

## 1986 No. 1668

## PUBLIC PASSENGER TRANSPORT

The Public Service Vehicles (Operators' Licences) Regulations  
1986

*Made* - - - - 26th September 1986  
*Laid before Parliament* 3rd October 1986  
*Coming into Operation* 26th October 1986

The Secretary of State for Transport, in exercise of the powers conferred by sections 14A(2), 16(1A), (3) and (4), 18(1) and (3), 52(1), 57(3), 59, 60(1), 81(1) and 82(1) of the Public Passenger Vehicles Act 1981(a) and section 27(1) and (3) of the Transport Act 1985(b) and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of the said Act of 1981(c) and with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971(d), hereby makes the following Regulations:

*Citation and commencement*

1. These Regulations may be cited as the Public Service Vehicles (Operators' Licences) Regulations 1986 and shall come into operation on 26th October 1986.

*Revocation*

2. The Public Service Vehicles (Operators' Licences) Regulations 1981(e), the Public Service Vehicles (Operators' Licences) (Amendment) Regulations 1985(f) and the Public Service Vehicles (Operators' Licences) (Amendment) Regulations 1986(g) are hereby revoked.

*Interpretation*

3.— (1) In these Regulations, unless the context otherwise requires—

(a) 1981 c. 14; sections 14A and 16(1A) were inserted respectively by sections 25 and 24(1) of the Transport Act 1985 (c. 67); section 16(3) was amended by Schedule 2, Part II, paragraph 4(7)(b) to that Act; section 52(1) was amended by Schedule 2, Part II, paragraph 4(14) to that Act; and section 60(1) was amended by section 134(1) of, Schedule 2, Part II, paragraph 4(18), Schedule 7, paragraph 21(9) and Schedule 8 to, that Act.

(b) 1985 c. 67.

(c) Section 61(2) was amended by section 135(1) of the Transport Act 1985.

(d) 1971 c. 62.

(e) S.I. 1981/258.

(f) S.I. 1985/1905.

(g) S.I. 1986/994.

- “the 1981 Act” means the Public Passenger Vehicles Act 1981;
- “the 1985 Act” means the Transport Act 1985;
- “certifying officer” means an officer appointed under section 7(1);
- “designated sporting event” has the same meaning as in the Sporting Events (Control of Alcohol) Act 1985(a);
- “disc” means an operator’s disc issued under section 18;
- “holder” in relation to a licence means the individual, company or (in the case of a partnership) firm to whom that licence was granted;
- “licence” means a PSV operator’s licence and “special licence” has the same meaning as in section 12(2) of the 1985 Act;
- “local authority” has the meaning given by section 14A(4);
- “Notices and Proceedings” has the same meaning as in regulation 3 of the Public Service Vehicles (Traffic Commissioners: Publications and Inquiries) Regulations 1986(b);
- “public service vehicle examiner” means an examiner appointed under section 7(2); and
- “traffic regulation conditions” has the meaning given by section 7(1) of the 1985 Act.

(2) Unless the context otherwise requires, any reference in these Regulations to:

- (a) a numbered section is a reference to the section bearing that number in the 1981 Act;
- (b) a numbered regulation is a reference to the regulation bearing that number in these Regulations;
- (c) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

#### *Inspection of applications*

4.— (1) The traffic commissioner who receives an application for a licence shall, until that application is determined, make it (or any part of it) available for inspection by any person who is authorised in that behalf by any chief officer of police or local authority and who so requests in writing.

(2) The traffic commissioner may satisfy his obligation under paragraph (1) by either:

- (a) making the application, or, as the case may be, part of it, available for inspection at his office; or
- (b) on prior receipt of his expenses, posting a copy of the application, or, as the case may be, part of it, to the person making the request.

---

(a) 1985 c. 57.

(b) S.I. 1986/1629.

*Objections to applications for licences*

5.— (1) Notice of an objection under section 14A to an application for a licence other than a special licence shall be made so as to be received by the traffic commissioner within 21 days from the date on which the notice of the application is published in “Notices and Proceedings”.

(2) A copy of every objection shall be sent by the objector to the applicant at the same time as the objection is sent to the traffic commissioner.

(3) A traffic commissioner may, in circumstances which he considers exceptional, consider any objection, notwithstanding that any requirement of this regulation is not complied with.

*Determination of applications*

6. A traffic commissioner shall not refuse an application for a licence or grant it other than as requested without giving to the applicant an opportunity to state his case at an inquiry save where the application or the applicant's conduct in relation to it is frivolous or unreasonable.

*Description of conditions attached to licences*

7.— (1) For the purpose of section 16(3), the prescribed description of conditions is any conditions regulating any of the matters specified in paragraph (2) in relation to a journey, or part of a journey, the purpose or the main purpose of which is to carry passengers to or from a designated sporting event.

(2) The matters referred to in paragraph (1) are:

- (a) the times of departure and arrival of the outward journey and of the homeward journey; and
- (b) the length of any break in the outward journey or the homeward journey and the places at which any such break may occur.

*Requirements of notice and consideration of representations*

8. Before—

- (a) attaching to a licence, except on granting the licence, any condition or additional condition in exercise of his powers under section 16(3), or
- (b) altering, in exercise of his powers under section 16(5)(a), any condition attached to a licence under section 16(3) (except a condition treated as so attached by virtue of section 27(4) of the 1985 Act), or
- (c) removing, in exercise of his powers under section 16(5)(b), any condition attached to a licence under section 16(3) (including a condition treated as so attached by virtue of section 27(4) of the 1985 Act),

the traffic commissioner who granted the licence shall give the holder notice of his proposal to attach, alter or remove any such condition, and that commissioner shall consider any written representations from the holder about that proposal which he receives within 14 days of such notice.

**9.— (1) Before—**

- (a) exercising any of his powers under section 17(1) or (2), or
- (b) attaching to a licence, except on granting the licence and except if section 27(2) of the 1985 Act applies, any condition under section 26 of the 1985 Act or varying any such condition, or
- (c) making an order under section 28(1) of the 1985 Act,

the traffic commissioner who granted the licence shall give notice to the holder or former holder—

- (i) that he is considering one or more of such actions;
- (ii) of the grounds on which that consideration is based;
- (iii) that within 14 days of such notice the holder or former holder may make representations to him with respect to the action or actions being considered;
- (iv) that those representations shall be written; and
- (v) either—
  - (a) that he proposes to hold an inquiry in relation to the action or actions being considered and the date (being a date not less than 14 days from the notice) on which that inquiry will be held, or
  - (b) that he does not propose to hold an inquiry in relation to that action or those actions unless the holder or former holder, within 14 days of the notice, in writing requests him to do so.

(2) The traffic commissioner shall take into account any representations which he receives by virtue of and in accordance with any notice which he gives under paragraph (1) before he decides whether or not to take any action which the notice stated he was considering.

(3) The provisions of paragraph (2) shall not prevent the traffic commissioner at his discretion from hearing and considering any representations other than those made in accordance with paragraph (1) including any which are advanced (whether orally or in writing) at the inquiry, if any, which he holds.

(4) The prescribed period for the purpose of section 27(3) of the 1985 Act shall be 14 days after a notice to the holder that the condition has been attached to the licence.

*Manner in which discs are to be fixed and exhibited*

**10.** The holder of a licence (other than a special licence) shall, during such time as a vehicle is in use under it, cause a disc to be affixed to the vehicle either in a weatherproof container or on the inside of the vehicle and (in either case) in such a position that the disc:

- (a) is adjacent to the licence under the Vehicles (Excise) Act 1971(a);
- (b) does not interfere unduly with the driver's view; and
- (c) can easily be read in daylight from the outside of the vehicle.

---

(a) 1971 c. 10.

*Form of and particulars to be contained on discs*

**11.—** (1) Every disc shall contain:

- (a) the name of the holder of the licence in relation to which the disc has been issued;
  - (b) the code and number of the said licence and the date on which it will expire; and
  - (c) the words “Public Service Vehicle Operator’s Identity Disc” or “Public Service Vehicle Operator’s Disc”.
- (2)(a) If the licence under which the disc is being used is a standard licence which authorises use of the vehicle on which the disc is displayed on both national and international operations, the disc shall be green and contain, beneath the expiry date of the licence, the words “standard international”;
- (b) If the licence under which the disc is being used is a standard licence which authorises the use of the vehicle on which the disc is displayed on national operations only, the disc shall be blue and contain, beneath the expiry date of the licence, the words “standard national”;
- and
- (c) If the licence under which the disc is being used is a restricted licence the disc shall be orange and contain, beneath the expiry date of the licence, the word “restricted”.

*Return of licences and discs*

**12.—** (1) In the event of the suspension, surrender or other termination of a licence prior to the date of expiry specified in it, the holder shall return that licence to the traffic commissioner by whom it was granted for retention during the time of the suspension, or for cancellation, as the case may be, and shall at the same time return to that commissioner any discs which have been issued in relation to the licence.

(2) On the removal of a suspension referred to in paragraph (1) the commissioner shall return any licence the period of validity of which has not expired together with any discs which were issued in relation to the licence.

(3) In the event of the period of validity of a licence being curtailed the holder shall return such licence to the traffic commissioner by whom it was granted, and that commissioner shall amend the licence as regards the curtailment and then return the same, and on the expiry of the licence as a result of a curtailment the holder shall return any discs which he then holds in respect of the licence.

(4) In the event of the traffic commissioner deciding to attach an additional condition or any traffic regulation conditions to a licence or to alter or remove a condition or any traffic regulation conditions attached to a licence, the holder shall return the licence to that commissioner and he shall amend the licence as regards the addition, alteration or removal and then return the same.

(5) In the event of the traffic commissioner deciding to vary one or more conditions attached to a licence under section 16(1), so reducing the maximum number of vehicles which may be used under the licence below the number of discs which have been issued to the holder, there shall be returned by the holder

to that commissioner such number of discs as will leave the holder with only the same number of discs as is equal to the reduced maximum number of vehicles.

(6) The licence or discs (as the case may be) shall be returned within 14 days of the date on which the holder receives the notice from the traffic commissioner of the decision which requires such return.

(7) Any licence or disc required to be returned to the traffic commissioner under this regulation shall be produced at the address in the traffic area, and within the business hours, specified in the notice and if sent by post shall not be treated as having been returned until actually received by the traffic commissioner.

#### *Issue of duplicate licences and discs*

**13.—** (1) If a licence or disc has been lost or destroyed, the holder shall forthwith notify the traffic commissioner by whom the licence or disc was granted and that commissioner, if satisfied that the licence or disc has been lost or destroyed, shall issue a duplicate of the licence or disc marked as such.

(2) If a licence or disc referred to in paragraph (1) is subsequently recovered by the holder he shall forthwith return it to the traffic commissioner.

(3) If a licence or disc becomes defaced or illegible the holder shall forthwith return it to the traffic commissioner by whom it was granted and on such return that commissioner shall issue a duplicate of the licence or disc marked as such.

(4) A duplicate of a licence or disc issued in accordance with paragraph (1) or (3) shall have the same effect as the original.

#### *Production of licences and discs for examination*

**14.—** (1) A licence or a disc shall be produced by the holder for examination if he is so required by any police constable, certifying officer or public service vehicle examiner or by any person authorised by the traffic commissioner for any traffic area to examine the licence or disc, and any such requirement shall be complied with in not more than 14 days.

(2) Any such requirement as is mentioned in paragraph (1) may be complied with by the holder producing the licence or disc within the traffic area of the traffic commissioner by whom the licence was granted at the operating centre or principal place of business of the holder.

#### *Notification of decisions*

**15.** The traffic commissioner shall, as regards any application made to him with respect to a licence, inform the applicant of his decision upon the application, and the traffic commissioner shall inform any applicant and any objector of the reasons for his decision when he refuses an application, grants an application other than as requested, or grants an application despite objections to it.

*Notices generally*

**16.** All notices for which provision is made in these Regulations shall be in writing and, in the case of a notice given by the traffic commissioner, shall be left at or sent by the recorded delivery service to the address last notified to him by the applicant or holder for the purpose of the application or licence (as the case may be).

*Relevant convictions*

**17.** The convictions specified in the Schedule hereto are hereby prescribed as relevant convictions for the purposes of the 1981 Act.

*Operators under hiring arrangements*

**18.** The person who is to be regarded as the operator of a vehicle which is made available by one holder of a licence to another under a hiring arrangement is the holder from whom the vehicle is hired in a case where:

- (a) the holder to whom the vehicle is hired is not, under the hiring arrangement, entitled to keep the vehicle in his possession for a total period of more than 14 days;
- (b) not less than 14 days have elapsed between the finish of any previous period (of whatever duration) in which the hirer to whom the vehicle is hired was entitled to the use of the vehicle under a hiring arrangement with the holder from whom the vehicle is hired and the start of the period mentioned in sub-paragraph (a) above;
- (c) at all times when the vehicle is being used for carrying passengers for hire or reward during the period mentioned in sub-paragraph (a) above there is affixed to the vehicle a disc which has been issued to the holder from whom the vehicle is hired;
- (d) the vehicle, if made available to the holder of a restricted licence, is not adapted to carry more than sixteen passengers; and
- (e) the vehicle is not a licensed taxi made available to or by the holder of a special licence.

*Fees for licences and discs*

**19.—** (1) The fee for the grant of a licence (other than a special licence) is £3.50 for each month, or part of a month, during which the licence is expressed to be in force and shall be paid before the licence is granted.

(2) The fee for the second and every subsequent disc issued to the holder of a licence is £3.50 for each month, or part of a month, during which the disc may be used, and shall be paid before the disc is issued.

(3) The fee for an application for a special licence shall be £40 and shall be paid when the application is made.

*Refunds of fees paid for licences and discs*

**20.—** (1) If a licence (other than a special licence) is surrendered or otherwise terminated before the expiry date specified when it was granted, that

part (if any) of the fee paid for the licence which is attributable to the number of complete months to which that licence related and which have not yet begun at the date of the surrender or termination shall be refunded.

(2) If the second or any subsequent disc is returned in accordance with regulation 12(1), (3) or (5) that part (if any) of the fee paid for the disc which is attributable to the number of complete months which have not yet begun and to which the licence related, when the disc was issued shall be refunded, and the disc surrendered shall be deemed to be the last one issued and not previously surrendered.

*Termination of licences held by companies*

**21.** In a case where a licence is held by a company the events relating to the holder on the occurrence of which the licence is to terminate are as follows:

- (a) the making of a winding up order; and
- (b) the passing of a resolution for voluntary winding up.

*Computation of time*

**22.** Any day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(a)</sup> shall be excluded from the computation of any period of a specified number of days prescribed in these Regulations.

*Post Office*

**23.** Section 16(1A) (limit on number of vehicles to be used under a restricted licence) shall not apply in respect of a licence held at any time by the Post Office.

*John Moore,*  
Secretary of State for Transport.

26th September 1986.

---

(a) 1971 c. 80.



## SCHEDULE

(RELEVANT CONVICTIONS PRESCRIBED BY REGULATION 17)

1. A conviction of any of the offences specified in paragraph 2 below—
  - (a) of the holder of a licence, or the applicant for a licence;
  - (b) where the holder of a licence, or the applicant for a licence, is a partnership, of a partner in that partnership;
  - (c) of any transport manager whom the holder of a licence employs or proposes to employ, and of any transport manager whom an applicant for a licence employs or proposes to employ; and
  - (d) of any person appointed or otherwise engaged as an officer, employee or agent of the holder of, or of an applicant for, a licence in relation to any business which such holder or applicant carries on, or proposes to carry on.
  
2. The offences referred to in paragraph 1 above are offences in relation to a public service vehicle or the operation thereof—
  - (a) under or by virtue of the 1981 Act;
  - (b) under or by virtue of Parts I and II and section 101 of the 1985 Act;
  - (c) under or by virtue of Parts I, II, III and VI and sections 161(4) and (5), 162(1) and (3), 164(1), 166(1), 167(1), 168(3), 169(1), 170(1), (2), (5A) and (6) and 178 in Part VII of the Road Traffic Act 1972(a);
  - (d) under sections 1(8), 6(9), 9(9), 11(4), 12(9), 13(4) and 14(2) of the Road Traffic Regulation Act 1967(b) and sections 5(1), 8(1), 11, 13, 16(1), 17(4) and 18(3) of the Road Traffic Regulation Act 1984(c);
  - (e) relating to—
    - the speed at which vehicles may be driven,
    - drivers' hours or the keeping of drivers' records (under or by virtue of Part VI of the Transport Act 1968(d)),
    - new bus grants (under section 32 of, and Schedule 8 to, the Transport Act 1968),
    - grants towards bus fuel duty (under section 92 of the Finance Act 1965(e)),
    - a duty of excise imposed by or under the Vehicles (Excise) Act 1971(f);
  - (f) under section 92 of the Licensing (Scotland) Act 1976(g), section 70 of

---

(a) 1972 c. 20; section 179(5A) was inserted by the Road Traffic Act 1974 (c. 50), section 13(2).

(b) 1967 c. 76.  
 (c) 1984 c. 27.  
 (d) 1968 c. 73.  
 (e) 1965 c. 25.  
 (f) 1971 c. 10.  
 (g) 1976 c. 66.

---

the Criminal Justice (Scotland) Act 1980(a) and section 1(2) of the Sporting Events (Control of Alcohol etc.) Act 1985(b).

---

#### EXPLANATORY NOTE

*(This Note is not part of the Regulations.)*

These Regulations consolidate with modifications the Public Service Vehicles (Operators' Licences) Regulations 1981, as amended. The principal changes include the following:

- (1) provision for the inspection of applications for licences by persons authorised by any chief officer of police or local authority (regulation 4);
- (2) inclusion of a prescribed procedure for objections by any chief officer of police or local authority to the grant of licences (regulation 5);
- (3) a provision preventing the person from whom a vehicle adapted to carry more than 16 passengers is hired being regarded as the operator when the person to whom the vehicle is made available holds a restricted licence (regulation 18(4));
- (4) the deletion of the provision for the automatic termination of a licence held by a company on the appointment of a receiver or manager of its undertaking (regulation 21 compared with regulation 19 of the 1981 Regulations);
- (5) an exemption for the Post Office from the limit introduced by the Transport Act 1985 on the number of vehicles to be used under a restricted licence (regulation 23).

---

(a) 1980 c. 62.  
(b) 1985 c. 57.



SI 1986/1668  
ISBN 0-11-067668-8



780110 676685