

Changes to legislation: Public Passenger Vehicles Act 1981, Cross Heading: Determinations in respect of transport managers is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 3

SUPPLEMENTARY PROVISION AS TO QUALIFICATIONS FOR PSV OPERATOR'S LICENCE

[^{F1}Determinations in respect of transport managers

Textual Amendments

- F1** Sch. 3 paras. 7A-7C and cross-heading inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 11(6)** (with Sch. 3 Pt. 1)

- 7A. (1) A traffic commissioner must not in any proceedings under this Act or the 2009 Regulation make a finding that a transport manager is not of good repute or is not professionally competent unless the commissioner is satisfied that the transport manager has been served with a notice—
- stating that the question whether the transport manager is of good repute or (as the case may be) professionally competent is an issue in the proceedings;
 - setting out the nature of the allegations against the transport manager;
 - stating that the transport manager is entitled to make representations under this paragraph within 28 days beginning with the date on which the notice is served on the transport manager; and
 - stating that the transport manager is entitled to request an inquiry as provided in section 54.
- (2) Where a transport manager makes representations under this paragraph, the traffic commissioner must consider the representations—
- in considering whether or not [^{F2}an inquiry should be held] as provided in section 54; and
 - in determining whether the transport manager is of good repute or (as the case may be) professionally competent.
- (3) The traffic commissioner must hold an inquiry as provided in section 54 if the transport manager requests one under sub-paragraph (1)(d).
- (4) A notice is deemed for the purposes of sub-paragraph (1) to have been served on a transport manager on the date on which it would have been delivered in the ordinary course of post if it was sent by post addressed to the transport manager at the transport manager's last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by the transport manager.

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Textual Amendments

F2 Words in Sch. 3 para. 7A(2)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), [Sch. 1](#) (with arts. 1(3), 2, 7)

- 7B. (1) In proceedings under this Act or the 2009 Regulation for determining whether a person who is a transport manager is of good repute or professionally competent, a traffic commissioner must consider whether a finding that the person was no longer of good repute or (as the case may be) professionally competent would constitute a disproportionate response.
- (2) If the commissioner determines that the person is no longer of good repute or (as the case may be) professionally competent, the commissioner must order the person to be disqualified (either indefinitely or for such period as the commissioner thinks fit) from acting as a transport manager.
- (3) While a disqualification under sub-paragraph (2) is in force—
- (a) the person may not act as transport manager for any road transport undertaking;
 - (b) a certificate issued to the person under Article 8.8 of the 2009 Regulation^[F3] or the 2009 Regulation (EU) (certificate of professional competence) is not valid.
- (4) A person in respect of whom an order has been made under sub-paragraph (2) may appeal to the Upper Tribunal against the order.
- (5) The traffic commissioner may direct that an order under sub-paragraph (2) is not to take effect until the expiry of the time within which an appeal may be made to the Upper Tribunal against the order and, if such an appeal is made, until the appeal has been disposed of.
- (6) If the traffic commissioner refuses to give a direction under sub-paragraph (5), the person in respect of whom the order has been made may apply to the Upper Tribunal for such a direction.

Textual Amendments

F3 Words in Sch. 3 para. 7B(3)(b) inserted (31.12.2020) by [The Common Rules for Access to the International Market for Coach and Bus Services \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/741\)](#), regs. 1(2), [2\(6\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)

- 7C. (1) ^[F4]A traffic commissioner may, subject to sub-paragraph (2), at any time cancel a disqualification order made under paragraph 7B(2) or, with the consent of the disqualified person, vary the order.
- (2) The traffic commissioner by whom a disqualification order is made under paragraph 7B(2) may specify measures with which the disqualified person must comply before the order can be cancelled or varied.
- (3) Measures specified under sub-paragraph (2) may be varied by the traffic commissioner ^[F5]who made the order or another traffic commissioner] —
- (a) on the application of the disqualified person, or

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[^{F6}(b) at the instigation of the traffic commissioner.]

- (4) Before [^{F7}a variation is made under sub-paragraph (3)(b), a notice must be served] on the disqualified person—
- (a) stating [^{F8}an intention] to vary the measures specified under sub-paragraph (2),
 - (b) stating that the person is entitled to make representations under sub-paragraph (5) within 28 days beginning with the date on which the notice is served on the person, and
 - (c) stating that the person is entitled to request an inquiry as provided in section 54.
- (5) Where a person makes representations under this sub-paragraph, the traffic commissioner [^{F9}dealing with the matter] must consider the representations in deciding whether to vary the measures specified under sub-paragraph (2).
- (6) The traffic commissioner must hold an inquiry as provided in section 54 if the disqualified person requests one under sub-paragraph (4)(c).
- (7) A notice is deemed for the purposes of sub-paragraph (4) to have been served on a person on the date on which it would have been delivered in the ordinary course of post if it was sent by post addressed to the person at the person’s last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by the person.]

Textual Amendments

- F4** Words in Sch. 3 para. 7C(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F5** Words in Sch. 3 para. 7C(3) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F6** Sch. 3 para. 7C(3)(b) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F7** Words in Sch. 3 para. 7C(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F8** Words in Sch. 3 para. 7C(4)(a) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F9** Words in Sch. 3 para. 7C(5) inserted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 51(1A)(1B) inserted by [1982 c. 49 s. 21\(4\)\(b\)](#)