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## SCHEDULES

### SCHEDULE 3

#### SUPPLEMENTARY PROVISION AS TO QUALIFICATIONS FOR PSV OPERATOR’S LICENCE

##### *Good repute*

- 1 (1) In determining whether an individual is of good repute, [<sup>F1</sup>a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of his and of his employees and agents;
  - [<sup>F2</sup>(aa) relevant fixed penalty notices issued to him and to his employees and agents;] and
  - (b) such other information as the [<sup>F3</sup>commissioner] may have as to his previous conduct, in whatever capacity, in relation to the operation of vehicles of any description in the course of a business.
- (2) In determining whether a company is of good repute, [<sup>F1</sup>a traffic commissioner] shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of the company and its officers, employees and agents;
  - [<sup>F4</sup>(aa) relevant fixed penalty notices issued to the company's officers, employees and agents;] and
  - (b) such other information as the [<sup>F3</sup>commissioner] may have as to previous conduct of—
    - (i) the company’s officers, employees and agents in relation to the operation of vehicles of any description in the course of any business carried on by the company; and
    - (ii) each of the company’s directors, in whatever capacity, in relation to the operation of vehicles of any description in the course of any other business.
- [<sup>F5</sup>(2A) In sub-paragraphs (1)(aa) and (2)(aa) above “relevant fixed penalty notice” means a fixed penalty notice or conditional offer issued under Part 3 of the Road Traffic Offenders Act 1988 in respect of an offence prescribed for the purposes of this Act.]
- [<sup>F6</sup>(3) A traffic commissioner shall determine that an individual is not of good repute if he has—
- (a) more than one conviction of a serious offence; or
  - (b) been convicted of road transport offences.]

[<sup>F7</sup>(4) For the purposes of sub-paragraph (3)(a) above a serious offence is—

    - (a) an offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard [<sup>F8</sup>scale, a][<sup>F9</sup>community order requiring the offender to perform unpaid work for more than sixty hours][<sup>F10</sup>or a community payback order requiring the offender to undertake unpaid work,

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- or unpaid work and other activity, for more than sixty hours] was imposed; and
- (b) any corresponding offence under the law of a country or territory outside the United Kingdom for which a corresponding punishment was imposed.
- [ For the purposes of sub-paragraph (3)(b) above a road transport offence is—
- <sup>F11</sup>(5) (a) an offence under the law of any part of the United Kingdom relating to road transport including in particular—
- (i) an offence relating to drivers’ hours of work or rest periods, the weights or dimensions of commercial vehicles, road or vehicle safety or the protection of the environment; and
- (ii) any other offence concerning professional liability; or
- (b) any corresponding offence under the law of a country or territory outside the United Kingdom.]
- (6) In sub-paragraph (4)(a) above “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental [<sup>F12</sup>health, “a community order”][<sup>F13</sup>means an order under section 177 of the Criminal Justice Act 2003 [<sup>F14</sup>or Chapter 2 of Part 9 of the Sentencing Code], a community punishment order made before the commencement of that section or a community service order under the Community Service by Offenders (Scotland) Act 1978][<sup>F15</sup> or a service community order or overseas community order under the Armed Forces Act 2006][<sup>F16</sup>and “a community payback order” means a community payback order under section 227A or 227M of the Criminal Procedure (Scotland) Act 1995 imposing an unpaid work or other activity requirement].
- <sup>F7</sup>(7) In sub-paragraphs (4)(a) and (5)(a) above references to an offence under the law in force in any part of the United Kingdom include a reference to [<sup>F17</sup>an offence under section 42 of the Armed Forces Act 2006.]
- (8) For the purposes of sub-paragraph (3) above spent convictions shall be disregarded; and a traffic commissioner may also disregard an offence if such time as he considers appropriate has elapsed since the date of the conviction.
- (9) Sub-paragraph (3) above is without prejudice to the power of a traffic commissioner to determine that an individual is not of good repute for reasons other than convictions of the kind there mentioned.
- (10) In this paragraph references to an individual include references to a transport manager as well as to an individual who is an applicant for, or the holder, of, a PSV operator’s licence.]

#### Textual Amendments

- F1** Words substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 21(a)**
- F2** Sch. 3 para. 1(1)(aa) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(3)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F3** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 21(a)**
- F4** Sch. 3 para. 1(2)(aa) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(4)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F5** Sch. 3 para. 1(2A) inserted (31.3.2009) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 7(5)**, 61(1)(10) (with s. 61(3)); [S.I. 2008/3164](#), art. 3(c)
- F6** Sch. 3 para. 1(3) substituted (1.10.1999) by [S.I. 1999/2431](#), **reg. 2(1)**

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- F7** Sch. 3 para 1(3)–(10) inserted by S.I. 1990/1851, reg. 2(1)(2), **Sch. para. 1**
- F8** Words in Sch. 3 para. 1(4)(a) substituted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(2)(a)** (with art. 4(4))
- F9** Words in Sch. 3 para. 1(4)(a) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 32(2)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(16) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F10** Words in Sch. 3 para. 1(4)(a) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(2)(b)** (with art. 4(4))
- F11** Sch. 3 para. 1(5) substituted (1.10.1999) by S.I. 1999/2431, reg. 2(2)
- F12** Words in Sch. 3 para. 1(6) substituted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(3)(a)** (with art. 4(4))
- F13** Words in Sch. 3 para. 1(6) substituted (4.4.2005) by Criminal Justice Act 2003 (c. 44), s. 336(3)(4), **Sch. 32 para. 32(3)**; S.I. 2005/950, art. 2(1), Sch. 1 para. 42(16) (with Sch. 2) (as explained (29.7.2005) by S.I. 2005/2122, art. 2; and as amended: (14.7.2008) by 2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2; S.I. 2008/1586, Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by S.I. 2009/3111, art. 2; (3.12.2012) by S.I. 2012/2905, art. 4; (3.12.2012) by 2012 c. 10, Sch. 14 para. 17; S.I. 2012/2906, art. 2(1))
- F14** Words in Sch. 3 para. 1(6) inserted (1.12.2020) by Sentencing Act 2020 c. 17, s. 416(1), **Sch. 24 para. 63** (with Sch. 27); S.I. 2020/1236, reg. 2
- F15** Words in Sch. 3 para. 1(6) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 90(a)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F16** Words in Sch. 3 para. 1(6) inserted (16.9.2011) by The Criminal Justice and Licensing (Scotland) Act 2010 (Consequential Provisions and Modifications) Order 2011 (S.I. 2011/2298), art. 1, **Sch. para. 10(3)(b)** (with art. 4(4))
- F17** Words in Sch. 3 para. 1(7) substituted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by Armed Forces Act 2006 (c. 52), s. 383(2), **Sch. 16 para. 90(b)**; S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4

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

- C1** Sch. 3 para. 1 amended by S.I. 1986/1628, reg. 5(1), **Sch.**
- C2** Sch. 3 para. 1(7) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by The Armed Forces Act 2006 (Transitional Provisions etc) Order 2009 (S.I. 2009/1059), art. 1(3), **Sch. 1 para. 19**

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