

Status: Point in time view as at 04/12/2011.

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 25 July 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

Sections [F113A] and 27.

QUALIFICATIONS FOR STANDARD LICENCE

Textual Amendments

- F1** Words in Sch. 3 substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(8)** (with Sch. 3 Pt. 2)

Good repute

- 1 (1) In determining whether an individual is of good repute, a traffic commissioner may have regard to any matter but shall, in particular, have regard to—
- (a) any relevant convictions of the individual or of his servants or agents; and
 - (b) any other information in his possession which appears to him to relate to the individual's fitness to hold a licence.
- (2) In determining whether a company is of good repute, a traffic commissioner shall have regard to all the material evidence including, in particular—
- (a) any relevant convictions of the company or of any of its officers, servants or agents; and
 - (b) any other information in his possession as to the previous conduct of—
 - (i) any of the company's officers, servants or agents, or
 - (ii) any of its directors, in whatever capacity,if that conduct appears to him to relate to the company's fitness to hold a licence.
- (3) For the purposes of this paragraph, the relevant convictions of any person are—
- (a) any conviction of that person of an offence such as is mentioned in paragraph 5 of Schedule 2;
 - (b) any conviction of that person of an offence under the law of Northern Ireland or of the law of any country or territory outside the United Kingdom corresponding to an offence such as is mentioned in that paragraph;
 - (c) any conviction of that person of a serious offence within the meaning given in paragraph 3; and
 - (d) any conviction of that person of a road transport offence within the meaning given in paragraph 4.
- [F2] Without prejudice to the generality of a traffic commissioner's power under paragraph 1 to determine that a person is not of good repute, a commissioner shall determine that an individual is not of good repute if that individual has—
- (a) more than one conviction of a serious offence; or
 - (b) been convicted of road transport offences.]

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Textual Amendments

F2 Sch 3. para. 2 substituted (1.10.1999) by [S.I. 1999/2430](#), **reg. 2(1)**

- 3 (1) A person has a conviction of a “serious offence” if—
- (a) he has been convicted of any offence under the law of any part of the United Kingdom or under the law of a country or territory outside the United Kingdom, and
 - (b) on such conviction there was imposed on him for that offence a punishment falling within sub-paragraph (2).
- (2) The punishments are—
- (a) a sentence of imprisonment for a term exceeding three months;
 - (b) a fine exceeding level 4 on the standard scale;
 - (c) a [^{F3}community order] requiring him to perform work for more than 60 hours [^{F4}or a community payback order requiring him to undertake unpaid work, or unpaid work and other activity, for more than 60 hours]; and
 - (d) in the case of an offence committed under the law of a country or territory outside the United Kingdom, any punishment corresponding to those mentioned in paragraphs (a) to (c).
- (3) In sub-paragraph (2)—
- (a) the reference to a sentence of imprisonment includes a reference to any form of custodial sentence or order, other than one imposed under the enactments relating to mental health; ^{F5} ...
 - ^{F6}(b) “community order” means a community order under section 177 of the Criminal Justice Act 2003, a community punishment order made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community service order under the Community Service by Offenders (Scotland) Act 1978 [^{F7}]; and
 - (c) “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.]

Textual Amendments

- F3** Words in Sch. 3 para. 3(2)(c) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 68(3)**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(28\)](#) (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))
- F4** Words in Sch. 3 para. 3(2)(c) 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. 12(2)** (with art. 4(4))
- F5** Word in Sch. 3 para. 3(3) repealed (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. 12(3)(a)** (with art. 4(4))
- F6** Sch. 3 para. 3(3)(b) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), s. 336(3)(4), **Sch. 32 para. 68(4)**; [S.I. 2005/950](#), art. 2(1), [Sch. 1 para. 42\(28\)](#) (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.](#)

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- 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(l))
- F7** Sch. 3 para. 3(3)(c) and word 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. 12(3)(b)** (with art. 4(4))

- [^{F8}4** “Road transport offence” means—
- (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.]

Textual Amendments

- F8** Sch. 3 para. 4 substituted (1.10.1999) by S.I. 1999/2430, **reg. 2(2)**

- 5 **[^{F9}(1)** In paragraph 1(3)(a) the reference to an offence mentioned in paragraph 5 of Schedule 2 includes an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence mentioned in that paragraph.
- (1A) In paragraphs 3 and 4, references to an offence under the law of any part of the United Kingdom include an offence under section 42 of that Act.
- (1B) In paragraph 3(2)(c) the reference to a community order includes a service community order or overseas community order under that Act.]
- (2) For the purposes of paragraphs 1 to 4—
- (a) convictions which are spent for the purposes of the ^{M1}Rehabilitation of Offenders Act 1974 shall be disregarded; and
 - (b) a traffic commissioner may also disregard an offence if such time as he thinks appropriate has elapsed since the date of the conviction.

Textual Amendments

- F9** Sch. 3 para. 5(1)-(1B) substituted for Sch. 3 para. 5(1) (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. 131**; 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. 5(1) 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. 34(a)**
- C2** Sch. 3 para. 5(1A) 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. 34(b)**

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Marginal Citations

M1 1974 c. 53.

Appropriate financial standing

F10₆

Textual Amendments

F10 Sch. 3 para. 6 omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(2)** (with Sch. 3 Pt. 2)

Professional competence

7 In this Schedule references to “the requirement of professional competence” are references to any requirement imposed by a provision of this Act that a person be (or continue to be) professionally competent.

- 8 (1) The requirement of professional competence falls to be satisfied by an individual.
- (2) Accordingly, where a company is required to satisfy that requirement, it does so if and so long as—
 - (a) it has in respect of its road transport undertaking a transport manager or managers, and such number of them as the traffic commissioner concerned may require; and
 - (b) that transport manager, or (as the case may be) each such manager, is—
 - (i) of good repute, and
 - (ii) professionally competent.

9 Where an individual is not himself professionally competent, he shall be regarded as satisfying the requirement of professional competence if and so long as he has as the transport manager of the transport undertaking which he carries on an individual who is—

- (a) of good repute, and
- (b) professionally competent.

F11₁₀

Textual Amendments

F11 Sch. 3 para. 10 omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(3)** (with Sch. 3 Pt. 2)

F12₁₁

Textual Amendments

F12 Sch. 3 para. 11 omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(3)** (with Sch. 3 Pt. 2)

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- 12 Paragraphs 1 to 5 shall have effect for the purposes of any provision of [F13 paragraphs 8 and 9] by virtue of which it falls to be determined whether or not a transport manager is of good repute as they have effect for the purpose of determining for the purposes of any other provision of this Act whether or not any other individual is of good repute, but disregarding the reference in paragraph 1(1) (a) to the servants or agents of an individual.

Textual Amendments

F13 Words in Sch. 3 para. 12 substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(4)** (with Sch. 3 Pt. 2)

- 13 (1) An individual shall be regarded as professionally competent if, and only if—
- (a) he has demonstrated that he possesses the requisite skills by passing a written examination organised by an approved body and is the holder of a certificate to that effect issued by that body; or
 - (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this sub-paragraph by the Secretary of State.
- [F14(1A) The approved body may exempt an individual from certain parts of the examination mentioned in sub-paragraph (1)(a) if the individual is the holder of a certificate of competence, diploma or other qualification which covers those parts and which is recognised for the purposes of this sub-paragraph by the Secretary of State.]
- [F15(2) The written examination mentioned in sub-paragraph (1)(a) may be supplemented by an oral examination organised by the approved body in the form set out in Annex I to [F16 the 2009 Regulation].
- (2A) The certificate mentioned in sub-paragraph (1)(a) must take the form of the certificate set out in [F17 Annex 3 to that Regulation and must have security features in compliance with Annex 2 to that Regulation].
- (3) In sub-paragraph (1)—
- “approved body” means—
 - (a) a body approved by the Secretary of State for the purposes of that sub-paragraph;
 - (b) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the ^{M2}Transport Act (Northern Ireland) 1967; or
 - (c) a body or authority designated for the purposes of [F18 Article 8.3 of the 2009 Regulation] by a member State other than the United Kingdom; and
- [F19 “the requisite skills” means knowledge corresponding to the level of training, for either national or international transport operations as the case may be, provided for in Annex I to [F20 that Regulation] in the subjects there listed.]

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Textual Amendments

- F14** Sch. 3 para. 13(1A) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(a\)](#) (with Sch. 3 Pt. 2)
- F15** Sch. 3 para. 13(2)(2A) substituted (1.10.1999) for para. 13(2) by [S.I. 1999/2430](#), [reg. 4\(1\)](#) (with saving in [reg. 5\(3\)\(4\)](#))
- F16** Words in Sch. 3 para. 13(2) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(b\)](#) (with Sch. 3 Pt. 2)
- F17** Words in Sch. 3 para. 13(2A) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(c\)](#) (with Sch. 3 Pt. 2)
- F18** Words in Sch. 3 para. 13(3) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(d\)\(i\)](#) (with Sch. 3 Pt. 2)
- F19** Definition in Sch. 3 para. 13(3) substituted (1.10.1999) by [S.I. 1999/2430](#), [reg. 4\(2\)\(b\)](#)(with savings in [reg. 5\(3\)\(4\)](#))
- F20** Words in Sch. 3 para. 13(3) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(d\)\(ii\)](#) (with Sch. 3 Pt. 2)

Modifications etc. (not altering text)

- C3** Sch. 3 para. 13 modified (1.10.1999) by [S.I. 1999/2430](#), [reg. 5\(4\)](#)

Marginal Citations

- M2** [1967 c. 37 \(N.I.\)](#).

^{F21}14

Textual Amendments

- F21** Sch.3 para. 14 repealed and superseded (1.10.1999) by [S.I. 1999/2430](#), [reg. 5\(5\)](#)

Transport manager to be notified of proceedings

- 15 (1) A traffic commissioner shall not in any proceedings under this Act [^{F22}or under 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—
- (a) stating that the question whether he is of good repute or (as the case may be) professionally competent is an issue in the proceedings;
 - (b) setting out the nature of the allegations against him; ^{F23}...
 - (c) stating that he is entitled to make representations under this paragraph within 28 days beginning with the date on which the notice is served on him [^{F24}and
 - (d) stating that he is entitled to request an inquiry as provided in section 35]
- (2) Where a transport manager makes representations under this paragraph, the traffic commissioner shall consider the representations—
- (a) in considering whether or not to hold an inquiry as provided in section 35; and
 - (b) in determining whether the transport manager is of good repute or (as the case may be) professionally competent.

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[^{F25}(2A) The traffic commissioner must hold an inquiry as provided in section 35 if the transport manager requests one under sub-paragraph (1)(d)]

- (3) A notice shall be 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 him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

Textual Amendments

- F22** Words in Sch. 3 para. 15(1) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(a)(i)** (with Sch. 3 Pt. 2)
- F23** Word in Sch. 3 para. 15(1)(b) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(a)(ii)** (with Sch. 3 Pt. 2)
- F24** Sch. 3 para. 15(1)(d) and word inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(a)(iii)** (with Sch. 3 Pt. 2)
- F25** Sch. 3 para. 15(2A) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(b)** (with Sch. 3 Pt. 2)

[^{F26}Determinations in respect of transport managers

Textual Amendments

- F26** Sch. 3 para 16-17 and cross-headings inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(7)** (with Sch. 3 Pt. 2)

16. (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 (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.

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- (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.

Transport managers: cancellation or variation of disqualification order

17. (1) The traffic commissioner by whom a disqualification order is made under paragraph 16(2) may, subject to sub-paragraph (2), at any time cancel the order or, with the consent of the disqualified person, vary the order.
- (2) The traffic commissioner by whom a disqualification order is made under paragraph 16(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—
- (a) on the application of the disqualified person, or
 - (b) by the traffic commissioner.
- (4) Before making a variation under sub-paragraph (3)(b), the traffic commissioner must serve a notice on the disqualified person—
- (a) stating the traffic commissioner’s 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 35.
- (5) Where a person makes representations under this sub-paragraph, the traffic commissioner 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 35 if the disqualified person requests one under sub-paragraph (4)(c).
- (7) A notice shall be 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.]

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