statistical returns, and in such manner and at such times, as the Minister may from time to time require.

(2) If any person fails to comply with the provisions of this section, he shall be liable to a fine not exceeding twenty pounds, and in the case of a continuing offence to a fine not exceeding five pounds for every day during which the offence continues.

Licence holders to supply par-

76.—(1) It shall be the duty of every person who applies for or holds any road service licence to supply

PART IV. —*cont.*

to the commissioners within the prescribed time particulars in the prescribed form—

particulars of arrangements with other persons as to provision of passenger transport facilities.

(*a*) of any agreement or arrangement, affecting in any material respect the provision within the area of the commissioners of passenger transport facilities entered into by him with any other person by whom such facilities are provided, whether within or without the area;

(*b*) of any financial interest (whether as a partner or shareholder or as a result of any loan, guarantee, or other financial transaction) which any other person providing passenger transport facilities or controlling (either wholly or in conjunction with any other person) the business of any person who provides such facilities has in the business of the applicant or holder of the licence, and in the case of the applicant or holder who is a company of any right which any such person as aforesaid has to nominate any director of the company;

(*c*) of any such interest or right as aforesaid which the applicant or holder has in the business of any other person who provides passenger transport facilities within the area of the commissioners.

(2) If any person refuses or fails to supply within the prescribed time any particulars which he is required to supply under this section, or knowingly supplies any particulars which are false in any respect, he shall be liable to a fine not exceeding twenty pounds, and in the case of a continuing offence, to a fine not exceeding five pounds for every day during which the offence continues.

Drivers' and Conductors' Licences.

Drivers' and conductors' licences.

77.—(1) A person shall not drive or act as conductor of a public service vehicle on a road unless he is licensed for the purpose under this Part of this Act, and a person shall not employ any person who is not so licensed to drive or act as conductor of a public service vehicle on a road.

(2) A person shall be disqualified for obtaining a licence to drive or act as conductor of a public service

PART IV. —*cont.*

vehicle unless he is, in the case of a licence to drive, over the age of twenty-one, and in the case of a licence to act as conductor, over the age of eighteen, and fulfils such other conditions as may be prescribed:

Provided that the above-mentioned limits of age shall be dispensed with if the applicant shows to the satisfaction of the commissioners that he was during the six months immediately preceding the first day of January, nineteen hundred and thirty, regularly employed as a driver or conductor, as the case may be, of a public service vehicle.

(3) A licence to drive a public service vehicle may be limited to such type or types of vehicles as may be specified in the licence.

(4) A licence to drive or act as conductor of a public service vehicle may at any time be suspended or revoked by the commissioners by whom it was granted upon the ground that, by reason of his conduct or physical disability, the holder is not a fit person to hold such a licence.

(5) If a person acts in contravention of this section he shall be guilty of an offence.

General Provisions as to Licences.

Commissioners to whom applications for licences to be made.

78.—(1) An application for a public service vehicle licence shall be made to the commissioners for the traffic area within or from which the vehicle is intended to be ordinarily operated.

(2) An application for a road service licence shall be made to any commissioners within whose area the proposed route or any part thereof is situate.

(3) An application for a licence to act as driver or conductor of a public service vehicle shall be made to the commissioners for the traffic area in which the applicant resides.

Procedure on applications for licences, &c

79. Subject to the provisions of this Part of this Act, the Minister may make regulations as to the procedure on applications for and the determination of questions in connection with the grant, suspension and revocation of licences by commissioners, and the surrender of licences, and those regulations may make provision as to the particulars to be furnished and the

PART IV. —*cont.*

persons to whom notices are to be given, the manner in which notices are to be published or served, and as to the manner in which objections may be made.

Duration of licences.

80.—(1) A licence under this Part of this Act, not being a road service licence, shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect.

(2) The Minister may prescribe to the dates in the year on which road service licences shall expire and a road service licence shall, unless previously revoked, continue in force up till and including that one of the prescribed dates which occurs next before the expiration of one year from the date on which the licence is expressed to take effect or by till and including such earlier date, being one of the prescribed dates, as the commissioners may at the time of the granting of the licence for special reasons determine :

Provided that, if on the date of the expiration of a licence proceedings are pending before the commissioners of any traffic area on an application for the grant of a new road service licence in substitution for an existing road service licence held by the applicant or for the backing of any such new licence the existing road service licence and any backings thereon shall continue in force until the application is disposed of.

(3) Nothing in this section shall prevent the attachment to a road service licence of a condition that the service shall be limited to one or more particular periods or occasions.

(4) Where a licence under this Part of this Act is suspended under the provisions of this Part of this Act, it shall during the time of suspension be of no effect.

Appeals to the Minister in connection with public service vehicle licences, road service licences and certificates of fitness.

81.—(1) Any person who—

(*a*) being an applicant for the grant of a public service vehicle licence or road service licence, is aggrieved by the refusal or failure of the commissioners to grant the licence, or with any condition imposed by the commissioners; or

(*b*) being a local authority which, or a person providing transport facilities who, has opposed the grant of a road service licence, is aggrieved by the grant thereof or by any condition or by any variation of the conditions attached thereto; or


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ERRATA.

ROAD TRAFFIC ACT, 1930.

Page 662:

Section 80, subsection (2):

Line 1.—*Delete the word* "to"

Line 7.—*For the words* "by till" *read* "up till"

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(*c*) being the holder of a public service vehicle licence or road service licence, is aggrieved at the revocation or suspension thereof, by the commissioners or by any variation of the conditions attached thereto; or

(*d*) being the holder of a public service vehicle licence, is aggrieved by the refusal of a certifying officer to remove the suspension thereof; or

(*e*) being an applicant for or the holder of a certificate of fitness, is aggrieved by the refusal of a certifying officer to issue such a certificate or by the limitation of its duration proposed by the certifying officer or by the revocation of a certificate;

may within the prescribed time and in the prescribed manner appeal to the Minister.

(2) On any such appeal, the Minister shall have power to make such order as he thinks fit (including an order revoking a licence), and any such order shall be binding upon the commissioners or certifying officer.

(3) Where a person who has applied for a new licence in substitution for a licence held by him and in force at the date of his application appeals to the Minister on the ground that his application has been refused or has not been granted, the existing licence, and, if that licence is a road service licence, any backing thereof, shall continue in force until the appeal has been disposed of, notwithstanding the provisions of this Act as to the expiration of the licence by effluxion of time, without prejudice however to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.

(4) Where the holder of any road service licence appeals to the Minister against any variation of the conditions attached to that licence that variation shall not have effect until the appeal has been disposed of.

Appeals to courts of summary jurisdiction in connection with drivers' and

82.—(1) Any person who, being the holder of or an applicant for a licence to act as driver or conductor of a public service vehicle feels aggrieved by the refusal or failure of the commissioners to grant or by the suspension or revocation of such a licence, or by any limitation imposed thereon, may by notice in writing

PART IV. —*cont.* conductors' licences.

to the commissioners require them to reconsider the matter, and shall on the reconsideration be entitled to be heard either personally or by his representative.

Any person who is so aggrieved as aforesaid or who is dissatisfied with the decision of the commissioners on the reconsideration of the matter may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides, and on any such appeal the court may make such order as it thinks fit and any order so made shall be binding on the commissioners.

(2) Where the applicant for such a licence, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of, notwithstanding the provisions of this Act as to the expiry of the licence by the effluxion of time.

Records of licences under Part IV.

83.—(1) The commissioners of every traffic area shall keep a record in such form and containing such particulars as may be prescribed of all licences granted or backed by them under this Part of this Act.

(2) Any police constable or any person authorised for the purpose by a local authority shall, without payment, and any other person appearing to the commissioners to have a reasonable ground for claiming so to do shall, upon payment of the prescribed fee, be entitled at any reasonable time to inspect and take copies of or extracts from the record, and the record shall be admissible in evidence of the matters required under this Part of this Act to be entered therein, and a copy of an entry made in the record in pursuance of this section purporting to be signed by or on behalf of the commissioners and to be certified to be a true copy shall be evidence of the matters stated in that entry without proof of the signature or authority of the person signing the same.

Drivers, Conductors and Passengers.

Regulation of conduct of passengers.

84.—(1) The Minister may make regulations generally as to the conduct of passengers in public service vehicles and any such regulations may in par-

ticular, without prejudice to the generality of the foregoing provision— PART IV. —*cont.*

(*a*) authorise the removal from a public service vehicle of any person infringing the regulations by the driver or conductor of the vehicle or on the request of the driver or conductor by any police constable;

(*b*) require a passenger in a public service vehicle who is reasonably suspected by the driver or conductor thereof of contravening the regulations to give his name and address to a police constable or to the driver or conductor on demand;

(*c*) require a passenger to declare, if so requested by the driver or conductor, the journey he intends to take or has taken in the vehicle, and to pay the fare for the whole of such journey and to accept any ticket provided therefor;

(*d*) require, on demand being made for the purpose by the driver or conductor or other person authorised by the licensee of the vehicle, production during the journey and surrender at the end of the journey by the holder thereof of any ticket issued to him;

(*e*) require a passenger, if so requested by the driver or conductor, to leave the vehicle on the completion of the journey the fare for which he has paid;

(*f*) require the surrender by the holder thereof on the expiry of the period for which it is issued of a ticket issued to him.

(2) If any person contravenes or fails to comply with any provision of any such regulations, he shall be liable to a fine not exceeding five pounds.

Regulation of conduct of drivers and conductors.

85.—(1) The Minister may make regulations as to the conduct of persons licensed to act as drivers or conductors of public service vehicles when acting as such.

(2) If any person to whom any such regulations apply contravenes or fails to comply with any of the provisions of the regulations, he shall be liable to a fine not exceeding five pounds, and the court by which he is convicted may, if it thinks fit, cause particulars of

PART IV. —*cont.*

the conviction to be endorsed upon the licence granted to that person under this Part of this Act.

(3) The person who has the custody of the licence shall, if so required by the convicting court, produce the licence within a reasonable time for the purpose of endorsement, and if he fails to do so, shall be guilty of an offence.

Financial Provisions.

Fees in respect of licences and certificates.

86.—(1) Such fees as the Minister may prescribe shall be charged by the commissioners in respect of the grant or backing of licences and in respect of the issue of certificates of fitness under this Part of this Act.

(2) Any fees received by the commissioners shall be paid into the Road Fund in such manner as the Treasury may direct.

Salaries and expenses of traffic commissioners and staff, &c.

87.—(1) There shall be paid to the chairman of the traffic commissioners and to the persons acting as officers and servants of the commissioners such salaries or remuneration as the Minister may, with the consent of the Treasury, determine, and to the two other commissioners or any person appointed to act as a deputy for any commissioner such remuneration and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.

(2) There shall be paid to or in respect of the certifying officers and the public service vehicle examiners such remuneration and such salaries or allowances, if any, as the Minister may, with the consent of the Treasury, determine.

(3) There shall be paid as part of the expenses of the roads department of the Ministry of Transport in every year such sums as the Minister may, with the consent of the Treasury, direct in respect of the salaries, remuneration, establishment charges, and other expenses of the traffic commissioners, certifying officers, public service vehicle examiners, and any other officer or servant appointed by the Minister for the purposes of this Part of this Act, including any expenses incurred in connection with the employment of police officers as public service vehicle examiners.

Accounts of traffic commis-

88.—(1) The commissioners for each traffic area shall cause proper accounts and other records in relation

thereto to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister. PART IV. —*cont.* sioners and audit.

(2) All accounts kept under this section shall, for the purposes of subsection (5) of section three of the Roads Act, 1920, be deemed to be part of the account of the Road Fund which under that subsection is to be prepared by the Minister.

89. Paragraph (*b*) of subsection (4) of section three of the Roads Act, 1920 (which provides for the payment out of the Road Fund to local and police authorities of sums representing the amounts which they would have received on account of fees and charges for the purposes of the licensing of mechanically propelled hackney carriages) shall apply only in respect of such mechanically propelled hackney carriages as are not public service vehicles within the meaning of this Act. Amendment of s. 3 of Roads Act, 1920.

Miscellaneous.

90.—(1) A local authority may make orders for determining the highways which may or may not be used by public service vehicles in the area or in any part of the area of the authority and for fixing thereon stands for public service vehicles and as to the places at which such vehicles may stop for a longer time than is necessary for the taking up and setting down of passengers and as to the manner of using such stands and places. Power of local authorities with respect to use of highways by public service vehicles and with respect to stations for such vehicles.

(2) Where in pursuance of the powers conferred by section sixty-eight of the Public Health Act, 1925, a local authority provide a parking place which may be used by public service vehicles, the local authority may, if it thinks fit— 15 & 16 Geo. 5. c. 71.

(*a*) by order appoint that parking place as a station for such vehicles;

(*b*) by regulation declare that subsection (7) of that section (which prohibits persons employed in connection with vehicles within a parking place plying for hire or accepting passengers for hire) shall not apply to public service vehicles either absolutely or to such extent as may be specified in the regulation.

PART IV. —*cont.*

(3) Where a parking place is appointed under this section as a station for public service vehicles the local authority may

(*a*) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as a station for public service vehicles, and in particular provide and maintain waiting-rooms, ticket offices and lavatories, and other similar accommodation, in connection therewith, and

(*b*) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and

(*c*) make regulations as to the use of any such accommodation.

(4) Where any local authority propose to make an order under subsection (1) or subsection (2) of this section, they shall cause notice of the proposal to be published in at least one newspaper circulating within their area, and every such notice shall specify the nature of the proposal and state that a copy of the draft order is open to inspection at a specified place, and specify the period, which shall not be less than twenty-eight days, within which any persons affected by the proposed order may send to the Minister and the local authority objections in writing.

(5) An order made under subsection (1) or subsection (2) of this section shall be of no effect unless and until it is confirmed by the Minister, and the Minister before confirming any such order shall consider any objections sent as aforesaid, and shall consult with the commissioners for the traffic area in which the area or any part of the area of the local authority is situate.

(6) The Minister may confirm an order made under subsection (1) or subsection (2) of this section either without modification or subject to such modifications as he thinks fit, or may refuse to confirm the order.

(7) An order made and confirmed under subsection (1) of this section unless previously revoked shall remain in operation for three years, but may be renewed from time to time for a like period, and may at any time be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

PART IV. —*cont.*

(8) The confirmation of an order under subsection (1) or subsection (2) of this section shall be evidence that the requirements of this section have been complied with.

(9) In subsection (1) of this section the expression "local authority" means as regards a county borough or an urban district having a population according to the last census for the time being of over twenty thousand, and any other urban or any rural district the council of which the Minister may by order declare to be a local authority for the purposes of this section, the council of the borough or district, and as regards any other area the council of the county.

(10) The purposes of this section shall be purposes for which a local authority may borrow in the case of a county council under the Local Government Act, 1888, and in the case of a borough or district council under and subject to the provisions of the Public Health Acts, 1875 to 1926.

Power of Minister to modify restrictions on user of roads by public service vehicles.

91.—(1) In any case where the running of public service vehicles on a road is restricted or prohibited by a local Act or order the council of the county borough or of the county district in which the road or any part thereof is situate or any local authority or person providing or proposing to provide a service of public service vehicles on that road, or any part thereof may apply to the Minister for an order modifying or revoking the restrictions or prohibition.

(2) The Minister, on receiving an application under this section, shall, unless he is of opinion that it is made without reasonable cause, direct a public inquiry to be held into the subject-matter of the application, and shall consider the report made to him by the person holding such inquiry.

Not less than one month's notice of the inquiry shall be given to the council of the county borough or county district in which the road is situate, to the applicants, where the application is not made by that authority, and to every local authority or person in whose favour the restrictions or prohibition appear to the Minister to have been imposed or who, in the opinion of the Minister, are affected by the application.

(3) If as a result of the inquiry the Minister is satisfied that it is in the public interest that the restrictions or

PART IV. —*cont.*

prohibition should be modified or revoked he may make an order modifying or revoking them, and may by such order modify or revoke to such extent as appears to him to be equitable in the circumstances any obligations imposed upon any person in connection with such restrictions or prohibition.

(4) Every order made under this section shall be laid before both Houses of Parliament, and shall not come into force until it has been approved by both Houses.

Protection of public interests.

92.—(1) It is hereby declared that nothing in this Part of this Act is to be treated as conferring on the holder of any licence granted under this Part of this Act any right to the continuance of any benefits arising from the provisions of this Part of this Act or from any licence granted thereunder or from any conditions attached to any such licence.

(2) In the event of any undertaking by which a service of public service vehicles is provided being purchased compulsorily by any local or public authority, that part of the value of the undertaking attributable directly or indirectly to this Act shall not be taken into account.

Wages and conditions of employment of persons employed in connection with public service vehicles.

93.—(1) The wages paid by the holder of any road service licence to persons employed by him in connection with the operation of a public service vehicle and the conditions of their employment shall not be less favourable to them than the wages which would be payable and the conditions which would have to be observed under a contract which complied with the requirement of any resolution of the House of Commons for the time being in force applicable to contracts with Government departments.

(2) Any organisation representative of the persons engaged in the road transport industry may make representations to the commissioners to the effect that the wages paid to, or the conditions of employment of, any persons employed by the holder of any road service licence are not in accordance with the requirements of the preceding subsection, and if the matter in dispute is not otherwise disposed of it shall be referred by the Minister of Labour to the Industrial Court for settlement.

PART IV. —*cont.*

(3) If it is decided by the Industrial Court that any person has been guilty of a breach of the provisions of this section, he shall be liable to be dealt with in all respects as if he had failed to comply with a condition attached to his road service licence.

General power of making regulations.

94. The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act, and generally for the purpose of carrying this Part of this Act into effect, and in particular, but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters—

(*a*) the forms to be used for the purposes of this Part of this Act;

(*b*) applications for and the issue of licences and of certificates of fitness;

(*c*) the issue of copies of licences and certificates in the case of licences or certificates lost or destroyed;

(*d*) the fees to be payable under this Part of this Act and the persons liable to pay the same;

(*e*) the documents, plates and marks to be carried by public service vehicles and the manner in which they are to be carried;

(*f*) the badges to be worn by drivers and conductors of public service vehicles;

(*g*) the custody, production and cancellation on revocation or expiration of licences and certificates of fitness, and the return to the commissioners of licences which have become void, or have been revoked, and as to the custody, production and return of badges and plates;

(*h*) the determination of the number of passengers a public service vehicle is adapted to carry and the number who may be carried;

(*i*) the carriage of luggage and goods on public service vehicles;

(*j*) the safe custody and re-delivery or disposal of any property accidentally left in a public service vehicle and fixing the charges made in respect thereof;

PART IV. —*cont.*

(*k*) the equipment to be carried by public service vehicles;

(*l*) for providing that any provisions of this Part of this Act shall in relation to public service vehicles brought into Great Britain for the purpose of carrying persons making only a temporary stay therein, have effect, subject to such modifications and adaptations as may be prescribed;

and different regulations may be made as respects different classes or descriptions of public service vehicles, and as respects the same class and description of public service vehicles in different circumstances.

Restriction on institution of proceedings in England.

95. Proceedings for an offence under this Part of this Act, other than a breach of the regulations as to the conduct of passengers in public service vehicles, shall not in England be instituted except by or on behalf of the Director of Public Prosecutions or by a person authorised in that behalf by commissioners of a traffic area a chief officer of police or the council of a county, county borough, or county district.

Transitory provisions.

96.—(1) The Minister may by order make such provision as he considers necessary for the transition from the enactments superseded by this Part of this Act to the provisions of this Part of this Act, and may by any such order provide that any licence relating to a public service vehicle or the driver or conductor thereof in force immediately before the commencement of this Act shall continue in force for such period and with such effect for the purposes of this Part of this Act as may be provided by the order.

(2) The Minister may revoke, vary, or amend an order made under this section.

Avoidance of contracts so far as restrictive of liability in respect of death of or injury to passengers in public service vehicles.

97. Any contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of any person in respect of any claim which may be made against that person in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any such liability, be void.

PART IV. —*cont.*

Provisions with respect to the Metropolitan traffic area.

98.—(1) This Part of this Act shall apply to the Metropolitan traffic area subject to the exceptions and modifications contained in this section and subject also to the special provisions contained in the next succeeding section with respect to the City of London and the Metropolitan police district.

(2) The following provisions of this Part of this Act shall not apply to the Metropolitan traffic area, that is to say, subsections (3), (4), (5), (6), (7), and (9) of section sixty-three in subsection (2) of section sixty-three the words "in manner provided by this section," and subsections (2) and (3) of section sixty-four and section seventy-two of this Act in its application to the metropolitan traffic area shall have effect as if the references to a local authority were omitted therefrom.

(3) For the Metropolitan traffic area there shall be appointed one traffic commissioner only who shall have all such powers and duties and act under such general directions as are mentioned in subsection (1) of section sixty-three of this Act and any reference in this Act or in any other enactment to the commissioners for a traffic area shall in relation to the Metropolitan traffic area be construed as a reference to the commissioner appointed under this section.

(4) Before the Minister gives to the commissioner for the Metropolitan traffic area any such general directions as aforesaid or gives to the commissioners of any traffic area any directions relating specifically to the London Traffic Area constituted under the London Traffic Act, 1924, the question of issuing the directions shall be referred by him to the London and Home Counties Traffic Advisory Committee constituted under the said Act.

14 & 15 Geo. 5. c. 34.

(5) The commissioner for the Metropolitan traffic area shall hold office for such term not exceeding three years as the Minister may at the time of his appointment determine, but shall be eligible for reappointment at the expiration of any term of office, and shall receive such salary or remuneration as the Minister, with the consent of the Treasury, may determine.

In the case of illness, incapacity, or absence of the commissioner, the Minister may appoint some other person to act as deputy for the commissioner.

PART IV. —*cont.*

Special provisions with respect to the City of London and the Metropolitan police district.

32 & 33 Vict. c. 115.
30 & 31 Vict. c. 134.
7 Edw. 7. c. 55.

99.—(1) The provisions of this section shall have effect in relation to the area consisting of the City of London and the Metropolitan police district (in this section referred to as "the special area").

(2) The following enactments, that is to say, the Metropolitan Public Carriage Act, 1869 (in this section referred to as "the Act of 1869"), sections eight and fourteen of the Metropolitan Streets Act, 1867, the London Cab and Stage Carriage Act, 1907, and section six of the London Traffic Act, 1924, shall not apply to any public service vehicle, or to the driver or conductor thereof, unless the vehicle plies for hire as a stage carriage by short stages within the special area in maintaining a regular service on an approved route within the meaning of section six of the London Traffic Act, 1924.

For the purposes of this section a vehicle shall be deemed to ply for hire by short stages within the special area if the following conditions are complied with but not otherwise, that is to say, if its route, so far as it lies within that area, is divided into stages, and if from any point on its route within the area a passenger may travel for a fare not exceeding twopence to the next point at which a stage ends.

(3) Where a public service vehicle is licensed under section six of the Act of 1869, there shall be deemed to have been attached to the licence in pursuance of section six of the London Traffic Act, 1924, a condition that the vehicle shall not, without the consent of the licensing authority, be used within the special area otherwise than in plying for hire in the manner specified in the last preceding subsection, and that, while being so used, it shall ply for hire throughout its route, so far as that route lies within the special area.

(4) A road service licence under this Part of this Act shall not be required, nor shall such a licence be granted, in respect of the use within the special area of a public service vehicle plying for hire by short stages within that area in accordance with the terms of a licence granted under section six of the Act of 1869.

(5) Before determining the conditions to be attached to a road service licence with respect to routes, stopping places, or terminal points within the special area, the traffic commissioners concerned shall consult with the

PART IV. —*cont.*

Commissioner of Police, and if the Commissioner of Police is dissatisfied by any condition attached to a road service licence with respect to a route, stopping place, or terminal point within his police district, he may appeal to the Minister, who shall make such order in the matter as he thinks fit, and any order so made by the Minister shall be binding on the traffic commissioners.

(6) The power of making orders conferred upon local authorities by subsection (1) of section ninety of this Act shall not be exercised within the special area by any local authority, but the Commissioner of Police may within his police district exercise with respect to contract carriages the power of making orders under the said subsection, and the provisions of subsections (3) to (7) of that section shall apply in relation to any order so made by the Commissioner of Police as they apply in relation to an order made by a local authority.

(7) Subject to the foregoing provisions of this section the Minister, for the purpose of adapting the provisions of this Part of this Act to the special area, may, after consultation with the Secretary of State and after reference to the London and Home Counties Traffic Advisory Committee constituted under the London Traffic Act, 1924, by order—

(*a*) provide for the exercise by the authority having power to grant licences under the Act of 1869 of any of the powers or duties conferred or imposed by this Part of this Act on traffic commissioners and on certifying officers, other than those relating to the grant or backing of road service licences;

(*b*) provide for the appointment by the Secretary of State of public service vehicle examiners, who shall act under his direction;

(*c*) provide for the payment of fees in respect of the grant or issue of any licences or certificates under this Part of this Act, or under the Act of 1869, by the said licensing authority;

(*d*) provide for the payment by the Minister, as part of the expenses of the roads department of the Ministry of Transport, into the Metropolitan police fund of such sum in respect of any licence or certificate granted or issued under this Part of this Act or under the Act of 1869

PART IV. —*cont.*

by the said licensing authority as the Treasury, after consultation with the Minister, may from time to time determine;

(*e*) provide that any licence or certificate granted or issued under this Part of this Act or under the Act of 1869 shall have such effect for the purposes of this Part of this Act as may be provided in the order;

and the provisions of this Part of this Act shall have effect in the special area and in relation to any licences or certificates granted or issued by the said licensing authority, subject to such adaptations and modifications as may be necessary for the purposes aforesaid and as may be specified in the order.

(8) An order made by the minister under the last preceding subsection shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which that House has sat and, if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.

(9) Any order made under this section may be revoked or altered by a subsequent order made in the like manner and subject to the like conditions.

(10) In this section the expression "the Commissioner of Police" means, in relation to the City of London, the Commissioner of Police of the City of London, and in relation to the Metropolitan police district, the Commissioner of Police of the Metropolis.

Application to Scotland.

100. This Part of this Act shall apply to Scotland subject to the following modifications :—

(*a*) In the application of section sixty-three the expression "county borough" shall mean a large burgh as defined in the Local Government (Scotland) Act, 1929 :

(*b*) Section eighty-two shall have effect with the substitution for an appeal to a court of summary jurisdiction of an appeal to the sheriff within whose jurisdiction the applicant resides :

(*c*) The expression "local authority" means a county or town council, provided that the local authority for the purpose of the provisions of section

PART IV. —*cont.*

sixty-six and subsection (1) of section ninety shall be in a burgh the magistrates of the burgh, and in a county the county council:

(*d*) The provisions of subsections (4), (5), (6), and (8) of section ninety shall have effect subject to the provisions of subsection (11) of section one hundred and twenty of this Act:

(*e*) In the application of section ninety a reference to the council of a county or burgh shall be substituted for any reference to the council of a county borough or county district.

PART V.

RUNNING OF PUBLIC SERVICE VEHICLES BY LOCAL AUTHORITIES.

Power to run public service vehicles.

101.—(1) A local authority who under any local Act or Order are operating a tramway, light railway, trolley vehicle, or omnibus undertaking, may as part of that undertaking run public service vehicles on any road within their district and also with the consent of the traffic commissioners for the traffic area in which any other road is situate, on that road.

(2) Nothing in this Act shall authorise a local authority to run any public service vehicle—

(*a*) as a contract carriage; or

(*b*) on any road on which they are for the time being prohibited by any local Act or Order from running omnibuses; or

(*c*) except with the consent of the authority, on any road vested in a statutory dock authority as such or in a statutory harbour authority as such; or

(*d*) except with the consent of the company on any premises (not being part of a highway) belonging to a railway company and adjoining or giving access to a railway station.

Provisions with respect to consents to be granted by traffic commissioners

102.—(1) A local authority by whom an application is submitted to the traffic commissioners of any area for consent to the running of public service vehicles on any road within that area shall publish in manner hereinafter directed a notice stating that the application has been made, describing each route to which it relates and

PART V. —*cont.* under this Part.

specifying the time within which, and manner in which, objections may be made to the commissioners by any other local authority, by the council of any county, or by any persons who are already providing transport facilities on, or in the neighbourhood of, any part of any route to which the application relates.

A notice for the purposes of this subsection shall be published in the London Gazette if any part of any route to which the application relates is situate in England, in the Edinburgh Gazette if any part of any such route is situate in Scotland, and also in such newspaper or newspapers on such number of days as the commissioners may direct, and the date specified in the notice as the latest date for the making of objections shall be a date which will allow for the making of objections not less than fourteen days calculated from the day on which publication of all notices required by or under this subsection to be published is complete.

(2) The commissioners, before deciding any application, may, and if any objection is duly received by them from a local authority, from the council of any county, or from any such person as is mentioned in the last preceding subsection, shall hold a public inquiry into the application and shall give not less than fourteen days' notice of the holding of any such inquiry to the applicants and to any local authority, any county council, and any such person as aforesaid by whom objection has been duly made.

(3) The commissioners, after holding a public inquiry in any case in which they consider it desirable, or in which they are by the last preceding subsection required, to hold such an inquiry, may either grant or refuse the consent applied for, or may grant a consent in such modified form, or subject to such conditions, as they think fit.

(4) The commissioners, in considering any application shall have regard to the extent to which the requirements of the applicants' district will be served, either directly or indirectly, by a service of vehicles on the route to which the application relates.

(5) The commissioners may at any time revoke or modify any consent, or modify any conditions attached to any consent, previously granted by them to a local authority, but, before doing so, they shall give to the

local authority and to any authority, county council, or person who appeared at the inquiry as an objector to the application an opportunity of being heard before them.

(6) Notice of the commissioners' decision upon any application for a consent and of their decision to revoke or modify a consent or to modify any conditions attached to a consent shall be given to the local authority concerned and to any authority, county council, or person who appeared at the inquiry as an objector against the application, and any authority, county council or person upon whom such a notice is served may within fourteen days after receipt thereof appeal to the Minister against the decision of the commissioners, and the Minister's decision upon any such appeal shall be final, and the commissioners shall give effect thereto.

(7) A decision of the commissioners to grant any consent shall not become operative until after the expiration of one month, and a decision to revoke or modify a consent, or to modify any conditions attached to a consent, shall not become operative until after the expiration of three months from the date of the commissioners' decision, and if at the expiration of that period an appeal to the Minister is pending the decision of the commissioners shall not become operative until the appeal has been determined.

Further provision as to omnibuses.

103. For the purposes of this Part of this Act a local authority may purchase and maintain such vehicles as may be necessary and may purchase by agreement, take on lease, and hold lands and may on any lands so purchased by or leased to them or any lands lawfully appropriated by them for the purpose erect such buildings, sheds, and conveniences and may provide such plant and appliances as may be requisite or expedient for the establishment, running, equipment, maintenance and repair of their public service vehicles.

Fares and charges.

104.—(1) A local authority authorised to run public service vehicles under this Part of this Act may demand and take for passengers and parcels carried on such vehicles such fares and charges as they may think fit :

Provided that every passenger may take with him personal luggage not exceeding twenty-eight pounds in weight without extra charge.

PART V. —*cont.*

(2) A local authority authorised to run public service vehicles under this Part of this Act may if they think fit carry on such vehicles small parcels not exceeding fifty-six pounds in weight and dogs in the care of passengers, the charge for any such dog to be a sum not exceeding the fare payable by the passenger, but they shall not carry on such vehicles any other goods or animals.

(3) A local authority authorised to run public service vehicles under this Part of this Act shall perform in respect of services of such vehicles on any route authorised under this Part of this Act such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act, 1893, in respect of a tramway to which that Act applies.

56 & 57 Vict. c. 38.

Working and other agreements.

105.—(1) A local authority authorised to run public service vehicles and any other local authority authorised to run such vehicles in any district adjacent to the district of the first-mentioned authority, or adjacent to any district on any road in which the first-mentioned authority are for the time being authorised to run such vehicles, may make and carry into effect agreements for the management, working, and maintenance of any service which any party to the agreement is authorised to run.

(2) A local authority authorised to run public service vehicles and any other person, not being a local authority, may make and carry into effect agreements for the management, working, and maintenance of any service which any party to the agreement is for the time being authorised to run, either in the district of the local authority, or in any district on any road in which the authority are for the time being authorised to run such vehicles.

(3) An agreement entered into under either of the last two preceding subsections may make provision with respect to all or any of the following matters, that is to say:—

(*a*) The working, user, management and maintenance of any vehicles, lands, depots, buildings, sheds, and property provided in connection with any services to which the agreement relates by any party to the agreement and the right to provide and use the same and to

demand and take the fares and charges authorised in respect of such services;

(*b*) The supply by any party to the agreement of vehicles and conveniences in connection therewith necessary for the purposes of such agreement and the employment of officers and servants;

(*c*) the through running of vehicles.

(4) A local authority authorised to run public service vehicles may make and carry into effect agreements with any other local authority authorised to run such vehicles, and with any other person, not being a local authority, for all or any of the following purposes, so far as those purposes can be effectuated without any through running of vehicles, that is to say :—

(*a*) The interchange, accommodation, conveyance, transmission and delivery of traffic arising on or coming from or destined for any service provided by any party to the agreement;

(*b*) The payment, collection and apportionment of the fares and charges and other receipts arising from any such service as aforesaid.

(5) Agreements may be made under this section notwithstanding any provision in any local Act or Order by which the making of working agreements is restricted, but in running any service of public service vehicles on any route in pursuance of an agreement made under this section the local authority or other person operating the service shall comply with the provisions of the Act or Order, if any, by which the service is authorised.

(6) In this section the expression "authorised" means authorised otherwise than by virtue of an agreement under this section.

Accounts.

106. Where a local authority run public service vehicles under this Part of this Act they shall in the accounts relating to their transport undertakings distinguish, so far as may be practicable receipts and expenditure relating to their public service vehicles from receipts and expenditure relating to any other transport undertaking, and in the receipts and expenditure relating to their public service vehicles shall further distinguish receipts and expenditure on capital account from receipts and expenditure upon revenue account.

PART V. —*cont.*

Expenses and borrowing.

107.—(1) The expenses of a local authority under this Part of this Act shall be defrayed as follows, that is to say :—

(*a*) in the case of the council of a county borough or county district out of the general rate fund of their district;

(*b*) in the case of a joint board or joint committee, in the same manner as the general expenses of the board or committee.

(2) A local authority may from time to time with the consent of the Minister borrow such sums as may be required for the purposes of this Part of this Act including the repayment of any sums previously borrowed for such purposes—

(*a*) in the case of the council of a county borough or county district, on the security of the general rate fund of their district and of any other revenues of the authority; and

(*b*) in the case of a joint board or joint committee in the manner in which they are authorised to borrow for the purposes of their other powers and duties.

(3) Any sum borrowed under this section shall be repaid within such period as may be prescribed by the Minister, and the Minister in giving his consent to any such borrowing may attach thereto such conditions as he thinks fit with respect to the application of revenue the formation of a reserve fund or sinking fund the investment of moneys representing any such fund and the keeping of accounts.

Interpretation.

108.—(1) In this Part of this Act—

The expression "local authority" means—

(i) the council of any county borough or county district, and

(ii) any joint board or joint committee which is so constituted as to include among its members representatives of the council of a county borough or county district; and

The expression "district" in relation to a joint board or joint committee means the area within which that board or committee are

authorised to carry on a tramway, light railway, trolley vehicle or omnibus undertaking and save as aforesaid means a county borough or a county district as the case may be. PART V. —*cont.*

(2) Nothing in this Part of this Act shall be in derogation of the provisions of Part IV of this Act.

109. This Part of this Act shall apply to Scotland subject to the following modifications :— Application to Scotland.

(*a*) The expression "local authority" shall mean the Town Council of a burgh;

(*b*) Section one hundred and seven of this Act shall not apply.

110. This Part of this Act shall not extend to the London Traffic Area within the meaning of the London Traffic Act, 1924. Extent of this Part of Act.

PART VI.

GENERAL.

111.—(1) Any regulations made by the Minister under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation. Provisions as to regulations.

(2) Before making regulations under this Act the Minister shall consult with such representative organisations as he thinks fit.

(3) If any person acts in contravention of, or fails to comply with, any regulation made by the Minister under this Act, contravention of or failure to comply with which is not made an offence under any other provision of this Act, he shall for each offence, be liable on summary conviction to such maximum penalty not exceeding a fine of twenty pounds as may be prescribed by the regulations.

(4) The production of a copy of regulations under this Act purporting to be printed by the Government

PART VI. —*cont.*

printer shall be evidence that the requirements of this Act as to the making of regulations and the laying of regulations before Parliament have been complied with.

Forgery, &c., of licences and certificates. 3 & 4 Geo. 5. c. 27.

112.—(1) If, with intent to deceive, any person—

(*a*) forges within the meaning of the Forgery Act, 1913, or alters or uses or lends to or allows to be used by any other person a licence under any Part of this Act or a certificate of insurance or certificate of security under Part II of this Act; or

(*b*) makes or has in his possession any document so closely resembling such a licence or certificate as to be calculated to deceive,

he shall be guilty of a misdemeanour and shall be liable—

(i) on conviction on indictment to imprisonment for a term not exceeding two years;

(ii) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(2) If any person for the purpose of obtaining the grant of any licence to himself or any other person knowingly makes any false statement, or for the purpose of obtaining the issue of a certificate of insurance or of a certificate of security under Part II of this Act makes any false statement or withholds any material information, he shall be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such imprisonment and fine.

(3) If any person issues a certificate of insurance or certificate of security which is to his knowledge false in any material particular, he shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(4) If any police constable has reasonable cause to believe that any licence or certificate of insurance or certificate of security produced to him in pursuance of the provisions of this Act by the driver of a motor vehicle is a document in relation to which an offence under this section has been committed, he may seize the document, and when any document is seized under

PART VI. —*cont.*

this section, the person from whom it was taken shall, unless the document has been previously returned to him or he has previously been charged with an offence under this section, be summoned before a court of summary jurisdiction to account for his possession of the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

(5) In this section the expressions "certificate of insurance" and "certificate of security" include any document issued under regulations made by the Minister in pursuance of his power under Part II of this Act to prescribe evidence which may be produced in lieu of a certificate of insurance or a certificate of security.

Prosecutions and penalties for offences.

113.—(1) Save as otherwise expressly provided, all offences under this Act shall be prosecuted under the Summary Jurisdiction Acts.

(2) A person guilty of an offence under this Act for which no special penalty is provided shall be liable in the case of the first offence to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months.

(3) Where the driver of a vehicle is alleged to be guilty of an offence under this Act—

(*a*) the owner of the vehicle shall give such information as he may be required by or on behalf of a chief officer of police to give as to the identity of the driver, and, if he fails to do so, shall be guilty of an offence, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who the driver was; and

(*b*) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver, and, if he fails to do so, he shall be guilty of an offence.

Inquiries by Minister.

114.—(1) The Minister may hold inquiries for the purposes of this Act (including appeals to him thereunder) as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.

9 & 10 Geo. 5. c. 50.

PART VI. —*cont.*

(2) Where an inquiry is held under this Act the Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry as he may think just.

Expenses of roads department.

115.—(1) Such part of the expenses incurred by and in connection with the roads department of the Ministry of Transport, including the salaries of the staff of that department, as the Minister may from time to time, with the approval of the Treasury, determine to be expenses so incurred in the administration of this Act, shall be paid out of the road fund, and for the purposes of this subsection expenses incurred in disseminating knowledge or otherwise informing the minds of the people, with a view to promoting safety on roads, may be treated as expenses incurred in the administration of this Act.

(2) For the purposes of—

(*a*) subsection (1) of this section;

(*b*) paragraphs (*c*) and (*e*) of subsection (4) of section three of the Roads Act, 1920;

(*c*) section fifteen of the London Traffic Act, 1924;

15 & 16 Geo. 5. c. 68.

(*d*) section eight of the Roads Improvement Act, 1925;

expenses incurred under or in the administration of those enactments, respectively, which are payable out of the Road Fund shall be deemed to include and always to have included such charges in respect of superannuation and other allowances and gratuities payable on death or retirement, as the Minister, with the approval of the Treasury may from time to time determine to be proper.

Compensation for existing officers.

116.—(1) Every officer of a local authority who immediately before the passing of this Act had held office under that authority for a period of not less than two years, and who by virtue of this Act, or of anything done in pursuance or in consequence thereof, suffers any direct pecuniary loss by the determination of his appointment, or by diminution or loss of fees, salary, or emoluments, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to compensation under this Act for that loss.

PART VI. —*cont.*

(2) For the purposes of this section any officer—

(*a*) who at any time within five years after the passing of this Act relinquishes office by reason of his having been required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the passing of this Act, or

(*b*) whose appointment is determined or whose salary is reduced within five years after the passing of this Act because his services are not required or his duties are diminished, and not on the ground of misconduct,

shall be deemed, unless the contrary is shown, to have suffered a direct pecuniary loss in consequence of this Act.

(3) The provisions set out in the Fourth Schedule to this Act shall apply to the determination and payment of compensation under this Act to officers.

(4) For the purposes of this section the expression "officer" includes servant, but no member of a police force shall be deemed to be an officer of a local authority.

Application of fines and fees under Part I.

117. All fines imposed in respect of offences under this Act or the regulations made thereunder and all sums received by a licensing authority by way of fees for licences under Part I of this Act shall be paid into the Exchequer in the same manner respectively as penalties and forfeitures recovered under or in pursuance of and duties levied under the Roads Act, 1920, and in accordance with such directions as may be contained with respect to such penalties, forfeitures, and duties in any Order in Council for the time being in force under that Act and any sums paid into the Exchequer under this section shall, for the purposes of section two of the Roads Act, 1920, be deemed to have been paid into the Exchequer under that Act.

Inland Revenue licence for motor-car drivers. 32 & 33 Vict. c. 14. 39 & 40 Vict. c. 16. 11 & 12 Geo. 5. c. 32.

118. The definition of "male servant" in subsection (3) of section nineteen of the Revenue Act, 1869, as amended by section five of the Customs and Inland Revenue Act, 1876, and section ten of the Finance Act, 1921, shall be construed as if a person employed to drive a motor-car were included in that definition.

PART VI. —*cont.*

Special provisions as to Scotland.

119.—(1) Where any powers and duties are by this Act conferred or imposed on county councils and on the town councils of certain burghs only, all other burghs shall for the purposes of those powers and duties be deemed to be within the county.

(2) Any expenses incurred by a town or county council under this Act shall be defrayed out of such rate leviable by the council and payable by owners and occupiers in equal proportions as the council may determine.

(3) A county or a town council shall have power to borrow such sums as they may require for the purpose of the payment of the consideration for a transfer under section fifty-three of this Act or for the purposes of Part V or of section one hundred and twenty of this Act or for the purpose of the erection, or of making a contribution towards the erection, in pursuance of section twenty-seven, of any machine for weighing motor vehicles and trailers, and any sum so borrowed shall be repaid within such period as may be prescribed by the Secretary of State after consultation with the Minister.

(4) Except where otherwise expressly provided the expression "highway authority" means a county council or the town council of a burgh charged with the maintenance and management of any of the highways therein.

(5) Section one hundred and twelve of this Act shall have effect as if the words "within the meaning of the Forgery Act, 1913" were omitted and as if for any reference to a court of summary jurisdiction there were substituted a reference to the sheriff.

(6) For the purposes of section one hundred and sixteen of and the Fourth Schedule to this Act the expression "local authority" shall mean a county or town council.

(7) Notwithstanding anything in section sixteen of the Development and Road Improvement Funds Act, 1909, the power conferred on the Minister of Transport by section eight of that Act as amended by section four of and the First Schedule to the Roads Act, 1920, to make advances in conjunction with a highway authority to any company or person shall be exercisable in

PART VI. —*cont.*

respect of roads which are not maintainable at the cost of a highway authority.

(8) Any person who aids, abets, counsels, procures, or incites any other person to commit an offence against this Act shall be guilty of an offence, and shall be liable on conviction to the same punishment as might be imposed on conviction of the first mentioned offence, provided that any person who aids, abets, counsels, procures or incites any person employed by him to drive, or subject to his orders in driving a motor vehicle on a road, to commit an offence against section ten of this Act, shall be liable to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

(9) Any offence against this Act for which the maximum penalty that may be imposed does not exceed twenty pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where such offence was committed. 8 Edw. 7. c. 65.

(10) It shall be lawful to convict a person of a contravention of section forty-nine of this Act on the evidence of one witness.

(11) This section shall extend to Scotland only.

Power to provide parking places in Scotland.

120.—(1) Where for the purpose of relieving or preventing congestion of traffic it appears to the local authority to be necessary to provide within their district suitable parking places for vehicles, the local authority may provide such parking places in accordance with the provisions of this section, and for that purpose may—

(*a*) acquire land suitable for use as a parking place; or

(*b*) utilise any lands which may lawfully be appropriated for the purpose; or

(*c*) by order authorise the use as a parking place of any part of a street within their district:

Provided that no such order shall—

(i) authorise the use of any part of a street so as unreasonably to prevent access

PART VI. —*cont.*

to any premises adjoining the street, or the use of the street by any person entitled to the use thereof, or so as to be a nuisance; or

(ii) be made in respect of any part of a street without the consent of the authority or person responsible for the maintenance of the street.

(2) Where a local authority propose to make an order under this section authorising the use as a parking place of any land forming part of a street, or propose to acquire or utilise any land for the purposes of this section, the local authority shall cause notice of the proposal to be published in at least one newspaper circulating within their district, and shall also cause a copy of such notice to be posted for not less than fourteen days on the land to which the proposal relates, and every such notice shall—

(*a*) specify the land to which the proposal relates; and

(*b*) notify the date (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the local authority; and

(*c*) contain a notification of the right of appeal conferred by this section.

(3) Before carrying into effect any proposal of which notice is required by this section to be given, the local authority shall consider any objection to the proposal which is sent to them in writing within the time fixed in that behalf, and shall, after so considering it, give notice of their decision to the person by whom the objection was made, and if any person is aggrieved by any such decision he may, within twenty-one days after receiving notice thereof, appeal therefrom to the sheriff.

(4) The local authority may take all such steps as may be necessary to adapt for use as a parking place any land, not being part of a street, which they may acquire or utilise under this section, and may appoint with or without remuneration such officers and servants as may be necessary for the superintendence of parking places.

PART VI. —*cont.*

(5) The exercise by a local authority of their powers under this section with respect to the use as a parking place of any part of a street shall not render them subject to any liability in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle parked in such parking place.

(6) A local authority may make regulations as to the use of parking places, and in particular as to the vehicles or class of vehicles which may be entitled to use any such parking place, as to the conditions upon which any such parking place may be used, and as to the charges to be paid to the local authority in connection with the use of any parking place not being part of a street, and a copy of any such regulations shall be exhibited on or near any parking place to which the regulations relate.

(7) While any vehicle is within a parking place it shall not be lawful for the driver or conductor of the vehicle, or for any person employed in connection therewith, to ply for hire or to accept passengers for hire, and if any person acts in contravention of this provision he shall be liable to a fine not exceeding forty shillings:

Provided that, where the local authority provides a parking place which may be used by public service vehicles, the local authority may if it thinks fit by order declare that this subsection shall not apply to public service vehicles either absolutely or to such extent as may be specified in the order.

(8) Any order made under the foregoing provisions of this section may be varied or revoked by any subsequent order made in like manner.

(9) Nothing in this section shall authorise the execution of any works on, over, or under tidal lands below high-water mark of ordinary spring tides except in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

(10) Where in pursuance of the powers conferred by the foregoing provisions of this section a local authority

PART VI. —*cont.*

provide a parking place which may be used by public service vehicles, the local authority may, if it thinks fit, by order appoint that parking place as a station for such vehicles, and where a parking place is so appointed the local authority may—

(*a*) with the consent of the Minister do all such things as are necessary to adapt the parking place for use as a station for public service vehicles and, in particular, provide and maintain waiting rooms, ticket offices, and lavatories and other similar accommodation in connection therewith; and

(*b*) make reasonable charges for the use of, or let on hire to any person, any accommodation so provided; and

(*c*) make regulations as to the use of any such accommodation.

(11) The provisions of subsections (4), (5), (6), and (8) of section ninety of this Act shall apply to any order under the foregoing subsection of this section in like manner as they apply to an order under subsection (2) of that section.

(12) In this section the expression "local authority" means a county or town council, and the expression "parking place" means a place where vehicles, or vehicles of any particular class or description, may wait.

(13) This section shall extend to Scotland only.

Interpretation and application to Crown.

121.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Public service vehicle" means a motor vehicle used for carrying passengers for hire or reward other than a vehicle which is a contract carriage within the meaning of this Act adapted to carry less than eight passengers or a tramcar or a trolley vehicle:

"Tramcar" includes any carriage used on any road by virtue of an order made under the Light Railways Act, 1896:

59 & 60 Vict. c. 48.

PART VI. —*cont.*

"Trolley vehicle" means a mechanically-propelled vehicle adapted for use upon roads without rails and moved by power transmitted thereto from some external source:

"Owner" in relation to a vehicle which is the subject of a hiring agreement or hire purchase agreement, means the person in possession of the vehicle under that agreement:

"Driver," where a separate person acts as steersman of a motor vehicle, includes that person as well as any other person engaged in the driving of the vehicle, and the expression "drive" shall be construed accordingly:

"Fares" includes sums payable in respect of a contract ticket or a season ticket:

"Prescribed" means prescribed by regulations:

"Forestry" includes the felling of trees and haulage thereof:

"Road" means any highway and any other road to which the public has access, and includes bridges over which a road passes:

"Highway authority," in relation to any road, means the authority (being either the council of a county, the council of a county borough, the council of an urban district, the common council of the City of London, or the council of a metropolitan borough) which is responsible for the maintenance of the road:

"Bridge authority" means the authority or person responsible for the maintenance of a bridge:

"Chief officer of police" has the same meaning as in the Police Pensions Act, 1921: 11 & 12 Geo. 5. c. 31;

"Minister" means the Minister of Transport.

(2) Parts I and III of this Act, other than the section of this Act making provision with respect to extraordinary traffic, shall, subject as hereinafter provided, apply to vehicles and persons in the public service of the Crown, and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle, the

PART VI. —*cont.*

person nominated in that behalf by the department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that the driver only was responsible:

Provided that the provisions of this Act which respectively—

(*a*) impose restrictions on persons under twenty-one years of age with respect to the driving of heavy locomotives, light locomotives, motor tractors or heavy motor cars;

(*b*) regulate the number of trailers which may be drawn by motor vehicles;

(*c*) limit the time for which drivers of certain vehicles may remain continuously on duty;

shall not apply in the case of motor vehicles owned by the Admiralty, the War Department, or the Air Ministry, and used for naval, military or air force purposes or in the case of vehicles so used while being driven by persons for the time being subject to the orders of any member of the armed forces of the Crown, and the Minister may by regulations, subject to such conditions as may be specified in the regulations, vary in relation to any such vehicles as aforesaid while being driven as aforesaid the provisions of the First Schedule to this Act.

Repeals.

122. The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and so much of the provisions of any local Act (including any local Act passed at any time in the present Session of Parliament) as confers or imposes on any person any power, right, or obligation, which by any enactment mentioned in the said third column or by this Act (otherwise than by Part V thereof) is conferred or imposed on any person, is hereby repealed:

Provided that nothing in this repeal shall affect any regulations or orders made by the Minister under any enactment hereby repealed, or any licences granted under the Motor Car Act, 1903, but any such order, regulation or licence shall have effect as if made or granted under the corresponding provision of this Act,

subject, however, to the following modifications and qualifications: PART VI. —*cont.*

(*a*) any regulations made under section four of the Locomotives on Highways Act, 1896, or section nine of the Motor Car Act, 1903, by which a speed limit of less than twenty miles per hour is imposed and in force at the commencement of this Act, shall not, unless the Minister by order otherwise directs, continue in force for more than twelve months thereafter; 59 & 60 Vict. c. 36.

(*b*) a licence granted under the Motor Car Act, 1903, shall not continue in force beyond the time when it would have expired if this Act had not been passed, but if a new licence is granted to the holder thereof under Part I of this Act, there shall be copied on that licence before it is issued the particulars, if any, which are endorsed on the licence granted under the Motor Car Act, 1903, unless he is entitled under Part I of this Act to have a licence issued to him free from endorsements;

(*c*) references in any order made under subsection (4) of section seven of the Roads Act, 1920, to heavy motor cars or to locomotives shall be construed respectively as references to heavy motor cars as defined by this Act and to heavy locomotives and light locomotives as so defined and any expressions in any orders or regulations made under any other repealed enactments shall bear the same meaning as they bore immediately before the commencement of this Act.

123.—(1) This Act may be cited as the Road Traffic Act, 1930. Short title, commencement and extent.

(2) This Act shall come into operation on such day or days as the Minister may appoint, and the Minister may fix different days for different purposes and different provisions of this Act.

(3) This Act shall not extend to Northern Ireland.

SCHEDULES.

Sections 10 and 121.

FIRST SCHEDULE.

LIMITS OF SPEED.

Class of Vehicle.	Maximum Speed—Miles per Hour.
1. *Passenger Vehicles*, that is to say vehicles constructed solely for the carriage of passengers and their effects:—	
(1) If all the wheels are fitted with pneumatic tyres and the vehicle is not drawing a trailer—	
(*a*) if the vehicle is adapted to carry not more than seven passengers, exclusive of the driver and is not a heavy motor car or an invalid carriage - - - - - -	No limit.
(*b*) if the vehicle is a heavy motor car or is adapted to carry more than seven passengers, exclusive of the driver - - - - - -	30
(2) In any other case, including invalid carriages - - - - - - -	20
2. *Goods Vehicles*, that is to say vehicles constructed or adapted for use for the conveyance of goods or burden of any description:—	
(1) When not drawing a trailer—	
(*a*) Motor cars, if all the wheels are fitted with pneumatic tyres; and	
(*b*) Heavy motor cars, constructed or adapted for the conveyance of horses and their attendants and used solely for that purpose, if all the wheels are fitted with pneumatic tyres - - - - -	30
(*c*) (i) Motor cars, if all the wheels are not fitted with pneumatic tyres but are fitted with soft or elastic tyres; and	
(ii) Heavy motor cars, if all the wheels are fitted with pneumatic tyres - - - - - -	20
(*d*) Heavy motor cars, if all the wheels are not fitted with pneumatic tyres but are fitted with soft or elastic tyres - - -	16

1ST SCH. —*cont.*

Class of Vehicle.	Maximum Speed— Miles per Hour.
(2) When drawing a trailer—	
(*a*) if all the wheels both of the drawing vehicle and of the trailer are fitted with pneumatic tyres, or if the trailer is attached to the drawing vehicle by partial superimposition in such manner as to cause a substantial part of the weight to be borne by the vehicle and all the wheels both of the drawing vehicle and of the trailer are fitted with soft or elastic tyres - - - -	16
(*b*) if all the wheels both of the drawing vehicle and of the trailer are not fitted with pneumatic tyres but are fitted with soft or elastic tyres - -	8
(3) In any other case - - - -	5
3. *Locomotives and motor tractors :—*	
(1) Heavy locomotives—	
(*a*) Within any city, town or village -	3
(*b*) Elsewhere - - - - - -	5
(2) Light locomotives—	
(*a*) When not drawing a trailer or not drawing more than two trailers, if all the wheels both of the locomotive and of any trailer drawn by it are fitted with soft or elastic tyres - - - - - - -	8
(*b*) In any other case - - - -	5
(3) Motor tractors—	
(*a*) When not drawing a trailer, if all the wheels of the tractor are fitted with soft or elastic tyres - -	16
(*b*) When drawing a trailer, if all the wheels both of the tractor and of any trailer drawn by it are fitted with soft or elastic tyres - -	8
(*c*) In any other case - - - -	5

Section 46.

SECOND SCHEDULE.

PROVISIONS AS TO APPLICATIONS AND INQUIRIES UNDER SECTION FORTY-SIX.

1. Every application under section forty-six of this Act shall be made in such manner as may be prescribed and shall state the grounds upon which the application is made.

2. If in the case of any application the Minister determines that a public inquiry shall be held, the council making the application shall publish notice of the inquiry in such newspaper or newspapers on such number of days as the Minister may direct, and also in the case of an application under subsection (1) of the said section forty-six, in the London Gazette if the road to which the application relates is situate in England, and in the Edinburgh Gazette if the road to which the application relates is situate in Scotland.

A notice for the purposes of this paragraph shall be in such form and shall contain such particulars as may be prescribed.

3. Subject as hereinafter provided, all persons interested may appear at the inquiry either in person or by counsel, agent or solicitor:

Provided that no person shall be entitled to be heard at the inquiry unless he has within one week from the last publication of the notice of the holding of the inquiry sent a notice in writing to the Minister of his desire to be heard at the inquiry, and the person holding the inquiry may refuse to hear any person if he is satisfied that the views of that person have been adequately stated on the inquiry by some other person.

4. Subject as aforesaid inquiries and all proceedings incidental thereto shall be conducted in the prescribed manner.

THIRD SCHEDULE.

Section 62

TRAFFIC AREAS.

PART I.

TRAFFIC AREAS IN ENGLAND.

1. Northern Traffic Area -	The administrative counties of Northumberland, Cumberland, Durham, and Westmorland. So much of the administrative county of Lancaster as comprises the urban districts of Dalton-in-Furness, Ulverston, and Grange, and the rural district of Ulverston. So much of the administrative county of York, North Riding, as comprises the boroughs of Richmond, Thornaby-on-Tees, and Redcar, the urban districts of Northallerton, Guisborough, Eston, Skelton and Brotton, Saltburn, Loftus, Hinderwell, and Whitby, and the rural districts of Northallerton, Croft, Richmond, Middlesbrough, Stokesley, Guisborough, and Whitby. The county boroughs of Newcastle-upon-Tyne, Tynemouth, Carlisle, Darlington, Gateshead, South Shields, Sunderland, West Hartlepool, Barrow - in - Furness, and Middlesbrough.
2. Yorkshire Traffic Area	The administrative counties of York, North Riding (except the portion included in the Northern Traffic Area), York, West Riding, and York, East Riding. So much of the administrative county of Derby as comprises the borough of Chesterfield, the urban districts of Dronfield, Baslow and Bubnell, Bolsover, Clay Cross, and Brampton and Walton, and the rural districts of Chesterfield, Norton, Clown, and Blackwell.

3RD SCH. —*cont.*		
	2. Yorkshire Traffic Area —*cont.*	The county boroughs of Kingston-upon-Hull, York, Barnsley, Bradford, Halifax, Dewsbury, Doncaster, Huddersfield, Leeds, Rotherham, Sheffield, and Wakefield.
	3. North-Western Traffic Area.	The administrative counties of Montgomery, Merioneth, Carnarvon, Anglesey, Denbigh, Flint, Chester and Lancaster (except the portion included in the Northern Traffic Area). So much of the administrative county of Derby as comprises the boroughs of Buxton and Glossop, the urban district of New Mills, and the rural districts of Chapel-en-le-Frith, Glossop Dale, and Hayfield. The county boroughs of Birkenhead, Chester, Stockport, Wallasey, Blackburn, Blackpool, Bolton, Bootle, Burnley, Bury, Liverpool, Manchester, Oldham, Preston, Rochdale, St. Helens, Salford, Southport, Warrington, and Wigan.
	4. West Midland Traffic Area.	The administrative counties of Hereford, Salop, Stafford, Warwick, and Worcester. The county boroughs of Burton-upon-Trent, Smethwick, Stoke-on-Trent, Walsall, West Bromwich, Wolverhampton, Birmingham, Coventry, Dudley, and Worcester.
	5. East Midland Traffic Area.	The administrative counties of Nottingham, the Parts of Lindsey, the Parts of Kesteven, the Parts of Holland, Rutland, Leicester, Northampton, Huntingdon, Bedford, and the Soke of Peterborough. The administrative county of Bucks (except the portion included in the Southern Traffic Area). The administrative county of Derby (except the portions included in the Yorkshire Traffic Area and the North-Western Traffic Area). The county boroughs of Nottingham, Grimsby, Lincoln, Leicester, Northampton, and Derby.

3RD SCH. —*cont.*

6. Eastern Traffic Area -	The administrative counties of Norfolk, the Isle of Ely, Cambridge, East Suffolk, and West Suffolk. So much of the administrative county of Essex as lies outside the Metropolitan Police District. So much of the administrative county of Hertford as lies outside the Metropolitan Police District. The county boroughs of Great Yarmouth, Norwich, Ipswich, and Southend-on-Sea.
7. South Wales Traffic Area.	The administrative counties of Pembroke, Cardigan, Carmarthen, Brecon, Radnor, Glamorgan, and Monmouth. The county boroughs of Cardiff, Merthyr Tydfil, Swansea, and Newport.
8. Western Traffic Area -	The administrative counties of Cornwall, Devon, Somerset, and Gloucester. The county boroughs of Exeter, Plymouth, Bath, Bristol, and Gloucester.
9. Southern Traffic Area	The administrative counties of Oxford, Berks, Wilts, Dorset, Southampton, and the Isle of Wight. So much of the administrative county of Bucks as comprises the borough of Chepping Wycombe, the urban districts of Beaconsfield, Marlow, and Slough, and the rural districts of Eton, Wycombe and Hambledon. The county boroughs of Oxford, Reading, Bournemouth, Portsmouth, and Southampton.
10. South-Eastern Traffic Area.	The administrative counties of East Sussex and West Sussex. So much of the administrative counties of Surrey and Kent as lies outside the Metropolitan Police District. The county boroughs of Brighton, Eastbourne, Hastings, and Canterbury.
11. Metropolitan Traffic Area.	The Metropolitan Police District and the City of London.

3RD SCH. —*cont.*

PART II.

TRAFFIC AREAS OF SCOTLAND.

1. Northern Traffic Area	The counties of Caithness, Sutherland, Ross and Cromarty, Inverness, Nairn, Moray, Banff, Aberdeen, Orkney, Zetland, Kincardine, Perth, Angus, Clackmannan, Kinross and Fife.
2. Southern Traffic Area	The counties of Argyll, Stirling, Dumbarton, Renfrew, Lanark, Ayr, Wigtown, Kirkcudbright, Bute, Westlothian, Midlothian, East Lothian, Berwick, Peebles, Selkirk, Dumfries, and Roxburgh.

Sections 116, 119.

FOURTH SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS.

1. For the purpose of determining whether compensation is payable to an officer, and, if so, the amount of such compensation, regard shall be had to—

(*a*) the conditions upon which his appointment was made;

(*b*) the nature of his office or employment;

(*c*) the duration of his service;

(*d*) any additional emoluments which he acquires by virtue of this Act or of anything done in pursuance or in consequence of this Act;

(*e*) the emoluments which he might have acquired if he had not refused to accept any office offered to him by the Minister or any local authority; and

(*f*) all the other circumstances of the case;

and the compensation shall not exceed the amount which under the Acts and rules relating to Her Majesty's Civil Service which were in operation on the thirteenth day of August, eighteen hundred and eighty-eight, would have been payable to a person on abolition of office.

2. Every person who claims to be entitled to compensation shall forward to the Minister a claim setting forth—

(*a*) all material facts relating to his appointment, the conditions upon which it was made, the nature of his employment, and the duration of his service;

4TH SCH. —*cont.*

(*b*) the whole amount received and expended by him or his predecessors in office in every year during the period of five years next before the date on which the relinquishment of office or determination of appointment takes effect, or the direct pecuniary loss commences, as the case may be, distinguishing the offices in respect of which the emoluments have been received;

(*c*) particulars of any additional emoluments which he has acquired, or will acquire, by virtue of this Act, or anything done in pursuance or in consequence of this Act; and

(*d*) particulars of any office which has been offered to him by the Minister or any local authority;

and such claim shall be accompanied by a statutory declaration that the claim so delivered is a true statement according to the best of his knowledge, information, and belief.

3. Every local authority shall give to the Minister such assistance and information as he may require to enable him to make a just assessment of the compensation, if any, to which a claimant is entitled, and for the purpose of enabling the authority to give such assistance and information, any claimant, if so required by the authority, shall attend at a meeting of the authority or of any committee appointed by the authority for the purpose, and answer upon oath, which any justice present may administer, all questions asked by any member of the authority or committee touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to the claim.

4. In computing the service of any officer for the purpose of the award of compensation the Minister shall take into account all the service of that officer after he attained the age of eighteen years under any local authority:

Provided that where the officer held two or more offices and the claim to compensation is based on a loss of one or some only of those offices, account shall not be taken under this paragraph of service in an office which the officer continues to hold unless throughout the period of his service in that office he devoted the whole of his time to the duties of offices held by him under one or more local authorities.

5. If an officer's appointment is determined otherwise than at the expiration of a complete year of his service, the portion then expired of that year shall be treated as a complete year where such portion exceeds six months, and shall be ignored where such portion does not exceed six months.

6. The compensation payable under this Act to an officer who immediately before the appointed day held two or more

4TH SCH. —*cont.*

offices under any one or more local authorities, and who devoted the whole of his time to the duties of such offices, shall not be reduced by reason of the fact that he has devoted only part of his time to each of such offices.

7. If any officer was temporarily absent from his employment during the late war whilst serving in His Majesty's forces or the forces of the allied or associated Powers, either compulsorily or with the sanction or permission of the local authority, such period of temporary absence shall be reckoned as service under the authority in whose employment he was immediately before and after such temporary absence:

Provided that in the case of an officer who, after the armistice, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned.

8. The Minister may, in his discretion and in consideration of the fact that any officer was appointed to his office as a specially qualified person, or that the officer before his appointment had been employed as a deputy, assistant, or clerk by a permanent officer for the purpose of the discharge of his official duties, add any number of years, not exceeding ten, to the number of years which such officer would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and rules relating to His Majesty's Civil Service as applied by this Act.

9. The compensation shall not exceed two-thirds of the annual pecuniary loss suffered by virtue of this Act, or of anything done in pursuance or in consequence of this Act or, if the compensation is payable otherwise than by way of an annual sum, the capital value of such annual sum as might have been awarded.

10. No service of which account has been taken in assessing the compensation payable under this Act to an officer in respect of the determination or relinquishment of any appointment held by him shall, in the event of his accepting any other office after the commencement of this Act, be reckoned for the purpose of computing any sum payable in respect of that office under any superannuation scheme or other scheme for ensuring benefits to an officer on retirement whether under any enactment or otherwise.

11. The Minister, on receiving any claim, shall as soon as may be take it into consideration and assess the just amount of compensation, if any, to which the claimant is entitled and inform the claimant of his decision, and the sum payable as compensation shall commence to be payable at the date fixed by the Minister or, in the case of an appeal under the next succeeding paragraph, by the Treasury.

4TH SCH. —*cont.*

12. If a claimant is aggrieved by the refusal of the Minister to grant any compensation, or by the amount of compensation assessed, he may within three months after the date on which he receives notice of the Minister's decision appeal to the Treasury who shall consider the case and determine whether any compensation and, if so, what amount, ought to be granted to the claimant, and the determination of the Treasury shall be final.

13. If a person receiving compensation under this Schedule is appointed to any office under the Crown, or by the Minister, or by any local or other public authority, or if, by virtue of this Act or anything done in pursuance of or in consequence of this Act, he receives any increase of the emoluments of the office held by him, he shall not while receiving the emoluments of that office receive any greater amount of his compensation, if any, than with the emoluments of the said office is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office which he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds that office.

14. All sums payable under this Schedule by way of compensation shall be paid out of the Road Fund.

15. For the purposes of this Schedule the expression "emoluments" includes fees and salaries, and the expression "local authority" means any local authority as defined in section three of the Local Government and other Officers Superannuation Act, 1922. 12 & 13 Geo. 5. c. 59.

FIFTH SCHEDULE.

Section 122.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Will. 4. c. 120.	The Stage Carriage Act, 1832.	The whole Act so far as it relates to public service vehicles.
3 & 4 Will. 4. c. 48.	The London Hackney Carriages Act, 1833.	The whole Act so far as it relates to public service vehicles.

5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Will. 4. c. 50.	The Highways Act, 1835.	Section seventy-six so far as it relates to motor vehicles and trailers.
5 & 6 Vict. c. 79.	The Railway Passenger Duty Act, 1842.	Sections thirteen to fifteen so far as they relate to public service vehicles.
6 & 7 Vict. c. 86.	The London Hackney Carriage Act, 1843.	The whole Act so far as it relates to public service vehicles.
10 & 11 Vict. c. 89.	The Town Police Clauses Act, 1847.	The provisions of the Act with respect to hackney carriages so far as they relate to public service vehicles.
13 & 14 Vict. c. 7.	The London Hackney Carriage Act, 1850.	The whole Act so far as it relates to public service vehicles.
16 & 17 Vict. c. 33.	The London Hackney Carriage Act, 1853.	The whole Act so far as it relates to public service vehicles.
16 & 17 Vict. c. 127.	The London Hackney Carriage (No. 2) Act, 1853.	The whole Act so far as it relates to public service vehicles.
24 & 25 Vict. c. 70.	The Locomotives Act, 1861.	The whole Act, except sections one, two, ten and fourteen.
28 & 29 Vict. c. 83.	The Locomotives Act, 1865.	The whole Act, except sections nine, ten and thirteen.
32 & 33 Vict. c. 115.	The Metropolitan Public Carriage Act, 1869.	Section five so far as it relates to public service vehicles.
41 & 42 Vict. c. 51.	The Roads and Bridges (Scotland) Act, 1878.	Section fifty-seven.
41 & 42 Vict. c. 58.	The Locomotives (Amendment) (Scotland) Act, 1878.	The whole Act.
41 & 42 Vict. c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Section twenty-three and Part II.

5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section eighty-five the words from "and the following additional regulations" (so far as not repealed) to the end of the section.
52 & 53 Vict. c. 14.	The Town Police Clauses Act, 1889.	The whole Act so far as it relates to public service vehicles.
54 & 55 Vict. c. 63.	The Highways and Bridges Act, 1891.	Section four from "but no such order" to the end of the section.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Sections two hundred and seventy, two hundred and seventy-one and two hundred and seventy-two, so far as they relate to public service vehicles.
57 & 58 Vict. c. 37.	The Locomotive Threshing Engines Act, 1894.	The whole Act.
59 & 60 Vict. c. 36.	The Locomotives on Highways Act, 1896.	The whole Act.
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	Section sixty-five so far as it relates to public service vehicles.
61 & 62 Vict. c. 29.	The Locomotives Act, 1898.	The whole Act.
3 Edw. 7. c. 36	The Motor Car Act, 1903.	The whole Act.
7 Edw. 7. c. 53.	The Public Health Acts Amendment Act, 1907.	Section seventy-eight.
7 Edw. 7. c. 55	The London Cab and Stage Carriage Act, 1907.	Section three so far as it relates to public service vehicles.
8 Edw. 7. c. 62	The Local Government (Scotland) Act, 1908.	Section thirteen so far as it relates to public service vehicles. Section twenty-four and subsections (1), (2), (5) and (6) of section twenty-five.
6 & 7 Geo. 5. c. 12.	The Local Government (Emergency Provisions) Act. 1916.	Section eleven.

5TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 72.	The Roads Act, 1920	Subsections (1) to (7) of section seven. Subsections (1) and (3) of section fourteen so far as they relate to public service vehicles. Sections fifteen and sixteen. The Second Schedule.
14 & 15 Geo. 5. c. 34.	The London Traffic Act, 1924.	Section nine.
15 & 16 Geo. 5. c. 71.	The Public Health Act, 1925.	Subsection (1) of section seventy-four.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty.

CHAPTER 44.

An Act to amend and consolidate the enactments relating to the drainage of land, and for purposes in connection with such amendment.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

DRAINAGE AUTHORITIES.

Drainage districts and drainage boards.

1.—(1) For the purpose of the drainage of land there shall be such drainage districts as are mentioned in this section and there shall be a drainage board for each such drainage district.

(2) The drainage board of a drainage district shall be a body corporate with power to hold land without licence in mortmain.

(3) Subject to the provisions of this Act, a drainage board shall exercise a general supervision over all matters