
 STATUTORY INSTRUMENTS

1977 No. 1461

ROAD TRAFFIC

**The Public Service Vehicle Operators (Qualifications)
Regulations 1977**

Made - - - - - 26th August 1977
Laid before Parliament 8th September 1977
Coming into Operation 29th September 1977

The Secretary of State for Transport, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of qualifications of persons engaged in road transport, in exercise of powers conferred by that section, hereby makes the following Regulations:—

Commencement and citation

1. These regulations may be cited as the Public Service Vehicle Operators (Qualifications) Regulations 1977 and shall come into operation on 29th September 1977.

Interpretation

2.—(1) In these Regulations, save where the context otherwise requires—

“the Act of 1960” means the Road Traffic Act 1960(c);

“the Act of 1968” means the Transport Act 1968(d);

“the Commissioners” means the traffic commissioners for one of the traffic areas constituted for the purposes of Part III of the Act of 1960;

“the Community instrument” means Council Directive (EEC) 74/562 of the 12th November 1974(e) on admission to the occupation of road passenger transport operator in national and international transport operations;

“international transport operation” means a transport operation involving the use of a passenger service vehicle for the provision of a public passenger transport service in part in the United Kingdom and in part elsewhere;

“national transport operation” means a transport operation involving the use of a passenger service vehicle for the provision of a public passenger transport service wholly in the United Kingdom;

(a) S.I. 1975/1707 (1975 III, p. 5814).

(c) 1960 c. 16.

(d) 1968 c. 73.

(b) 1972 c. 68.

(e) O.J. No. L308/23 of 12.11.74.

“passenger service vehicle” means a motor vehicle so constructed and equipped as to be suitable for carrying more than nine persons (including the driver) and intended for that purpose;

“permit” means a permit under Regulation 20 of the 1952 Regulations by virtue of which a person is deemed to be the holder of a public service vehicle licence;

“public passenger transport services” means passenger transport services provided for the public, or for specific categories of users, in return for payment by the persons transported or by a person who arranges for the passengers to be transported, but does not include any such service in so far as it is provided by means of a vehicle constructed or adapted for the carriage of not more than 17 persons (including the driver)—

- (i) otherwise than in the course of a business of carrying passengers, or
- (ii) by a person whose main occupation is not the provision of road passenger transport services,

and for the purposes of sub-paragraph (i) above the provision by a local or public authority of a passenger transport service shall not be regarded as a provision in the course of a business of carrying passengers unless the service is provided by the public service vehicle undertaking of that authority;

“the 1952 Regulations” means the Public Service Vehicles (Licences and Certificates) Regulations 1952(a), as amended by the Public Service Vehicles (Licences and Certificates) (Amendment) Regulations 1957(b) and as modified by Regulation 9;

“relevant conviction”, in relation to an applicant for, or the holder of, a standard licence, or to a transport manager, means any of the following convictions (not being a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974(c))—

- (a) a conviction of the person in question, or of any servant or agent of his, of contravening any provision (however expressed) contained in or having effect under any enactment (including any enactment hereafter passed) relating to—
 - (i) the maintenance of road vehicles in a fit and serviceable condition,
 - (ii) limits of speed and weight laden and unladen of road vehicles,
 - (iii) the licensing of drivers,
- (b) a conviction of the person in question of contravening any provision of Part III of the Act of 1960 or of any regulations thereunder, or of any of sections 232 to 235 and 239 of that Act so far as they relate to public service vehicles,
- (c) a conviction of the person in question, or of any servant or agent of his, of contravening, in relation to a public service vehicle, any provision of Part VI of the Act of 1968 or of any regulations thereunder,

(a) S.I. 1952/900 (1952 III, p. 2907).

(b) S.I. 1957/123 (1957 II, p. 1934).

(c) 1974 c. 53.

- (d) a conviction of the person in question, or of any servant or agent of his, of contravening any provision of section 92 of the Finance Act 1965(a) (which relates to grants towards bus fuel duty) or of Schedule 8 to the Act of 1968 (which relates to new bus grants),
- (e) a conviction of the person in question, or of any servant or agent of his, of contravening any provision (however expressed) which prohibits or restricts the waiting of vehicles, being a provision contained in an order made under section 1, 6, 9 or 11 of the Road Traffic Regulation Act 1967(b) or under any enactment repealed by that Act and re-enacted by any of those sections,
- (f) a conviction of the person in question, or of any servant or agent of his, of contravening any provision of these Regulations;

“responsible road passenger transport employment”, in relation to an individual, means employment in the service of a person who carries on a road passenger transport undertaking, and in a position where that individual has effective responsibility for the management of transport operations of the undertaking;

“road passenger transport undertaking” means an undertaking which involves the use of passenger service vehicles under public service vehicle licences;

“standard licence” and “restricted licence” have the meanings respectively given in Regulation 3;

“transport manager”, in relation to an applicant for, or a holder of, a standard licence, means a person who is, or is to be, employed by the applicant or the holder, as the case may be, in a position where he is responsible for the operation of passenger service vehicles used or to be used by the applicant or holder for the provision of public passenger transport services; and

“year” means a calendar year;

and any expression not defined above which is also used in Part III of the Act of 1960 has the same meaning as in that part of that Act.

(2) For the purpose of these Regulations a person who is an applicant for, or a holder of, a standard licence, or who is a transport manager, shall be regarded as being engaged in road passenger transport operations, if the person in question is—

- (a) the holder or, if an individual, one of the joint holders, of a public service vehicle licence which relates to a passenger service vehicle, or
- (b) a person who, by virtue of a permit, is deemed to be the holder or, if an individual, one of the joint holders, of such a public service vehicle licence, or
- (c) if an individual, in responsible road transport employment.

(3) Any reference in these Regulations to the holder of a public service vehicle licence is a reference to the person to whom the licence was granted and does not include a reference to a person who is deemed to be the holder of such a licence by virtue of a permit.

(a) 1965 c. 25.

(b) 1967 c. 76.

(4) Any reference in these Regulations to any enactment or instrument is a reference to that enactment or instrument as amended or extended by or under any subsequent enactment or instrument (including these Regulations).

(5) Any reference in these Regulations to a numbered Regulation is a reference (except where the context otherwise requires) to the Regulation having that number in these Regulations.

(6) The Interpretation Act 1889(a) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

Classification of public service vehicle licences

3.—(1) For the purpose of enabling the Community instrument to be implemented in Great Britain public service vehicle licences applied for on or after 1st January 1978 shall be divided into two classes, namely—

(a) standard licences—that is to say, public service vehicle licences which relate to passenger service vehicles and which authorise such vehicles to be used on roads for the provision of services which consist of or include public passenger transport services; and

(b) restricted licences—that is to say public service vehicle licences which—

(i) relate to vehicles which are not passenger service vehicles, or

(ii) authorise passenger service vehicles to be used on roads otherwise than for the provision of public passenger transport services.

(2) A standard licence may authorise the passenger service vehicle to which it relates to be used for the provision of public passenger transport services—

(a) on both international and national transport operations, or

(b) on national transport operations only.

(3) A public service vehicle licence shall indicate whether it is a standard or restricted licence, and a standard licence shall indicate whether it covers both international and national transport operations or national transport operations only.

(4) Every application for a public service vehicle licence shall state whether the licence applied for is a standard licence or a restricted licence and every application for a standard licence shall state whether the licence applied for is to cover both international and national transport operations or national transport operations only.

(5) Subject to paragraph (7) below, a person who causes or permits a passenger service vehicle to be used on a road in Great Britain for the provision of public passenger transport services shall be guilty of an offence unless—

(a) he is the holder of a standard licence which is in force in relation to that vehicle, or

(b) he is, by virtue of a permit, deemed to be the holder of such a licence which is in force in relation to that vehicle,

and any such offence shall be punishable, on summary conviction, by a fine not exceeding £100.

(6) Subject to paragraph (7) below, a person who causes or permits a passenger service vehicle to be used on a road in Great Britain for the provision of public passenger transport services on an international transport operation in a case where the standard licence relating to that vehicle covers national transport operations only, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50.

(7) Paragraphs (5) and (6) above shall not apply to any use of a vehicle on a road which is authorised by a public service vehicle licence, or a permit, applied for before 1st January 1978.

(8) Nothing in this Regulation shall apply to a public service vehicle licence applied for before 1st January 1978.

(9) Except as provided in this Regulation and in Regulation 8, the provisions of these Regulations shall not affect the application of Part III of the Act of 1960, or of any Regulations thereunder, to restricted licences.

(10) Part III of the Act of 1960 and any regulations thereunder shall have effect in relation to standard licences subject to the provisions of these Regulations.

Applications for standard licences

4.—(1) The provisions of this Regulation shall have effect for enabling or assisting the Commissioners, to whom application is made for the grant of a standard licence, to determine whether the applicant—

- (a) is of good repute,
- (b) has appropriate financial standing, and
- (c) is professionally competent, or employs or will employ a transport manager who is of good repute and is professionally competent.

(2) Subject to paragraph (4) below, when making to the Commissioners his first application for a standard licence in any year after 1977, the applicant shall submit to those Commissioners, together with his application for the licence, a declaration signed by him or on his behalf, containing—

- (a) particulars of any relevant convictions of the applicant during the 5 years preceding the making of the application,
- (b) a statement that the applicant has or will have adequate financial resources available for the purpose of operating his road passenger transport undertaking,
- (c) in a case where the applicant relies on his own professional competence for satisfying the professional competence requirement, particulars of his professional competence qualifications, and
- (d) in a case where the applicant does not so rely, particulars of the name, address and place of work or intended place of work of his transport manager and of the professional competence qualifications of the transport manager and of any relevant convictions of such manager during the 5 years preceding the making of the application.

(3) When making to the Commissioners any subsequent application for a standard licence in any year after 1977 the applicant shall either—

- (a) include in his application a statement that there has been no change in the particulars given in his licence declaration for that year, and that

no additional particulars would be required to be included in his licence declaration for that year if the application were his first application for such a licence in that year, or

(b) submit, along with his application, a further declaration stating the changes which have occurred in the relevant particulars in his licence declaration for that year and any additional particulars which would be required to be included in his licence declaration if the application were his first application for a standard licence in that year.

(4) Where an applicant for a standard licence is—

(a) a person who was engaged in road passenger transport operations before 1st January 1978 and has been so engaged after 31st December 1969, or

(b) a partnership firm one or more of whose members was and has been so engaged as aforesaid,

paragraph (2)(a) and (d) above shall apply in relation to the applicant, and, where appropriate, to his transport manager, with the substitution of “1 year” for “5 years”.

(5) In this Regulation—

(a) any reference, in relation to an applicant, to his first application to the Commissioners for a standard licence in any year is a reference to the first or only application made by him in that year for the grant of a standard licence by the particular Commissioners to whom the application is made;

(b) any reference, in relation to an applicant, to a subsequent application by him to the Commissioners for a standard licence in any year is a reference to any application for such a licence made subsequently by him in that year to the Commissioners to whom he made his first application;

(c) “licence declaration”, in relation to any year, means the declaration required by paragraph (2) above to be made by an applicant in connection with his first application for a standard licence in that year, as for the time being varied or supplemented by any further declaration required by paragraph (3) above or any further information furnished in pursuance of Regulation 5.

(6) Where an applicant applies to the Commissioners at the same time for two or more standard licences and the case is one where, if only one such licence were being applied for, his application for that licence would be his first application for a standard licence in any year, then all these applications together shall for the purpose of this Regulation be regarded as his first application for a standard licence in that year.

Licence declarations—further information

5.—(1) If at any time during the currency of a licence declaration for any year there occur any of the following events—

(a) a relevant conviction of the declarant or of the transport manager of whom particulars are given in the declaration,

- (b) the bankruptcy or liquidation of the declarant, or the sequestration of his estate or the appointment of a receiver, manager or trustee of his road passenger transport undertaking,
- (c) where the declarant is a firm consisting of two or more partners, any change in the membership of the firm,
- (d) a change in the identity of the transport manager of the declarant's road passenger transport undertaking,

the declarant shall, within 28 days of the occurrence of such event, give notice thereof in writing to the Commissioners to whom the declaration was submitted, and if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £100.

(2) In this Regulation "licence declaration" has the same meaning as in Regulation 4 and "the declarant", in relation to a licence declaration, means the applicant for or, as the case may be, the holder of, a standard licence who made the declaration or on whose behalf it was made, and for the purposes of this Regulation a licence declaration for any licence year shall be regarded as current from the date on which it was submitted to the Commissioners under Regulation 4(2) until the expiry of the last standard licence granted in reliance on that declaration by those Commissioners or until the date on which the declarant submits to those Commissioners under the said Regulation 4(2) a licence declaration for the next subsequent year, whichever first occurs.

Decisions on applications for standard licences

6.—(1) An application for a standard licence shall be refused by the Commissioners to whom it is made unless they are satisfied, having regard to—

- (i) any information which they may have with respect to the matters specified in section 35(2) of the Act of 1968, or
- (ii) any other relevant information obtained by them in pursuance of Regulation 4 or 5, or otherwise,

that—

- (a) the applicant is of good repute,
- (b) the applicant has appropriate financial standing, and
- (c) the applicant is himself professionally competent or will at all times during the currency of the licence have a transport manager who is of good repute and is professionally competent.

(2) A refusal of a standard licence under paragraph (1) above shall be regarded as a refusal under section 127(7) of the Act of 1960.

Revocation of standard licences

7.—(1) Subject to paragraph (4) below, where, at any time during the currency of a standard licence, it appears to the Commissioners by whom the licence was granted, whether from information given to them in pursuance of Regulation 4 or 5 or otherwise obtained by them, that—

- (a) the licence holder is not of good repute, or

- (b) the licence holder does not have appropriate financial standing, or
- (c) the licence holder is not professionally competent and does not have a transport manager who is of good repute and is professionally competent,

then those Commissioners shall, whether or not they have power to do so under section 127(7) of the Act of 1960 (as read with section 35(1) of the Act of 1968), revoke the licence.

(2) Before revoking a standard licence under paragraph (1) above the Commissioners shall give notice in writing to the holder of the licence that they are considering its revocation, and shall state in the notice the grounds upon which revocation is being considered and the time within which written representations may be made by the holder of the licence to the Commissioners with respect thereto, and shall consider all such representations duly made to them within that time. A notice under this paragraph may be given by post.

(3) A revocation of a standard licence under paragraph (1) above shall be regarded as a revocation under section 127(7) of the Act of 1960.

(4) In the event of the death, or physical or legal incapacity, of the holder of a standard licence (being an individual) or of the transport manager required for the licence, or in the event of the transport manager ceasing for some other reason to be employed by the holder of the licence, the Commissioners may suspend the revocation of the licence under paragraph (1) above for such period as seems to them to be reasonably required for enabling the road passenger transport undertaking of the licence holder to be transferred to another person, or for enabling a new transport manager (with appropriate qualifications) to be appointed, as the case may be, and may extend such period of suspension, but nothing in this paragraph shall affect the operation of Regulation 12 (death of holder of licence) of the 1952 Regulations in a case where that Regulation applies.

(5) For the purpose of paragraph (4) above "legal incapacity" means—

- (a) in relation to the holder of a standard licence, that he is incapable by reason of mental disorder, within the meaning of the Mental Health Act 1959(a), of carrying on his road passenger transport undertaking, and
- (b) in relation to a transport manager, that he is incapable by reason of mental disorder within the meaning of the said Act of performing the duties of a transport manager.

Exchange of Licences

8.—(1) The holder of a restricted licence relating to a passenger service vehicle may, on surrendering that licence to the Commissioners by whom it was granted, be granted by them a standard licence relating to that vehicle for a period corresponding to the unexpired period of the restricted licence and such standard licence may authorise the vehicle to which it relates to be used on both international and national transport operations or on national transport operations only.

(2) The holder of a standard licence which authorises a vehicle to be used on national transport operations only may, on surrendering that licence to the Commissioners by whom it was granted, be granted by them a standard licence authorising the vehicle to be used on both international and national transport operations for a period corresponding to the unexpired period of the surrendered licence.

(3) The provisions of Regulations 4 to 7 relating to applications for, and to the grant or revocation of, standard licences shall apply to standard licences applied for and granted under this Regulation on the surrender of a licence in the same way as they apply to standard licences otherwise applied for or granted.

Permits—modifications of 1952 Regulations

9. In its application to a vehicle in relation to which a standard licence is in force Regulation 20 of the 1952 Regulations (hired vehicles) shall have effect subject to the following modifications:—

- (a) where the vehicle is, or is to be, used by the person in possession of it, under a hiring or hire purchase agreement, for providing public passenger transport services—
- (i) that person shall not, by virtue of the fact that he already holds a public service vehicle licence for another vehicle, be deemed by the said Regulation 20 to be the holder of the standard licence unless the public service vehicle licence for that other vehicle is itself a standard licence covering the types of transport operations for which the first mentioned vehicle is to be used,
 - (ii) that person shall not, by virtue of a permit, be deemed by the said Regulation 20 to be the holder of the standard licence unless the provisions of Regulation 4 have been complied with by that person in relation to that permit in the same way as if the permit were itself a standard licence covering the types of transport operations to which the actual standard licence relates;
- (b) the joint operators of any public passenger transport service provided by the vehicle shall not by virtue of paragraph (3) of the said Regulation 20 be deemed to be the holders of the standard licence issued to any of them and relating to the vehicle unless the operator, or each of the operators, to whom the licence was not issued holds in respect of the vehicle a permit granted in the same manner and subject to the same provisions with respect to granting and revocation as a permit under paragraph (1) of the said Regulation 20, being a permit in relation to which the provisions of Regulation 4 have been complied with by him in the same way as if the permit were itself the standard licence.
- (c) where, by virtue of paragraph (a)(ii) or (b) above, the provisions of Regulation 4 are required to be complied with in relation to a permit, Regulations 5 to 7 shall apply in relation to that permit as if it were a standard licence and for the purposes of such application the references in those Regulations to the applicant for, or the holder of, a standard licence shall be construed as references to the applicant for, or the holder of, the permit and the references to section 127(7) of the Act of 1960 shall be construed as references to the said Regulation 20;

- (d) a permit shall, unless previously revoked by the Commissioners who granted it, continue in force for such period, not exceeding one year from the date on which it is expressed to take effect, as those Commissioners may determine.

Determination of reputation, financial standing and professional competence

10.—(1) This Regulation applies for the purposes of the operation of Regulations 4 to 9.

(2) For the purpose of determining whether or not a person is or is not of good repute regard shall be had in particular to the existence and number of any relevant convictions relating to him during the period of 5 years ending with the date on which the matter falls to be determined.

(3) A person shall be regarded as having appropriate financial standing if he has, or will have, available to him sufficient financial resources to ensure the proper administration of his road passenger transport undertaking (including, where a new undertaking is being launched, the launching of that undertaking).

(4) Only an individual can be professionally competent.

(5) The professional competence requirement, as respects a corporate body, can only be satisfied by the employment by that body of a transport manager who is of good repute and is professionally competent.

(6) Where a standard licence, or a permit relating to a vehicle for which a standard licence is in force, is applied for by, or granted to, two or more individuals who are trading in partnership, the applicant, or as the case may be, the licence or permit holder, shall be regarded as professionally competent if one or more of the partners is professionally competent and a partner who is professionally competent has effective responsibility for the management of the transport operations of the partnership.

(7) An individual shall be regarded as professionally competent—

(a) if he was engaged in road passenger transport operations before 1st January 1975 and has been so engaged after 31st December 1969;

(b) if he is the holder of a certificate issued by a body approved for the purposes of this Regulation by the Secretary of State, to the effect that he possesses skills in the subjects listed in Part A of the Annex to the Community instrument, and in a case where his qualification is relevant for the purpose of a standard licence or a permit which covers international transport operations, also to the effect that he possesses skills in the subjects listed in Part B of the Annex to that instrument (the subjects all being subjects recognised by that body as required by article 2(4) of that instrument); or

(c) if he is the holder of any other certificate of competence, diploma or other qualification recognised for the purpose of this paragraph by the Secretary of State.

(8) An individual whose engagement in road passenger transport operations began on or after 1st January 1975 but before 1st January 1978 shall, by virtue

of such engagement, be regarded as professionally competent until 1st January 1980, but shall then cease to be so regarded unless before that date he has—

- (a) been engaged in such operations for a period of, or for periods amounting in the aggregate to, two years, or
- (b) become the holder of any such certificate as is mentioned in paragraph (7)(b) or (c) above.

Consequential adaptation of enactments

11.—(1) The power of the Secretary of State to make regulations under section 158 of the Act of 1960 with respect to procedure in connection with public service vehicle licences, or under section 160 of that Act for the purposes of Part III thereof, may also be exercised with respect to such procedure as altered or supplemented by these Regulations, or for carrying into effect the said Part III as modified and supplemented by these Regulations.

(2) Section 128 of the Act of 1960 (certifying officers and public service vehicle examiners) shall apply for the purpose of securing that the provisions of Part III of that Act, as modified and supplemented by these Regulations, are observed.

(3) Section 161(1) of the Act of 1960 (restriction on institution of proceedings) shall apply in relation to offences under any provision of these Regulations as it applies in relation to proceedings for an offence under Part III of that Act.

(4) The references in section 233(1)(a) (forgery) and section 235(1) (false statements) of the Act of 1960 to a licence under any part of that Act shall include a reference to a public service vehicle licence under Part III of that Act, and to a permit under Regulation 20 of the 1952 Regulations, as modified and supplemented by these Regulations and shall also include references to a certificate, diploma or other qualification referred to in Regulation 10(7) of these Regulations.

(5) For the purposes of section 235(1) of the Act of 1960 a statement made by a transport manager to his employer, or to his prospective employer, with a view to the inclusion of the information contained in that statement in a declaration or further declaration to be made by that employer or prospective employer under Regulation 4, or in any further information to be furnished by him under Regulation 5, shall be regarded as a statement made by the transport manager for the purpose of obtaining the grant of a public service vehicle licence to that employer or prospective employer.

(6) Section 244 of the Act of 1960 (time for commencing summary proceedings for certain offences) shall apply in relation to an offence under Regulation 5 as it applies to an offence under section 235 of that Act.

Signed by authority of
the Secretary of State
26th August 1977.

John Horam,
Parliamentary Under Secretary of State,
Department of Transport.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations implement, in relation to Great Britain, the obligations of the United Kingdom under Council Directive 74/562/EEC of 12th November 1974 (O.J. No. L308/23) on admission to the occupation of road passenger transport operator in national and international transport operations.

2. For the purpose of this implementation public service vehicle licences under Part III of the Road Traffic Act 1960 (public service vehicles) are divided (see Regulation 3) into two classes as from 1st January 1978—

(a) standard licences—which are to be required for passenger service vehicles used for the provision of public passenger transport services, and

(b) restricted licences—which will apply to public service vehicles which are not passenger service vehicles and to passenger service vehicles not used for the provision of public passenger transport services.

Passenger service vehicles are defined in Regulation 2 as meaning motor vehicles which are constructed and equipped to carry more than 9 persons (including the driver) and are intended for that purpose, and public passenger transport services are defined as meaning passenger transport services provided for the public, or for specified categories of users, in return for payment. Passenger transport services by means of vehicles constructed or adapted to carry not more than 17 persons (including the driver) are, however, excluded from the definition of public passenger transport services if they are provided otherwise than in the course of a business of carrying passengers or are provided by a person whose main occupation is not the provision of road passenger transport services.

3. Standard licences may authorise the vehicles to which they relate to be used for providing public passenger transport services on both international and national transport operations or on national transport operations only (Regulation 3).

4. It is to be an offence punishable on summary conviction by a fine not exceeding £100 for a person to cause or permit a passenger service vehicle to be used on a road for the provision of public passenger transport services unless he is, or is deemed to be, the holder of a standard licence relating to that vehicle (Regulation 3(5)). It is also to be an offence, punishable on summary conviction by a fine not exceeding £50, for a person to cause or permit a passenger service vehicle to be used for providing public passenger transport services on international transport operations if the standard licence relating to that vehicle covers national transport operations only (Regulation 3(6)).

5. In general, the provisions of Part III of the Road Traffic Act 1960 continue to apply to restricted licences without any amendment, but in their application to standard licences those provisions have effect as modified and supplemented by these Regulations which lay down more stringent requirements as respects repute and financial standing and impose new requirements as respects professional competence.

6. In Regulation 4 provision is made for requiring the applicant for the first standard licence he applies for to the Traffic Commissioners for a particular traffic area in any year after 1977 to submit to the Commissioners a declaration as to matters bearing on his fitness to hold the licence, his financial standing and his professional competence or the fitness and professional competence of his transport manager. On subsequent applications for standard licences in any year after 1977 the applicant must indicate any changes which have occurred in these matters since the first application was made, and Regulation 5 imposes a general obligation on applicants for, and holders of, standard licences to inform the Commissioners of changes in the particulars contained in the licence declaration when they occur. Failure, without reasonable excuse, to furnish this information is an offence, punishable on summary conviction by a fine not exceeding £100.

7. Where an applicant for a standard licence fails to satisfy the Traffic Commissioners as to his repute and financial standing and the professional competence of himself or his transport manager, the Traffic Commissioners are required by Regulation 6 to reject the application and if at any time during the currency of a standard licence it appears to the Traffic Commissioners that the holder of the licence and (where appropriate) his transport manager do not satisfy the relevant requirements on these matters, they must revoke the licence (Regulation 7). Refusal of an application and revocation of a licence are to be treated as taking place under section 127(7) of the Road Traffic Act 1960, thus giving rise to a right of appeal to the Secretary of State under section 143 of that Act.

8. Provision is made (Regulation 8) for enabling restricted licences to be exchanged for standard licences and for enabling standard licences which cover national transport operations only to be exchanged for standard licences which cover both international and national transport operations.

9. Regulation 9 modifies Regulation 20 of the Public Service Vehicles (Licences and Certificates) Regulations 1952 (S.I. No. 900) under which certain persons who are not holders of public service vehicle licences are deemed to be the holders of such licences. The changes made secure that a person cannot, by virtue of Regulation 20 of the 1952 Regulations, become, in effect, the holder of a standard licence unless the provisions of the present Regulations about applicants for, and holders of, standard licences have been complied with.

10. Regulation 10 contains provisions for explaining how the requirements as to fitness, financial standing and professional competence are to be met. Only individuals can be professionally competent. The professional competence requirement is met by a corporate body if that body has a professionally competent transport manager. Individuals who were engaged in the road passenger transport industry in a responsible position before 1st January 1975 and who have been so engaged after 31st December 1969 are to be regarded as professionally competent by virtue of their experience. Individuals whose engagement in the road passenger transport industry in responsible positions began after 31st December 1974 but before 1st January 1978 will cease to be treated as being professionally competent on 1st January 1980 if they have not before that date had at least 2 years' experience in such positions, or obtained from a body approved by the Secretary of State a certificate as to their skills in certain subjects specified in the Annex to the Council Directive, or obtained some other certificate of competence, diploma

or other qualification recognised by the Secretary of State. Individuals whose engagement in the industry in responsible positions begins on or after 1st January 1978 will be required in all cases to have such a certificate of competence, or such diploma or other qualification, if they are to meet the professional competence requirements prescribed for the holder of a standard licence or for his transport manager.

11. Consequential amendments to certain enactments are made by Regulation 11.

SI 1977/1461
ISBN 0-11-071461-X



780110 714615