



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Further amendments with respect to PSV operators' licences*

#### **26 Conditions attached to PSV operator's licence**

- (1) Where it appears to a traffic commissioner, in relation to a person (" the operator ") to whom he has granted or is proposing to grant a PSV operator's licence, that—
- (a) the operator has failed to operate a local service registered under section 6 of this Act; or
  - (b) the operator has operated a local service in contravention of that section ; or
  - (c) the arrangements for maintaining the vehicles used under the licence in a fit and serviceable condition are not adequate for the use of those vehicles in providing the local service or services in question ; or
  - (d) the operator, or any employee or agent of his, has—
    - (i) intentionally interfered with the operation of a local service provided by another operator;
    - (ii) operated a local service in a manner dangerous to the public ; or
    - (iii) been guilty of any other serious misconduct (whether or not constituting a criminal offence) in relation to the operation of a local service; or
  - (e) a condition attached under section 8 of this Act to the operator's licence has been contravened ;

he may (on granting the licence or at any later time) attach to it either a condition prohibiting the operator from using vehicles under the licence to provide any local service of a description specified in the condition or one prohibiting him from so using vehicles to provide local services of any description.

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*Status: This is the original version (as it was originally enacted).*

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- (2) The commissioner may attach a condition to a PSV operator's licence under subsection (1) above, by reference to circumstances falling within paragraph (a) or (b) of that subsection if, but only if, it appears to him that the operator did not have a reasonable excuse for his conduct or that it is appropriate to attach the condition in view of—
- (a) the danger to the public involved in the operator's conduct; or
  - (b) the frequency of conduct of the kind in question on the part of the operator.
- (3) Where the effect of a condition attached to a PSV operator's licence under subsection (1) above is that the operator of a local service registered under section 6 of this Act is prohibited from using vehicles under the licence to provide that service, the traffic commissioner attaching the condition may—
- (a) cancel the registration ; or
  - (b) where the service is registered with another traffic commissioner, direct that it be cancelled.
- (4) Where a direction is given under subsection (3)(b) above, it shall be the duty of the traffic commissioner with whom the service is registered to cancel the registration.
- (5) Where it appears to the commissioner that—
- (a) vehicles used under the licence (or under any PSV operator's licence previously held by the operator) have not been maintained in a fit and serviceable condition ; or
  - (b) the operator has been involved in arrangements with any other operator for the use of each other's vehicles with a view to hindering enforcement of any requirements of the law relating to the operation of those vehicles;
- he may (on granting the licence or at any later time) attach to the licence a condition restricting the vehicles which the operator may use under the licence to vehicles specified in the condition.
- (6) A condition attached to a licence under subsection (5) above shall—
- (a) apply only to vehicles which have their operating centre in the traffic area for which the commissioner acts; and
  - (b) be in addition to (and not be taken as prejudicing in any way) any conditions attached to the licence under section 16 of the 1981 Act as to the maximum number of vehicles which the operator may at any one time use under the licence.