The Road Vehicles and Drivers Order, 1950

1950 No. 1166

Made - - - -	17*th July*, 1950
Laid before Parliament	18*th July*, 1950
Coming into Operation	1*st August*, 1950

Arrangement of Order

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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:—

Commencement, Citation, Interpretation and Revocation

1.—(1) This Order shall come into operation on the 1st day of August, 1950, and may be cited as "The Road Vehicles and Drivers Order, 1950".

(2) 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 Regional Transport Commissioner.

(a) 9 & 10 Geo. 6. c. 10 and S.R. & O. 1945 (No. 1623) II, p. 53.
(b) 10 & 11 Geo. 6. c. 55.

" 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(b).

" the Order of 1949 " means the Road Vehicles and Drivers Order, 1949(c), as amended by the Road Vehicles and Drivers (Amendment) Order, 1950(d).

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

(3) The Order of 1949 is hereby revoked.

(4) Notwithstanding the revocation of the Order of 1949 by this Order, any permit (other than a defence permit) and any other authorisation issued under or having effect by virtue of any of the provisions of the Order of 1949 which is in force immediately before the coming into force of this Order shall continue in force and have effect as if issued under or having effect by virtue of the corresponding provisions of this Order, or if there is no corresponding provision as otherwise provided for in this Order.

Drivers and Conductors

2.—(1) The period of validity of every permit to act as a driver or conductor of a public service vehicle issued under sub-paragraph (1) of paragraph 5 of the Order of 1949 or under any corresponding provision of any previous Order, which is in force on the 31st July, 1950, is hereby extended up to and including the 31st July, 1951, or the date when paragraphs (1) and (1A) of Regulation 72 cease to have effect whichever is the earlier.

(2) 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, 1950, was authorised to drive or to act as a conductor of such a vehicle by virtue of the Order of 1949 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, 1951, or the date when paragraphs (1) and (1A) of Regulation 72 cease to have effect whichever is the earlier: 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.

(a) 20 & 21 Geo. 5. c. 43.
(b) 23 & 24 Geo. 5. c. 53.
(c) S.I. 1949 (No. 1324) II, p. 648.
(d) S.I. 1950 No. 344.
(e) S.R. & O. 1939 (No. 1338) I, p. 1189.
(f) S.R. & O. 1940 (No. 741) noted II, p. 973.
(g) S.R. & O. 1941 (No. 304) II, p. 1501.
(h) S.R. & O. 1942 (Nos. 1535 and 1933) II, pp. 1966 and 1975, and 1943 No. 963.
(i) S.R. & O. 1943 (No. 1055) II, p. 1804, 1944 (No. 873) II, p. 1408, 1945 (No. 193) II, p. 1216, 1945 (No. 904) II, p. 1218, 1946 (No. 123) II p. 1402, 1946 (No. 1077) II, p. 1403, 1946 (No. 1347) II, p. 1404, 1947 (No. 1405) II, p. 1244 and S.I. 1948 (No. 1226) II, p. 995.

(3) The holder of a licence issued by virtue of section 77 of the Road Traffic Act, 1930, or of a permit the period of validity of which has been extended by paragraph (1) of this Article, in either case enabling him to act as a driver of a public service vehicle, is hereby authorised to act as a conductor of such a vehicle up to and including the 31st July, 1951, or the date when paragraphs (1) and (1A) of Regulation 72 cease to have effect whichever is the earlier: Provided that nothing in this paragraph shall be deemed to authorise the holder of such a licence or permit to act at the same time as driver and conductor of a vehicle in any case where by or under any enactment a conductor is required to be carried on the vehicle in addition to a driver.

(4) The holder of a licence to drive vehicles included in Group A of the Second Schedule to the Motor Vehicles (Driving Licences) Regulations, 1950(**a**), is hereby authorised to drive any heavy goods vehicle within the meaning of section 31 of the Road Traffic Act, 1934(**b**), 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.

Legal Proceedings in relation to use of Vehicles

3. 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, it shall be a defence to prove that the vehicle was on that occasion being used under the authority of this Order, the Order of 1949 or any previous Order or of any permit issued thereunder.

Public Service Vehicles

4.—(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 Article 7 of this Order, 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**).

5. Every permit issued under paragraphs 7, 8 or 10 of the Order of 1949 or under any corresponding provision of any previous Order which is in force on the 31st July, 1950 shall continue in force and have effect as though the period of validity therein specified were a period expiring on the 31st day of July, 1951, or the date when paragraph (2) of Regulation 72 ceases to have effect whichever is the earlier.

6. A local authority may run public service vehicles on any road in accordance with a permit having effect by virtue of Article 5 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.

7. 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

(**a**) S.I. 1950 No. 333, *see* Vol. II, p. 737.
(**b**) 24 & 25 Geo. 5. c. 50.
(**c**) S.R. & O. 1934 (No. 1269) II, p. 191.

person authorised to use the vehicle by virtue of a permit issued under Article 4 of this Order or under any corresponding provision of the Order of 1949 or 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 expression "the Commissioner" were substituted for the expression "the Licensing Authority for Public Service Vehicles".

Goods Vehicles

8. Notwithstanding any conditions attached to a carrier's licence, the holder thereof may use any vehicle authorised to be used under the licence for the carriage of goods for hire or reward in accordance with the terms of the written authority of a Commissioner, who may at any time suspend or revoke that authority.

Conditions of Permits

9.—(1) It shall be a condition of every 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 specified in Column 2 of the First Schedule 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 were a licence within the meaning of those regulations and as though the expression "the Commissioner" were substituted for the expression "the Licensing Authority for Public Service Vehicles" wherever the last mentioned expression occurs in these Regulations.

Revocation and suspension of Permits

10. A Commissioner may at any time revoke or suspend any permit issued under this Order, the Order of 1949 or any previous Order and may vary by endorsement any permit issued under the Order of 1949 or any previous Order other than a permit issued under paragraph 5 or paragraph 7 of the Order of 1949 or any corresponding provision of any previous Order.

11. A Commissioner, if he is satisfied that

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

12. Every authorisation granted in lieu of a public service vehicle licence shall cease to have effect as regards any vehicle comprised in the authorisation on the date on which a public service vehicle licence comes into force in respect of that vehicle.

13. Every authorisation given under paragraph 5 of the Order of 1949 or under any corresponding provision of any previous 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.

Exemption from Licensing Provisions of the Vehicles (Excise) Act, 1949(a).

14. 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 Part I of the Second Schedule 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 Part II of the Second Schedule 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 the said Part II of the Second Schedule 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 seventeenth day of July, 1950.

(L.S.)

Alfred Barnes,
The Minister of Transport.

FIRST SCHEDULE (See Article 9)

Column 1 *Regulations*	*Column* 2 *Permit*
Regulations 8, 9, 10, 11, 14, 15, 17, 18 and 19 of the Public Service Vehicles (Drivers' and Conductors' Licences) Regulations, 1934(b); and so much of the Public Service Vehicles (Conduct of Drivers, Conductors and Passengers) Regulations, 1936(c); and of the public Service Vehicles (Lost Property) Regulations, 1934(d), as relate to drivers and conductors.	Permit to act as driver or conductor of a public service vehicle.
Regulations 9, 10, 13, 23, 24 and 50 of the Public Service Vehicles (Licences and Certificates) Regulations, 1934.	Permit issued in lieu of a Public Service Vehicle Licence or a Road Service Licence.

(a) 12, 13 & 14 Geo. 6. c. 89.
(b) S.R. & O. 1934 (No. 1321) II, p. 206.
(c) S.R. & O. 1936 (No. 619) II, p. 2155.
(d) S.R. & O. 1934 (No. 1268) II, p. 216.

SECOND SCHEDULE

PART I

(See Article 14)

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 .....

PART II

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 Registration Mark 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 supersedes the Road Vehicles and Drivers Order, 1949. The principal changes are:—

(1) Regional Transport Commissioners are no longer empowered—

(*a*) to requisition horses and vehicles;

(*b*) to grant permits to act as drivers and conductors of public service vehicles; or

(*c*) to issue permits in lieu of road service or carriers' licences.

(2) The period of validity of permits and authorisations to act as driver or conductor of a public service vehicle, and of certain permits granted in lieu of public service vehicle and road service licences, if in force on 31st July, 1950, is extended until 31st July, 1951, or the expiry of the relevant Defence Regulation, if earlier.

(3) The provision whereby certain persons authorised to drive public service vehicles may also act as conductors of such vehicles without being duly licensed as such will cease to have effect after 31st July, 1951, or the expiry of the relevant Defence Regulation, if earlier.