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# Public Passenger Vehicles Act 1981

## 1981 CHAPTER 14

### PART II

#### GENERAL PROVISIONS RELATING TO PUBLIC SERVICE VEHICLES

##### *Public service vehicle operators' licences*

#### 12 PSV operators' licences.

- [<sup>F1</sup>(1) A public service vehicle shall not be used on a road for carrying passengers for hire or reward except under a PSV operator's licence granted in accordance with the following provisions of this Part of this Act.]
- (2) The authority having power to grant a PSV operator's licence is the traffic [<sup>F2</sup>commissioner] for any traffic area in which, if the licence is granted, there will be one or more operating centres of vehicles used under the licence; and, subject to the provisions of this Part of this Act, a PSV operator's licence authorises the holder to use anywhere in Great Britain vehicles which have their operating centre in the area of the traffic [<sup>F2</sup>commissioner] by whom the licence was granted.
- (3) A person may hold two or more PSV operators' licences each granted by the traffic [<sup>F2</sup>commissioner] for [<sup>F3</sup>a different area], but shall not at the same time hold more than one such licence granted by the [<sup>F2</sup>commissioner] for the same area.
- (4) An application for a PSV operator's licence shall be made in such a form as the traffic [<sup>F4</sup>commissioner] may require, and an applicant shall give the [<sup>F4</sup>commissioner] such information as [<sup>F5</sup>he] may reasonably require for disposing of the application.
- (5) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 4 on the standard scale].

#### Textual Amendments

F1 S. 12(1) substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 1 (3), Sch. 1 para. 4

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- F2** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(4)(a)**
- F3** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(4)(b)**
- F4** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(4)(a)**
- F5** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 para. 4(4)(c)**
- F6** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

**Modifications etc. (not altering text)**

- C1** S. 12 amended by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 12(13)
- C2** S. 12(1) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 18
- C3** S. 12(3) excluded by [S.I. 1983/1714](#), art. 17(1) (which S.I. is revoked (1.6.1991) by [S.I. 1991/288](#), art. 2)
- C4** S. 12(3) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**

### 13 Classification of licences.

- (1) A PSV operator's licence may be either a standard licence or a restricted licence.
- (2) A standard licence authorises the use of any description of public service vehicle and may authorise use either—
  - (a) on both national and international operations; or
  - (b) on national operations only.
- (3) A restricted licence authorises the use (whether on national or international operations) of—
  - (a) public service vehicles not adapted to carry more than eight passengers; and
  - (b) public service vehicles not adapted to carry more than sixteen passengers when used—
    - (i) otherwise than in the course of a business of carrying passengers; or
    - (ii) by a person whose main occupation is not the operation of public service vehicles adapted to carry more than eight passengers.
- (4) For the purposes of subsection (3)(b)(i) above, a vehicle used for carrying passengers by a local or public authority shall not be regarded as used in the course of a business of carrying passengers unless it is used by the public service vehicle undertaking of that authority.

### 14 Grant of licences.

- (1) An application for a standard licence shall not be granted unless the traffic <sup>[F7]</sup>commissioner<sup>[F8]</sup> is satisfied that the applicant meets the following requirements, namely—
  - (a) the requirement to be of good repute;
  - (b) the requirement to be of appropriate financial standing; and
  - (c) the requirement as to professional competence;
 and an application for a restricted licence shall not be granted unless the traffic <sup>[F7]</sup>commissioner<sup>[F8]</sup> is satisfied that the applicant meets the requirements to be of good repute and of appropriate financial standing.

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- (2) The provisions of Schedule 3 to this Act shall have effect for supplementing the provisions of subsection (1) above, and for modifying the operation of that subsection in the case of persons engaged in road passenger transport before 1st January 1978.
- (3) Notwithstanding that it appears to the traffic [<sup>F9</sup>commissioner] on an application for a standard or restricted licence that the requirements mentioned in subsection (1) above are met, the application shall not be granted unless the [<sup>F9</sup>commissioner][<sup>F10</sup>is] further satisfied—
  - (a) that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition the vehicles proposed to be used under the licence; and
  - (b) that there will be adequate arrangements for securing compliance with the requirements of the law relating to the driving and operation of those vehicles.
- (4) If on an application for a PSV operator's licence the traffic [<sup>F11</sup>commissioner][<sup>F12</sup>determines] that the relevant requirements mentioned in subsection (1) above and the further requirements mentioned in subsection (3) above are satisfied [<sup>F12</sup>he] shall, subject to the provisions of sections 15 and 16 of this Act, grant the licence in accordance with the application.

#### Textual Amendments

- F7** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(5)(a)**
- F8** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(5)(b)**
- F9** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(5)(a)**
- F10** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(5)(b)**
- F11** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(5)(a)**
- F12** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(5)(c)**

#### Modifications etc. (not altering text)

- C5** S. 14(1) amended by S.I. 1986/1628, reg. 5(1), **Sch.**
- C6** S. 14(4) excluded (3.1.1995) by 1985 c. 67, s. 28(2) (as amended by 1994 c. 40, s. 67(2); S.I. 1994/3188, art. 3)

#### [<sup>F13</sup>14A] Objections to application for PSV operator's licence.

- (1) Where an application is made for the grant of a PSV operator's licence under this Act, any chief officer of police or local authority may object to the grant of the licence on the ground that one or more of the requirements mentioned in section 14(1) and (3) of this Act are not satisfied in relation to the application.
- (2) An objection under this section shall be made within the prescribed time and in the prescribed manner and shall contain particulars of the ground on which it is made.
- (3) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.
- (4) In this section "local authority" means—
  - (a) in England and Wales, the council of a county, district or London borough or the Common Council of the City of London or a Passenger Transport Executive; and
  - (b) in Scotland, a regional or islands council.

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- (5) This section does not apply in relation to any application for a special licence (within the meaning of section 12 of the Transport Act 1985).]

#### Textual Amendments

F13 S. 14A inserted by Transport Act 1985 (c. 67, SIF 126), s. 25

#### Modifications etc. (not altering text)

C7 S. 14A excluded by S.I. 1986/1794, art. 4

## 15 Duration of licences.

- (1) There shall be specified in every PSV operator's licence the date on which the licence is to come into force and the date on which it is to expire; and, subject to subsection (2) below, the last-mentioned date shall be such as will make the duration of the licence such period not exceeding five years as the traffic [<sup>F14</sup>commissioner] on granting the licence [<sup>F14</sup>considers] appropriate in the circumstances.
- (2) [<sup>F15</sup>A traffic commissioner] on granting a PSV operator's licence may direct that the duration of the licence shall be such period not exceeding five years as is in the opinion of the [<sup>F15</sup>commissioner] desirable in order to arrange a reasonably convenient programme of work for [<sup>F16</sup>him].
- (3) If, immediately before a PSV operator's licence is due to expire, proceedings are pending before the traffic [<sup>F17</sup>commissioner] on an application by the holder of that licence for the grant to him of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of this Act.
- (4) Where an application is made to the traffic [<sup>F18</sup>commissioner] by the holder of a PSV operator's licence for the grant to him of a new licence to take effect on the expiry of the existing licence and the traffic [<sup>F19</sup>commissioner decides] not to grant the new licence, [<sup>F18</sup>he] may direct that the existing licence continue in force for such period as appears to [<sup>F18</sup>him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

#### Textual Amendments

F14 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(6)(a)

F15 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(6)(b)

F16 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(6)(b)

F17 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(6)(c)

F18 Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(6)(d)

F19 Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), Sch. 2 Pt. II para. 4(6)(d)

#### Modifications etc. (not altering text)

C8 S. 15 modified by Transport Act 1985 (c. 67, SIF 126), s. 12(3)

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## 16 Conditions attached to licences.

(1) <sup>F20</sup>Subject to subsection (1A) below and section 12(7) of the Transport Act 1985] <sup>F21</sup>A traffic commissioner] on granting a PSV operator's licence shall attach to it one or more conditions specifying the maximum number of vehicles (being vehicles having their operating centre in the area of <sup>F21</sup>that commissioner]) which the holder of the licence may at any one time use under the licence.

<sup>F22</sup>(1A) In the case of a restricted licence, the number specified as the maximum in any condition imposed under subsection (1) above shall not, except in any prescribed case or class of case, exceed two.]

(2) Conditions attached under subsection (1) above to a PSV operator's licence may specify different maximum numbers for different descriptions of vehicle.

(3) <sup>F23</sup>A traffic commissioner] may (whether at the time when the licence is granted or at any time thereafter) attach to a PSV operator's licence granted by <sup>F24</sup>him] such conditions or additional conditions as <sup>F23</sup>he thinks] fit for restricting or regulating the use of vehicles under the licence, being conditions of any prescribed description.

(4) Without prejudice to the generality of the power to prescribe descriptions of conditions for the purposes of subsection (3) above, the descriptions which may be so prescribed include conditions for regulating the places at which vehicles being used under a PSV operator's licence may stop to take up or set down passengers.

(5) The traffic <sup>F25</sup>commissioner] by whom a PSV operator's licence was granted may at any time while it is in force vary the licence by—

- (a) altering in such manner as <sup>F26</sup>he thinks] fit any condition attached under subsection (3) above to the licence; or
- (b) removing any condition so attached to the licence.

(6) On the application of the holder of a PSV operator's licence, the traffic <sup>F27</sup>commissioner] by whom the licence was granted may at any time while it is in force—

- (a) vary the conditions attached under subsection (1) above to the licence; or
- (b) exercise <sup>F27</sup>his] powers (whether of alteration or removal) under subsection (5) above;

and a person making an application under this subsection shall give to the traffic <sup>F27</sup>commissioner] such information as <sup>F27</sup>he] may reasonably require for the discharge of <sup>F27</sup>his] duties in relation to the application.

(7) Subject to section 68(3) of this Act, if a condition attached to a PSV operator's licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding <sup>F28</sup>level 3 on the standard scale].

(8) Compliance with any condition attached to a PSV operator's licence . . . <sup>F29</sup><sup>F30</sup>(other than a condition so attached under subsection (1A) above)] may be temporarily dispensed with by the traffic <sup>F31</sup>commissioner] by whom the licence was granted if <sup>F32</sup>he is] satisfied that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered.

(9) It is hereby declared that the conditions attached under subsection (1) <sup>F33</sup>or (1A)] above to a PSV operator's licence granted by the traffic <sup>F34</sup>commissioner] for any area do not affect the use by the holder of the licence of a vehicle—

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- (a) under a PSV operator's licence granted to him by the traffic [<sup>F34</sup>commissioner] for another area; or
- (b) in circumstances such that another person falls to be treated as the operator of the vehicle (for example, by virtue of regulations under section 81(1)(a) of this Act).

#### Textual Amendments

- F20** Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 139(2), **Sch. 7 para. 21(4)**
- F21** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(a)**
- F22** S. 16(1A) inserted by Transport Act 1985 (c. 67, SIF 126), s. 24(1)(a)
- F23** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(b)**
- F24** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(b)**
- F25** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(c)**
- F26** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(c)**
- F27** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(d)**
- F28** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G
- F29** Words repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**
- F30** Words inserted by Transport Act 1985 (c. 67, SIF 126), s. 24(1)(b)
- F31** Word substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(e)**
- F32** Words substituted by Transport Act 1985 (c. 67, SIF 126), s. 3(5), **Sch. 2 Pt. II para. 4(7)(e)**
- F33** Words inserted by Transport Act 1985 (c. 67, SIF 67), s. 24(1)(c)
- F34** Word substituted by Transport Act 1985 (c. 67, SIF 67), s. 3(5), **Sch. 2 Pt. II para. 4(7)(f)**

#### Modifications etc. (not altering text)

- C9** S. 16 amended by Transport Act 1985 (c. 67, SIF 126), s. 12(4)
- C10** S. 16(1A) excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C11** S. 16(2) excluded by Transport Act 1985 (c. 67, SIF 126), s. 12(13)(a)
- C12** S. 16(5) amended by Transport Act 1985 (c. 67, SIF 126), s. 27(4)

VALID FROM 10/01/1999

#### [<sup>F35</sup>16A Conditions as to matters required to be notified.

- (1) On issuing a standard licence, a traffic commissioner shall attach to it the following conditions, namely—
  - (a) a condition requiring the licence-holder to inform the commissioner of any event which could affect the fulfilment by the licence-holder of any of the requirements of section 14(1) of this Act, and to do so within 28 days of the event; and
  - (b) a condition requiring the licence-holder to inform the commissioner of any event which could affect the fulfilment by a relevant transport manager of the requirements mentioned in section 14(1)(a) or (c) of this Act, and to do so within 28 days of the event coming to the licence-holder's knowledge.
- (2) In subsection (1)(b) above the reference to a "relevant transport manager" is a reference to any transport manager employed by the licence-holder who is relied on by the licence-holder to fulfil the requirements of section 14(1)(c) of this Act.

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- (3) Any person who contravenes any condition attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.]

#### Textual Amendments

F35 S. 16A and sidenote inserted (1.10.1999) by S.I. 1999/2431, reg. 5

## 17 Revocation, suspension etc. of licences.

- (1) The traffic [F36commissioner] by whom a standard licence was granted shall revoke the licence if it appears to [F36him] at any time that the holder no longer satisfies the requirement to be of good repute, the requirement to be of appropriate financial standing or the requirement as to professional competence.
- (2) Without prejudice to subsection (1) above, the traffic [F37commissioner] by whom a PSV operator's licence was granted may, on any of the grounds specified in subsection (3) below, at any time—
- revoke the licence;
  - suspend the licence for such period as [F38he directs] (during which time it shall be of no effect);
  - curtail the period of validity of the licence;
  - vary any condition attached under subsection (1) of section 16 of this Act to the licence, or attach to the licence (whether in addition to or in place of any existing condition so attached to it) any such condition as is mentioned in that subsection.
- (3) The grounds for action under subsection (2) above are—
- that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for a variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled;
  - that there has been a contravention of any condition attached to the licence;
  - that a prohibition under section 9 of this Act has been imposed with respect to a vehicle owned or operated by the holder of the licence, or that the holder of the licence has been convicted of an offence under subsection (9) of that section;
  - in the case of a restricted licence, that the holder no longer satisfies the requirement to be of good repute or the requirement to be of appropriate financial standing;
  - that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence.
- [F39(f) the licence is one in relation to which a direction given by a traffic commissioner under section 28(4) of the Transport Act 1985 (power when disqualifying a former licence holder to direct that certain other PSV operators' licences should be liable to be revoked, suspended, etc.) has effect]

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- (4) [<sup>F40</sup>A traffic commissioner] shall not take any action under subsection (1) or (2) above in respect of any licence without first holding [<sup>F41</sup>an inquiry] if the holder of the licence requests [<sup>F42</sup>him] to do so.
- (5) Where [<sup>F43</sup>a traffic commissioner decides] to revoke a licence under this section, [<sup>F44</sup>he] may direct that the revocation shall not take effect for such period as appears to [<sup>F44</sup>him] reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.
- (6) The provisions of Schedule 3 to this Act shall apply for the purposes of subsections (1) and (3)(d) above as they apply for the purposes of section 14(1) of this Act.

#### Textual Amendments

- F36** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(a)**
- F37** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(b)**
- F38** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(b)**
- F39** [S. 17\(3\)\(f\)](#) added by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(5)**
- F40** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
- F41** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 139(2), **Sch. 7 para. 21(6)**
- F42** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(c)**
- F43** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**
- F44** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(8)(d)**

#### Modifications etc. (not altering text)

- C13** [S. 17\(1\)](#) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
- C14** [S. 17\(2\)](#) modified by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **28(4)**
- C15** [S. 17\(3\)\(d\)](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **12(13)(a)**

#### [<sup>F45</sup>17A Assessors to assist traffic commissioners.

- (1) In considering any financial question which appears to him to arise in relation to the exercise of his functions under section 14, 16 or 17 of this Act, a traffic commissioner may be assisted by an assessor drawn from a panel of persons appointed by the Secretary of State for the purposes of this section.
- (2) A traffic commissioner shall pay to any such assessor, in respect of his services, such remuneration as may be determined by the Secretary of State with the consent of the Treasury.]

#### Textual Amendments

- F45** [S. 17A](#) inserted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. **5**

## 18 Duty to exhibit operator's disc.

- (1) Where a vehicle is being used in circumstances such that a PSV operator's licence is required, there shall be fixed and exhibited on the vehicle in the prescribed manner an operator's disc issued under this section showing particulars of the operator of the vehicle and of the PSV operator's licence under which the vehicle is being used.



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- (2) [<sup>F46</sup>A traffic commissioner] on granting a PSV operator's licence shall supply the person to whom the licence is granted with a number of operators' discs equal to the maximum number of vehicles which he may use under the licence in accordance with the condition or conditions attached to the licence under section 16(1) [<sup>F47</sup>or (1A)] of this Act; and if [<sup>F48</sup>(in the case of any condition or conditions attached under section 16(1))] that maximum number is later increased on the variation of one or more of those conditions, the traffic [<sup>F49</sup>commissioner] on making the variation shall supply him with further operators' discs accordingly.
- (3) Regulations may make provision—
- as to the form of operators' discs and the particulars to be shown on them;
  - with respect to the custody and production of operators' discs;
  - for the issue of new operators' discs in place of those lost, destroyed or defaced;
  - for the return of operators' discs on the revocation or expiration of a PSV operator's licence or in the event of a variation of one or more conditions attached to a licence under section 16(1) of this Act having the effect of reducing the maximum number of vehicles which may be used under the licence.
- (4) Subject to section 68(3) of this Act, if a vehicle is used in contravention of subsection (1) above, the operator of the vehicle shall be liable on summary conviction to a fine not exceeding [<sup>F50</sup>level 3 on the standard scale].

#### Textual Amendments

- F46** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(9\)](#)
- F47** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(2\)\(a\)](#)
- F48** Words inserted by [Transport Act 1985 \(c. 67, SIF 126\), s. 24\(2\)\(b\)](#)
- F49** Word substituted by [Transport Act 1985 \(c.67, SIF 126\), s. 3\(5\), Sch. 2 Pt. II para. 4\(9\)](#)
- F50** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\), s. 289G](#)

#### Modifications etc. (not altering text)

- C16** [S. 18](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\), s. 12\(13\)\(a\)](#)
- C17** [S. 18\(1\)](#) amended by [S.I. 1986/1628, reg. 5\(1\), Sch.](#)

## 19 Duty to inform traffic commissioners of relevant convictions etc.

- (1) A person who has applied for a PSV operator's licence shall forthwith notify the traffic [<sup>F51</sup>commissioner] to whom the application was made if, in the interval between the making of the application and the date on which it is disposed of, a relevant conviction occurs of the applicant, or any employee or agent of his, or of any person proposed to be engaged as transport manager whose repute and competence are relied on in connection with the application.
- (2) It shall be the duty of the holder of a PSV operator's licence to give notice in writing to the traffic [<sup>F52</sup>commissioner] by whom the licence was granted of—
- any relevant conviction of the holder; and

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- (b) any relevant conviction of any officer, employee or agent of the holder for an offence committed in the course of the holder's road passenger transport business,
- and to do so within 28 days of the conviction in the case of a conviction of the holder or his transport manager and within 28 days of the conviction coming to the holder's knowledge in any other case.
- (3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—
- (a) the bankruptcy or liquidation of the holder, or the sequestration of his estate [<sup>F53</sup>or the making of an administration order under [<sup>F54</sup>Part II of the Insolvency Act 1986] in relation to the holder] or the appointment of a receiver, manager or trustee of his road passenger transport business; or
- (b) any change in the identity of the transport manager of the holder's road passenger transport business,
- to give notice in writing of that event to the traffic [<sup>F55</sup>commissioner] by whom the licence was granted.
- (4) [<sup>F56</sup>A traffic commissioner] on granting or varying a PSV operator's licence, or at any time thereafter, may require the holder of the licence to inform [<sup>F57</sup>him] forthwith or within a time specified by [<sup>F57</sup>him] of any material change specified by [<sup>F57</sup>him] in any of [<sup>F56</sup>the holder's] circumstances which were relevant to the grant or variation of the licence.
- (5) Subject to section 68(1) of this Act, a person who fails to comply with subsection (1), (2) or (3) above or with any requirement under subsection (4) above shall be liable on summary conviction to a fine not exceeding [<sup>F58</sup>level 3 on the standard scale].

#### Textual Amendments

- F51** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F52** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F53** Words inserted by [Insolvency Act 1985 \(c. 65, SIF 66\)](#), s. 235, Sch. 8 para. 34, **Sch. 9 para. 11(2)**
- F54** Words substituted by [Insolvency Act 1986 \(c. 45, SIF 66\)](#), s. 439(2), **Sch. 14**
- F55** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(10)(a)**
- F56** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
- F57** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(10)(b)**
- F58** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

#### Modifications etc. (not altering text)

- C18** S. 19 excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 12(13)(a)
- C19** S. 19(1) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
- C20** S. 19(2) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**
- C21** S. 19(3) amended by [S.I. 1986/1628](#), reg. 5(1), **Sch.**

## 20 Duty to give traffic commissioners information about vehicles.

- (1) It shall be the duty of the holder of a PSV operator's licence, on the happening to any public service vehicle owned by him of any failure or damage of a nature calculated to affect the safety of occupants of the public service vehicle or of persons using the road,

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to report the matter as soon as is practicable [F59]to the [F60]Secretary of State]] [F59]in accordance with regulations made by virtue of subsection (2A) below].

- (2) It shall be the duty of the holder of a PSV operator's licence, on any alteration otherwise than by replacement of parts being made in the structure or fixed equipment of any public service vehicle owned by him, to give notice of the alteration as soon as is practicable [F59]to the [F60]Secretary of State]] [F59]in accordance with regulations made by virtue of subsection (2A) below].

[F61](2A) Regulations may make provision—

- (a) for any report or notice required under subsection (1) or (2) above to be made or given to the Secretary of State or to the prescribed testing authority;
- (b) for requiring a public service vehicle to be submitted for examination in the event of any such failure or damage as is mentioned in subsection (1) above or any such alteration as is mentioned in subsection (2) above; and
- (c) for the examinations to be carried out under the regulations and, in particular, for authorising any such examination to be carried out by or under the direction of a public service vehicle examiner or an authorised inspector.]
- (3) The traffic [F62]commissioner] by whom a PSV operator's licence was granted may—
- (a) require the holder of the licence to supply [F62]him] forthwith or within a specified time with such information as [F62]he] may reasonably require about the public service vehicles owned by [F63]the holder] and normally kept at an operating centre within the area of [F63]that commissioner], and to keep up to date information supplied by [F63]the holder] under this paragraph; or
- (b) require the holder or former holder of the licence to supply [F62]him] forthwith or within a specified time with such information as [F62]he] may reasonably require about the public service vehicles owned by [F63]the holder or former holder] at any material time specified by [F62]him] which were at that time normally kept at an operating centre within the area of [F63]that commissioner].

In this subsection “material time” means a time when the PSV operator's licence in question was in force.

- (4) Subject to section 68(1) of this Act, a person who fails to comply with the provisions of subsection (1) or (2) above or with any requirement under subsection (3) above shall be liable on summary conviction to a fine not exceeding [F64]level 3 on the standard scale].
- (5) A person who in purporting to comply with any requirement under subsection (3) above supplies any information which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding [F65]level 4 on the standard scale].
- (6) Where a certifying officer or public service vehicle examiner [F66]or an authorised inspector] imposes or removes a prohibition on the driving of a public service vehicle, he shall forthwith give notice of that fact to the traffic [F67]commissioner] who granted the PSV operator's licence under which the vehicle was last used before the prohibition was imposed.

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### Textual Amendments

- F59** By [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(9)(a)**, 76(2) a (*prosp.*) substitution of the words “in accordance with regulations made by virtue of subsection (2A) below” is made in place of the original words “to the traffic commissioners who granted the licence”
- F60** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 29**
- F61** [S. 20\(2A\)](#) inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(9)(b)**, 76(2)
- F62** Word substituted as provided by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F63** Words substituted as provided by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(11)(a)**
- F64** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F65** Words substituted by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **s. 46** and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F66** Words inserted (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(3)(g)**, 76(2)
- F67** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(11)(b)**

### Modifications etc. (not altering text)

- C22** [S. 20](#) excluded by [Transport Act 1985 \(c. 67, SIF 126\)](#), **s. 12(13)(a)**
- C23** [S. 20\(2A\)](#) extended (*prosp.*) by [Transport Act 1982 \(c. 49, SIF 58, 107:1, 126\)](#), **ss. 10(11)(b)**, 76(2)

## 21 Certificates of qualification.

- (1) A person who wishes to do either of the following things in another member State or in Northern Ireland, namely to carry on a road passenger transport business or to be the transport manager of such a business, may apply—
- if he holds a standard licence, to the traffic [<sup>F68</sup>commissioner] by whom that licence was granted or, if he holds more than one, by whom the last such licence was granted;
  - in any other case, to the traffic [<sup>F68</sup>commissioner] for any traffic area, for a certificate as to his repute and professional competence and, where relevant, his financial standing.
- (2) A person applying for a certificate under subsection (1) above shall give to the traffic [<sup>F68</sup>commissioner] such information as [<sup>F68</sup>he] may reasonably require for the discharge of [<sup>F68</sup>his] duties in relation to the application.
- (3) The traffic [<sup>F68</sup>commissioner] to whom an application under subsection (1) above is made shall certify such matters relating to the applicant as—
- [<sup>F69</sup>he is satisfied he] may properly certify, and
  - appear to [<sup>F69</sup>the commissioner] to be of assistance to the applicant in satisfying the requirements of the law of the other member State in which he wishes to carry on business or to work or, as the case may be, the requirements of the law of Northern Ireland.

### Textual Amendments

- F68** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(12)(a)**
- F69** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 4(12)(c)**

**Status:**

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**Changes to legislation:**

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