

Status: Point in time view as at 01/10/1999. This version of this provision has been superseded.

Changes to legislation: Public Passenger Vehicles Act 1981, Paragraph 1 is up to date with all changes known to be in force on or before 11 June 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)

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, [^{F1}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; and
 - (b) such other information as the [^{F2}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, [^{F1}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; and
 - (b) such other information as the [^{F2}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.
- [^{F3}(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.]

[^{F4}(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 scale or a community service order 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—

^{F5}(5) (a) an offence under the law of any part of the United Kingdom relating to road transport including in particular—

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- (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 health and “a community service order” means an order under section 14 of the Powers of Criminal Courts Act ^{M1}1973 or the Community Service by Offenders (Scotland) Act ^{M2}1978.
- ^{F4}(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 a civil offence (wherever committed) within the meaning of the Army Act ^{M3}1955, the Air Force Act ^{M4}1955 or the Naval Discipline Act ^{M5}1957.
- ^{F4}(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.
- ^{F4}(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.
- ^{F4}(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** Word substituted by [Transport Act 1985 \(c. 67, SIF 126\)](#), s. 3(5), **Sch. 2 Pt. II para. 21(a)**
- F3** [Sch. 3 para. 1\(3\)](#) substituted (1.10.1999) by [S.I. 1999/2431](#), **reg. 2(1)**
- F4** [Sch. 3 para 1\(3\)–\(10\)](#) inserted by [S.I. 1990/1851](#), **reg. 2(1)(2)**, **Sch. para. 1**
- F5** [Sch. 3 para. 1\(5\)](#) substituted (1.10.1999) by [S.I. 1999/2431](#), **reg. 2(2)**

Modifications etc. (not altering text)

- C1** [Sch. 3 para. 1](#) amended by [S.I. 1986/1628](#), **reg. 5(1)**, **Sch.**

Marginal Citations

- M1** [1973 c.62\(39:1\)](#).
- M2** [1978 c.49\(39:1\)](#).
- M3** [1955 c.18\(7:1\)](#).
- M4** [1955 c.19\(7:1\)](#).
- M5** [1957 c.53\(7:1\)](#).

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