(ii) ROAD VEHICLES AND DRIVERS

The Road Vehicles and Drivers Order, 1949

1949 No. 1324

Made - - - -	14*th July*, 1949
Laid before Parliament	15*th July*, 1949
Coming into Operation	1*st August*, 1949

In exercise of the powers conferred upon him by Regulation 53, Regulation 56 and Regulation 72 of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945(**a**), as extended by the Supplies and Services (Extended Purposes) Act, 1947(**b**) and of all other powers him enabling, the Minister of Transport (hereinafter referred to as " the Minister ") hereby makes the following Order:—

Citation and Revocation

1. This Order shall come into operation on the 1st day of August, 1949, and may be cited as " The Road Vehicles and Drivers Order, 1949 ".

2. The Emergency Powers (Defence) Road Vehicles and Drivers Order, 1943(**c**), and the Orders amending that Order which are specified in Schedule A to this Order are hereby revoked, without prejudice, however, to the validity of any permit, defence permit or other authorisation issued or having effect by virtue of any of the said Orders, and any such permit, defence permit or other authorisation shall, if in force immediately before the coming into operation of this Order, continue in force as if issued or having effect by virtue of the corresponding provisions of this Order.

Interpretation

3. In this Order unless the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:—

" regulation " means a regulation of the Defence (General) Regulations, 1939, as having effect by virtue of the Supplies and Services (Transitional Powers) Act, 1945, as extended by the Supplies and Services (Extended Purposes) Act, 1947.

" Commissioner " means a person appointed by the Minister to be a Regional Transport Commissioner or Deputy or Assistant Regional Transport Commissioner, and, in relation to the issue to persons residing in the Metropolitan Traffic Area as defined in the Road and Rail Traffic Act, 1933(**d**), of permits to act as a driver or conductor of a public service vehicle, the Commissioner of Police of the Metropolis.

" designated officer " means a person appointed by the Minister as a Chief Assistant to a Regional Transport Commissioner, a District Transport Officer or a Traffic Officer, or any duly authorised officer of the Ministry of Transport.

(**a**) 9 & 10 Geo. 6. c. 10; and S.R. & O. 1945 (No. 1623) II, p. 53.
(**b**) 10 & 11 Geo. 6. c. 55.
(**c**) S.R. & O. 1943 (No. 1055) II, p. 1804.
(**d**) 23 & 24 Geo. 5. c. 53.

"public service vehicle", "public service vehicle licence" and "road service licence" have the meanings respectively assigned to them by the Road Traffic Act, 1930(a).

"local authority" means a local authority to whom section 101 of the Road Traffic Act, 1930, applies.

"carrier's licence" means a licence under Part I of the Road and Rail Traffic Act, 1933.

"identity certificate" means an identity certificate issued for the purposes of regulation 12 of the Goods Vehicles (Licences and Prohibitions) Regulations, 1936(b).

"the order of 1943" means the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1943, as amended by the Orders specified in Schedule A to this Order.

"previous Order" means the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1939(c), the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1940(d), the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1941(e), the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1942(f), or the Order of 1943.

Requisition of horses, vehicles and equipment

4. A Commissioner or a designated officer may

(*a*) requisition any horse and any equipment thereof, any vehicle and any equipment thereof and any accessories for the maintenance or repair of vehicles;

(*b*) use or deal with property so requisitioned;

(*c*) direct that no person shall, having in his possession or under his control property which might be requisitioned under this Order, remove or cause or permit to be removed that property from the premises where it is.

Drivers and Conductors

5.—(1) For the purposes of paragraphs (I) and (IA) of Regulation 72 a Commissioner may by a permit in the form specified in Schedule B to this Order authorise:—

(*a*) any person holding a driving licence licensing him to drive vehicles included in Group I of the Second Schedule to the Motor Vehicles (Driving Licences) Regulations, 1947(g), to act as a driver of a public service vehicle, or

(*b*) any person to act as a conductor of a public service vehicle.

(2) Subject to the provisions of paragraph 21 hereof a permit issued under sub-paragraph (1) of this paragraph shall be valid for two years from the date of issue, and the period of validity of every permit issued under the corresponding provisions of any previous Order which is in force on the 31st July, 1949, and which but for this Order would expire before 31st July, 1950, is hereby extended up to and including the last mentioned date.

(a) 20 & 21 Geo. 5. c. 43.
(b) S.R. & O. 1936 (No. 269) II, p. 2163.
(c) S.R. & O. 1939 (No. 1338) I, p. 1189.
(d) S.R. & O. 1940 (No. 741) noted, II, p. 973.
(e) S.R. & O. 1941 (No. 304) II, p. 1501.
(f) S.R. & O. 1942 (Nos. 1535 and 1933) II, pp. 1966 and 1975, and 1943 No. 963.
(g) S.R. & O. 1947 (No. 925) I, p. 1973.

(3) The holder of a licence to drive or to act as a conductor of a public service vehicle which was issued by virtue of section 77 of the Road Traffic Act, 1930, and expired before the 31st July, 1948, and who, on the 31st July, 1949, was authorised to drive or to act as a conductor of such a vehicle by virtue of the Order of 1943 is hereby authorised to drive or to act as a conductor as the case may be of such a vehicle up to and including the 31st July, 1950: Provided that a Commissioner may at any time revoke or suspend such authorisation and that, in the case of a licence to drive, such authorisation shall authorise the holder to drive only such type or types of public service vehicle as were specified in his licence.

(4) A licence issued by virtue of section 77 of the Road Traffic Act, 1930, or a permit issued under this paragraph in either case authorising a person to act as a driver of a public service vehicle shall have effect as though it were also a permit to act as a conductor of a public service vehicle issued under the provisions of this paragraph.

(5) The holder of a licence to drive vehicles included in Group I of the Second Schedule to the Motor Vehicles (Driving Licence) Regulations, 1947, is hereby authorised to drive any heavy goods vehicle within the meaning of section 31 of the Road Traffic Act, 1934(a), unless by reason of his age he is debarred from driving it by virtue of the provisions of section 9 of the Road Traffic Act, 1930.

(6) The holder of a licence to drive a tram, a trolley vehicle or a hackney carriage or to act as a conductor of a tram or trolley vehicle which was issued under the provisions of section 8 of the Metropolitan Public Carriage Act, 1869(b), and expired before the 31st July, 1948, and who on the 31st July, 1949, was authorised to drive or to act as a conductor of such a vehicle by virtue of the Order of 1943 is hereby authorised to drive or to act as a conductor as the case may be of such a vehicle up to and including the 31st July, 1950: Provided that:—

(*a*) the requirements and conditions attached to such licence shall continue to be observed during the currency of the licence; and

(*b*) the authorisation may at any time be revoked or suspended by the Commissioner of Police of the Metropolis.

Legal Proceedings in relation to use of Vehicles

6. In any proceedings which may be taken in respect of the use of a vehicle on any occasion in contravention of section 67 or section 72 of the Road Traffic Act, 1930, or of section 1 of the Road and Rail Traffic Act, 1933, it shall be a defence to prove that the vehicle was on that occasion being used under the authority of this Order or any previous Order or of any permit or defence permit issued thereunder.

Public Service Vehicles

7.—(1) A Commissioner may issue in respect of any public service vehicle (whether a certificate of fitness is in force in relation to that vehicle or not) a permit in lieu of a public service vehicle licence.

(2) Such permit shall, subject to the provisions of paragraph 13 hereof, be valid for a period of one year from the date of issue.

(3) Such permit shall at all times during its validity be exhibited on the vehicle in respect of which it is issued in the manner prescribed for a public service vehicle licence by the Public Service Vehicles (Licences and Certificates) Regulations, 1934(c).

(a) 24 & 25 Geo. 5. c. 50. (b) 32 & 33 Vict. c. 115.
(c) S.R. & O. 1934 (No. 1269) II, p. 191.

8. A Commissioner may issue to the holder of a road service licence a permit, in the form specified in Schedule C to this Order for the period stated in the permit authorising him to provide such a road service as may be specified in the permit, upon the terms and conditions of his road service licence subject to any modifications expressed in the permit.

9. A Commissioner may issue a permit in the form specified in Schedule D to this Order authorising for a period not exceeding one week a temporary road service subject to any conditions expressed in the permit.

10. A Commissioner may issue a permit in the form specified in Schedule E to this Order authorising for a period exceeding one week but not exceeding one year a road service subject to any conditions expressed in the permit.

11. The period of validity of every permit issued under paragraph 7, 8 or 10 of this Order or under any corresponding provision of any previous Order and in force on the 31st July, 1949, is hereby extended up to and including the 31st July, 1950.

12. A local authority may run public service vehicles on any road in accordance with a permit issued in accordance with paragraph 8, 9 or 10 of this Order notwithstanding that consent of the Licensing Authority for Public Service Vehicles may not have been obtained in accordance with the provisions of section 101 of the Road Traffic Act, 1930.

13. If a certifying officer or public service vehicle examiner appointed under section 69 of the Road Traffic Act, 1930, is of opinion that a public service vehicle owing to any defects therein, is or is likely to become unfit for service until the defects have been remedied, he may serve upon the person authorised to use the vehicle in virtue of a permit issued under paragraph 7 hereof or under any corresponding provision of any previous Order, a notice forbidding the use of the vehicle until the defects have been remedied, and thereupon the authority of the permit shall be suspended until a certifying officer or a public service vehicle examiner has withdrawn the notice:

Provided that, where in the opinion of such 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 notice shall not operate before the expiration of forty-eight hours and shall not operate after the expiration of that period, if such officer or examiner, being satisfied that the defects have been or are in the course of being remedied, withdraws the notice before the expiration of that period:

Provided further that the provisions of subsection (4) of section 71 of the Road Traffic Act, 1930, shall apply as though the permit were a public service vehicle licence, and "the Commissioner" were substituted for "the Licensing Authority for Public Service Vehicles".

Goods Vehicles

14.—(1) A Commissioner may issue in respect of any goods vehicle a permit (hereinafter referred to as "a defence permit") and the vehicle may, subject to the conditions hereinafter mentioned and to any further conditions that the Commissioner may think fit to attach, be used on a road by the holder of a defence permit for the carriage of goods:—

(*a*) in the case of a defence permit overprinted with the letter "A" (hereinafter called "an A defence permit"), as though the permit were an A carrier's licence;

(*b*) in the case of a defence permit overprinted with the word "Contract" (hereinafter called "an A contract defence permit"), as though the permit were a carrier's licence issued under the provisions of subsection (1) of section 7 of the Road and Rail Traffic Act, 1933;

(*c*) in the case of a defence permit overprinted with the letter "B" (hereinafter called "a B defence permit"), as though the permit were a B carrier's licence; and

(*d*) in the case of a defence permit overprinted with the letter "C" (hereinafter called "a C defence permit"), as though the permit were a C carrier's licence.

(2) It shall be a condition of every defence permit that:—

(*a*) the provisions of subsections (1) and (4) of section 16 of the Road and Rail Traffic Act, 1933, and the Regulations made thereunder shall be complied with as though such defence permit were a carrier's licence;

(*b*) a Commissioner shall have as regards a defence permit the like powers to dispense with the requirements of such Regulations as the Licensing Authority for Goods Vehicles has as regards a licence under subsection (3) of the said section 16; and

(*c*) it shall be affixed in the manner prescribed for an identity certificate by the Goods Vehicles (Licences and Prohibitions) Regulations, 1936.

(3) The period of validity of defence permits shall be, in the case of A defence permits, A contract defence permits and B defence permits, one year, and in the case of C defence permits, five years:

Provided that a Commissioner may:—

(*a*) in his discretion issue a defence permit for any specified period not exceeding six months; and

(*b*) if for administrative reasons he deems it desirable, issue a defence permit for any specified period shorter than the full period.

(4) A Commissioner may, in any case where during the validity of an identity certificate or a defence permit a vehicle is substituted for the vehicle therein identified, issue a defence permit in respect of the substituted vehicle valid for the remainder of the validity of the original certificate or permit, and the Commissioner may require as a condition of such issue the return of the original certificate or permit.

15. Notwithstanding any conditions attached to a licence defence permit or other equivalent authorisation the holder thereof may use the vehicle for the carriage of goods for hire or reward in accordance with the terms of a written authority of the Commissioner, who may at any time suspend or revoke such authority.

16. So long as the relevant identity certificate in force on the 31st July, 1948, is displayed on the vehicle in accordance with the provisions of Regulation 12 of the Goods Vehicles (Licences and Prohibitions) Regulations, 1936, the person to whom it was issued is hereby authorised to use for one year after the date of expiry of that certificate the vehicle specified therein subject to the conditions specified in section 8 of the Road and Rail Traffic Act, 1933, and the conditions attached to the licence to which the certificate was originally related or such conditions as the Commissioner may from time to time impose: Provided that a Commissioner may at any time revoke or suspend such authority.

17. The period of validity of every defence permit other than a defence permit issued for a period not exceeding six months, which is in force on the 31st July, 1949, but which is due to expire before the 31st July, 1950, is hereby extended up to and including the last mentioned date.

18. If a Commissioner serves upon any person authorised to use a vehicle under paragraph 14 of this Order a notice stating that in his opinion it is inexpedient that such person should continue to use the vehicle under that authority, then that authority shall cease, but the Commissioner may issue to such person a new defence permit authorising him to use his vehicle in accordance with such conditions as may be stated in that permit; such permit shall be expressed to expire not later than the date of expiry of the original certificate or permit and the Commissioner may require as a condition of such issue the return of the original certificate or permit.

19. A Commissioner may, by notice served upon the holder of a "B" defence permit, vary the conditions attached to that permit in such manner as he thinks fit.

Conditions of Permits and Defence Permits

20.—(1) It shall be a condition of every permit or defence permit issued or the period of validity of which is extended under this Order that it shall be returned on demand to the Commissioner who issued it.

(2) It shall be a condition of every permit or defence permit specified in column 2 of Schedule F to this Order that the provisions of the regulations specified opposite thereto in column 1 of that Schedule shall be complied with as though the permit or defence permit were a licence within the meaning of those regulations and "the Commissioner" were substituted for "the Licensing Authority for Public Service Vehicles" or "the Licensing Authority for Goods Vehicles" wherever they occur.

Revocation and suspension of Permits and Defence Permits

21. A Commissioner may at any time revoke or suspend any permit or defence permit issued under this or any previous Order and may vary by endorsement any permit or defence permit issued under this or any previous Order other than a permit issued under paragraph 5 or paragraph 7 hereof or the corresponding provisions of any previous Order.

22. A Commissioner, if he is satisfied that

(*a*) a permit to act as driver or conductor of a public service vehicle or a defence permit or

(*b*) any other permit

has been lost, destroyed or defaced, may issue on payment of the appropriate fee specified hereunder a duplicate so marked, and the duplicate so issued shall have the same effect as the original.

In the case of (*a*) above—1s.

In the case of (*b*) above—2s. 6d.

23. Every authorisation granted in lieu of a public service vehicle licence or a carrier's licence shall cease to have effect as regards any vehicle comprised in the authorisation on the date on which a public service vehicle licence or a carrier's licence, as the case may be, comes into force in respect of that vehicle.

24. Every authorisation given under paragraph 5 of this Order to drive or to act as conductor of a public service vehicle shall cease to have effect in relation to the holder thereof on the date on which he is licensed to drive or to act as conductor, as the case may be, of a public service vehicle under the provisions of section 77 of the Road Traffic Act, 1930.

25. Every authorisation to drive a tram, a trolley vehicle or a hackney carriage or to act as a conductor of a tram or a trolley vehicle given under paragraph 5 of this Order shall cease to have effect as regards the person so authorised on the date on which a licence to drive a tram, a trolley vehicle or a hackney carriage or to act as a conductor of a tram or a trolley vehicle issued under the provisions of the Metropolitan Public Carriage Act, 1869, comes into effect in relation to that person.

Exemption from Licensing Provisions of the Finance Act, 1920(a), *and the Roads Act,* 1920(b)

26. A certificate issued in pursuance of paragraph (5) of Regulation 72 shall be:—

(*a*) in the case of a vehicle being used for the purposes of His Majesty's Service in the form specified in Schedule G to this Order signed by an authorised person on behalf of any Government Department;

(*b*) in the case of a vehicle being used for the purposes of a service controlled by a local authority in the form specified in Schedule H to this Order signed on behalf of a local authority exercising functions in connection with a service designated by the Minister and bearing the impression of the stamp of that local authority and also of the stamp of the Ministry of Transport;

(*c*) in any other case in the form specified in Schedule H to this Order signed on behalf of and bearing the impression of the stamp of the Ministry of Transport or signed on behalf of the Secretary of State for the Home Department:

Provided that where a vehicle is employed partly for the purpose of His Majesty's Service and partly for the purposes of a service described in (*b*) or (*c*) the certificate prescribed in (*a*) shall cover all such services.

Given under the Official Seal of the Minister of Transport this fourteenth day of July, 1949.

(L.S.)

Alfred Barnes,
The Minister of Transport.

(a) 10 & 11 Geo. 5. c. 18. (b) 10 & 11 Geo. 5. c. 72.

SCHEDULE A

(See Paragraph 2)

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) Order, 1944 (S.R. & O. 1944 (No. 873) II, p. 1408).

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) Order, 1945 (S.R. & O. 1945 (No. 193) II, p. 1216).

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) (No. 2) Order, 1945 (S.R. & O. 1945 (No. 904) II, p. 1218).

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) Order, 1946 (S.R. & O. 1946 (No. 123) II, p. 1402).

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) (No. 2) Order, 1946 (S.R. & O. 1946 (No. 1077) II, p. 1403).

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) (No. 3) Order, 1946 (S.R. & O. 1946 (No. 1347) II, p. 1404).

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) Order, 1947 (S.R. & O. 1947 (No. 1405) II, p. 1244).

The Emergency Powers (Defence) Road Vehicles and Drivers (Amendment) Order, 1948 (S.I. 1948 No. 1226).

SCHEDULE B

(See Paragraph 5)

.....(name) of.....

.....(address) is hereby permitted to act as

* a driver
* a conductor } of a public service vehicle

* of the following classes or type.....

.....

Badge No.....

for two years from the date of this Permit.

* Delete words inapplicable.

Date.....

Authorised by the Minister of Transport.

Signature of holder.....

SCHEDULE C

(See Paragraph 8)

Permit in lieu of current road service licence

Mr. (Messrs.).....being the holder(s) of Road Service Licence No.....is/are hereby permitted to provide a road service (specify the service) upon the terms and conditions of the said Road Service Licence subject to the modifications set out in the attached schedule.

This Permit is valid from.....to.....

Authorised by the Minister of Transport.

Date of issue.....

SCHEDULE D

(See Paragraph 9)

Permit in lieu of Road Service Licence not in excess of one week

Mr. (Messrs.) .....is/are hereby permitted to provide a road service (specify the service) subject to the conditions set out in the attached schedule(s).

Date of issue.....

Authorised by the Minister of Transport.

Period of validity from.....to.....

SCHEDULE E

(See Paragraph 10)

Permit in lieu of Road Service Licence for more than a week

Mr. (Messrs.) .....is/are hereby permitted to provide a road service (specify the service) subject to the conditions set out in the attached schedule(s).

Authorised by the Minister of Transport.

Date of issue.....

Period of validity from.....to.....

SCHEDULE F

(See Paragraph 20)

Column 1 *Regulations*	*Column 2* *Permit or defence permit issued under this Order*
Regulations 8, 9, 10, 11, 14, 15, 17, 18 and 19 of the Public Service Vehicles (Drivers' and Conductors' Licences) Regulations, 1934(a); and so much of the Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) Regulations, 1936(b); and of the Public Service Vehicles (Lost Property) Regulations, 1934(c), as relate to drivers and conductors.	Permit to act as driver or conductor of a public service vehicle issued under paragraph 7.
Regulations 9, 10, 13, 23, 24 and 50 of the Public Service Vehicles (Licences and Certificates) Regulations, 1934.	Permit issued under paragraph 7, 8, 9 or 10.
Regulations 17, 18, 21 and 22 of the Goods Vehicles (Licences and Prohibitions) Regulations, 1936.	Defence permit issued under paragraph 14 or 18.

(a) S.R. & O. 1934 (No. 1321) II, p. 206. (b) S.R. & O. 1936 (No. 619) II, p. 2155.
(c) S.R. & O. 1934 (No. 1268) II, p. 216.

SCHEDULE G

(See Paragraph 26)

Defence of the Realm

.....*

This vehicle is being used for the purpose of.....

HIS MAJESTY'S SERVICE
in a case of emergency

Signed.....

Name of Department.....

* Insert here Index Mark and Registration Number of vehicle or other identifying number.

SCHEDULE H

(See Paragraph 26)

Defence of the Realm

*

.....

This vehicle is being used in a case of emergency for designated services.

Signed on behalf of.....

(stamp or stamps)
Not to be used after (date of expiry).

* Insert here Index Mark and Registration Number of vehicle or other identifying number.

EXPLANATORY NOTE

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

This Order consolidates with amendment the Emergency Powers (Defence) Road Vehicles and Drivers Order, 1943, and the amending Orders referred to in Schedule A.

Apart from amendments incidental to consolidation, the only change is that the Order extends until the 31st July, 1950, from the date when they would otherwise have expired certain authorisations in force on the 31st July, 1949, to

(i) act as driver or conductor of a public service vehicle ;

(ii) act as driver or conductor of a tram or trolley vehicle or as a driver of a hackney carriage in the metropolitan police district ;

(iii) use a public service vehicle ;

(iv) operate a road passenger service under a permit ;

(v) use a goods vehicle under an "A", "B" or "C" carrier's defence permit.