

*G N 166/1960*  
*G N 49/1965*  
*SI 60/1970*

## ROAD TRAFFIC (FRANCHISES) PROCEDURE REGULATIONS

(SECTION 84(11))

*[Commencement 23rd July, 1966]*

- Citation.                   **1.** These Regulations may be cited as the Road Traffic (Franchises) Procedure Regulations.
- Interpretation.           **2.** In these Regulations, unless the context otherwise requires —
- “Authority” means the Road Traffic authority appointed under the Act;
- “Controller” means the Controller of Road Traffic appointed under the Act, and any interim Controller so appointed, and includes any Deputy Controller so appointed who is authorised by the Controller or by the interim Controller to act on his behalf.
- Manner of making application in respect of franchise.           **3.** Every application for the grant, variation, renewal or transfer of a franchise under the provisions of subsection (1) of section 84 of the Act shall be made in writing and the applicant shall sign and lodge two copies of every such application with the Controller. All such applications shall be made on a form to be supplied on demand by the Controller.
- Application for omnibus franchise.           **4.** Every application for an omnibus franchise shall contain, *inter alia*, the following particulars —
- (a) whether such application is for a franchise to operate —
- (i) a public scheduled service;
- (ii) a private schedule service; or
- (iii) a privately chartered service;
- (b) in the case of a public scheduled service —
- (i) the date upon which it is intended to operate such a service and the time-table for each such service;
- (ii) the minimum number of vehicles which it is intended to use and the maximum number of vehicles which it is intended to use on each scheduled journey;

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- (iii) the proposed route or routes;
  - (iv) the proposed number and position of the proposed picking up and setting down points;
  - (v) the proposed fare stages;
  - (vi) the proposed fares;
  - (vii) the classes and description of all vehicles which it is proposed to use;
- (c) in the case of a private scheduled service —
- (i) the classes or description of persons to be carried as passengers for reward;
  - (ii) the days or occasions upon which it is proposed to operate the service;
  - (iii) the maximum number of vehicles which it is proposed may be used on each such date or occasion;
  - (iv) the proposed picking up and setting down points;
  - (v) the proposed route or routes;
  - (v) the proposed fares;
  - (vii) the classes and description of vehicles which it is proposed to use;
- (d) in the case of a privately chartered service —
- (i) the various classes or description of persons to be carried on vehicle journeys made under the franchise;
  - (ii) each date or occasion on which it is proposed to use vehicles and the classes or description of persons to be carried on such dates or occasions;
  - (iii) the maximum number of vehicles which it is proposed to use and the number of vehicle journeys which is proposed on each such date or occasion and the classes, or description of persons to be carried;
  - (iv) the proposed route or routes and destination of all vehicle journeys;
  - (v) the number and position of picking up and setting down points;

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(vi) the classes and description of vehicles to be used.

Application for  
tour car  
franchise

**5.** Every application for a tour car franchise shall contain, *inter alia*, the following particulars —

- (a) the registered number or the classes and description of all vehicles to be used;
- (b) the registered number or the classes and description of all vehicles in (a) to be used for carriage of passengers on prearranged transfers;
- (c) the days or occasions on which vehicles will be used and the number of vehicles to be used on such days or occasions; and
- (d) the number and positions of picking up and setting down points.

Application for  
self-drive  
franchise

**6.** Every application for a self-drive franchise shall contain, *inter alia*, the following particulars —

- (a) the classes and description of vehicles to be hired out for reward;
- (b) the telephone number, post office box number and description of the place where vehicles are to be kept when available for hire;
- (c) the provisions made for a substitute vehicle to be available should a vehicle let out on hire become immobilized.

Application for  
variation of  
franchise

**7.** Every application for a variation of any franchise shall contain such particulars as the Controller shall specify from time to time.

Publications

**8.** The Controller shall cause to be published in the *Gazette* —

- (a) particulars of all applications for franchises received within seven days of receipt;
- (b) notice of the date and place of every sitting of the Authority and particulars of the applications it proposes to hear not less than two weeks before the date of such sitting;
- (c) the Authority's decisions on applications for franchises;
- (d) the Authority's decisions to vary the conditions attached to franchises; and

- (e) the Authority's decisions to revoke or suspend franchises; and
- (f) the Authority's proposed and actual determination regarding the maximum number of licences which may be issued.

**9.** The Authority shall hold public sittings, one in the month of December, one in the month of March, one in the month of June and one in the month of September in each year: Public sittings

Provided that the Authority may adjourn a sitting from time to time and to such day and hour as it may deem necessary if all the applications set down for hearing at such sitting cannot be conveniently heard.

**10.** (1) At a public sitting the procedure shall be as follows — Procedure at public sittings

- (a) the applicant shall be heard either in person or by a representative in support of the application and may give evidence and produce witnesses in his behalf;
- (b) when notice of an objection has been duly given under the provisions of section 84 of the Act, the objector either by himself or by a representative shall be heard after the applicant and may give evidence and produce witnesses in respect of any manner specified in his notice of objection;
- (c) the applicant either by himself or by a representative shall have a right of reply on the whole case.

(2) All evidence taken at a public sitting may be on oath or otherwise as the Authority shall determine.

(3) The applicant and the objector, or their representatives as the case may be, shall have the right to cross-examine each other and each other's witnesses.

(4) No application shall be considered at a public sitting unless the applicant appears in person or by a representative:

Provided that the Authority may in its discretion waive the provisions of this regulation and hear an application from the Out Islands in any case in which it is of the opinion that the presence of the applicant in person or by a representative is unnecessary. GN 49/1965

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Fees

**11.** The fees for franchises and transfer or variation of any franchise shall be those set out in the First Schedule to the Act. Such fees shall be payable annually in advance as from the date of the decision of the Authority to grant the application and no franchise shall be issued, transferred or varied until the prescribed fee has been paid. Any applicant failing to pay the fee within the period of one month from the date of grant shall be regarded as having withdrawn his application.

Vehicles specified  
in franchises

**12.** It shall be a condition of every franchise that vehicles permitted to be used under such franchise shall be licensed as public service vehicles within one month of the effective date of the franchise. Should a vehicle cease to be licensed it shall be deleted from the franchise and if not replaced within one month the number of vehicles authorised under the franchise shall be reduced accordingly.