
STATUTORY INSTRUMENTS

1995 No. 2908

PUBLIC PASSENGER TRANSPORT

**The Public Service Vehicles
(Operators' Licences) Regulations 1995**

Made - - - - *11th November 1995*
Laid before Parliament *21st November 1995*
Coming into force - - *1st January 1996*

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), 49A(2) and (3), 57(3), 59, 60, 81(1) and 82(1) of the Public Passenger Vehicles Act 1981(1) (“the 1981 Act”) and section 27(1) and (3) of the Transport Act 1985(2) and of all other powers enabling him in that behalf, and after consultation with representative organisations in accordance with section 61(2) of the 1981 Act and with the Council on Tribunals in accordance with section 8 of the Tribunals and Inquiries Act 1992(3), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Public Service Vehicles (Operators' Licences) Regulations 1995 and shall come into force on 1st January 1996.

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- (1) 1981 c. 14; sections 14(3A) and (5) were inserted respectively by section 59(2) and (3) of the Deregulation and Contracting Out Act 1994 (c. 4) (“the 1994 Act”); section 14A was inserted by section 25 of the Transport Act 1985 (c. 67) (“the 1985 Act”); section 14A(2A) was inserted by section 60 of the 1994 Act; section 15 was amended by section 61 of the 1994 Act; section 16(1A) was inserted by section 24(1) of the 1985 Act; section 16(3) was amended by Schedule 2, Part II, paragraph 4(7) (b) to the 1985 Act; section 16(6) was amended by section 59(4) of the 1994 Act and sections 16(6A) and (6B) inserted by section 59(5) of that Act; section 17(2)(b) was amended by section 62(2) of the 1994 Act and section 17(5A) and (5B) were inserted by section 62(3) of that Act; section 18(2) and (3) were amended and sections 18(2A), (2B) and (2C) inserted by section 63 to the 1994 Act; section 27 was repealed by section 64 of the 1994 Act; sections 49A, 50(4A) and 56A were inserted by section 65 of the 1994 Act; section 52(1) was amended by Schedule 2, Part II, paragraph 4(14) to the 1985 Act; section 52(2) was amended by and sections 52(2A) to (2F) were inserted by section 66 of the 1994 Act; 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 the 1985 Act; other minor and consequential amendments to sections 14, 16, and 18 are made by section 68 of and Schedule 14 to the 1994 Act.
- (2) 1985 c. 67; sections 18 and 23 were amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22), sections 7 and 16 and Schedule 3 paragraphs 4, 5 and 6; section 28 was amended by the 1994 Act, section 67.
- (3) 1992 c. 53.

Revocation

2. The Public Service Vehicles (Operators' Licences) Regulations 1986(4), the Public Service Vehicles (Operators' Licences) (Amendment) Regulations 1990(5), the Public Service Vehicles (Operators' Licences) (Amendment) Regulations 1993(6) and the Public Service Vehicles (Operators' Licences) (Amendment) Regulations 1995(7) are hereby revoked.

Interpretation

- 3.—(1) In these Regulations, unless the context otherwise requires—
- “the 1981 Act” means the Public Passenger Vehicles Act 1981;
 - “the 1985 Act” means the Transport Act 1985;
 - “designated sporting event” has the same meaning as in the Sporting Events (Control of Alcohol) Act 1985(8);
 - “disc” means an operator’s disc issued under section 18;
 - “fax” means the making of a facsimile copy of a document by the transmission of electronic signals;
 - “holder” in relation to a licence means the person 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(9);
 - “traffic regulation conditions” has the meaning given by section 7(1) of the 1985 Act; and
 - “vehicle examiner” means an examiner appointed under section 66A of the Road Traffic Act 1988(10).
- (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:

(4) S.I. 1986/1668.
(5) S.I. 1990/1852.
(6) S.I. 1993/2753.
(7) S.I. 1995/689.
(8) 1985 c. 57.
(9) S.I. 1986/1629.
(10) 1988 c. 52; section 66A was inserted by section 9(1) of the Road Traffic Act 1991 (c. 40).

- (a) making the application, or, as the case may be, part of it, available for inspection at the office of his Traffic Area; 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.

Objections to applications for licences

5.—(1) The prescribed time within which an objection under section 14A must be made is the period of 21 days beginning with the day after the date when the notice of the application is published in Notices and Proceedings.

(2) The prescribed manner for making an objection for the purposes of section 14A is by serving on the traffic commissioner a document—

- (a) setting out the objection; and
- (b) signed by or on behalf of the person making the objection.

(3) Service of a document on the traffic commissioner shall, for the purposes of this regulation, be effected by—

- (a) delivering it; or
- (b) sending it by post; or
- (c) transmitting it by fax,

to the traffic commissioner at the office of his traffic area.

(4) A copy of every document setting out an objection shall be sent by the objector to the applicant on the day or the next working day after it is made.

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 condition 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) other than at the holder's request, 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),

the traffic commissioner who granted the licence shall give the holder notice of his proposal to attach or alter 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.

(2) The notice shall state—

- (a) that he is considering one or more of such actions;
- (b) the grounds on which that consideration is based;
- (c) 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;
- (d) that those representations shall be written; and
- (e) either—
 - (i) 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
 - (ii) 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.

(3) 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.

(4) The provisions of paragraph (3) 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.

(5) The prescribed period for the purpose of section 27(3) of the 1985 Act shall be 14 days beginning with the date that a notice is given to the holder that the condition has been attached to the licence.

Forms of and particulars to be contained on discs

10.—(1) There shall be specified on every disc the date on which it comes into force and the date on which it expires.

(2) The disc shall clearly indicate (by colour or other means)—

- (a) whether a vehicle is being used under a standard licence or under a restricted licence; and
- (b) in the case of a vehicle being used under a standard licence, whether the licence covers both international and national transport operations or national transport operations only.

The coming into force and expiry of discs

- 11.**—(1) A disc shall not come into force more than a month after it is issued.
- (2) A disc shall expire—
- (a) if paragraph (3) applies to the disc, at the end of the 1 year period of the relevant licence in which the disc comes into force;
 - (b) in any other case, at the end of the 5 year period of the relevant licence in which the disc comes into force.
- (3) This paragraph applies—
- (a) to a disc which comes into force during the first 5 year period of the relevant licence if and only if a notice of election is in force immediately before the licence is granted; and
 - (b) to a disc which comes into force during any other 5 year period of the relevant licence if and only if a notice of election is in force immediately before the beginning of the period.
- (4) For the purposes of this regulation a notice of election, in relation to a licence, is a notice in which the holder states (or stated when he was applying for the licence) that he wishes to pay the fee for the issue of any disc connected with the licence on an annual basis.
- (5) A notice of election shall come into force on the day on which the holder serves it on the traffic commissioner and shall remain in force until revoked in accordance with paragraph (6).
- (6) The holder of a licence may not earlier than 42 days before the end of a 5 year period of the relevant licence serve a notice on the traffic commissioner revoking a notice of election.
- (7) Paragraph (3) of regulation 5 shall apply to the service of a notice under this regulation as it applies to service of a notice under that paragraph.
- (8) For the purposes of this regulation, “relevant licence”, in relation to a disc, means the licence in respect of which the disc is issued.
- (9) For the purposes of this regulation, the 1 year periods of a licence, are—
- (a) the period of 1 year beginning with the first day of the month in which the relevant licence comes into force; and
 - (b) each consecutive period of 1 year.
- (10) For the purposes of this regulation, the 5 year periods of a licence, are—
- (a) the period of 5 years beginning with the first day of the month in which the relevant licence comes into force; and
 - (b) each consecutive period of 5 years.
- (11) Notwithstanding anything in the foregoing provisions of this regulation, paragraph (2)(a) shall not apply to a disc unless at the time the disc is issued a provision in regulations under the 1981 Act is in force which prescribes different fees for the issue of a disc according to whether paragraph (3) does or does not apply.

Manner in which discs are to be fixed and exhibited

- 12.** The prescribed manner in which a disc is to be fixed and exhibited for the purposes of section 18 is by so fixing it to the vehicle that it—
- (a) is adjacent to the licence issued under the Vehicles Excise and Registration Act 1994⁽¹¹⁾;
 - (b) does not interfere unduly with the driver’s view; and
 - (c) can easily be read in daylight from the outside of the vehicle.

⁽¹¹⁾ 1994 c. 22; to which there are amendments not relevant to these Regulations.

Issue of a duplicate licence or disc and prohibition on unauthorised alteration of a disc

13.—(1) If a licence or disc has been lost or destroyed, the holder shall forthwith notify the traffic commissioner who granted the licence or disc so that he may provide a duplicate, marked as such.

(2) If a licence or disc has been notified as lost or destroyed in accordance with paragraph (1) and is subsequently recovered by the holder, then the holder shall use the duplicate licence or disc and return the original to the traffic commissioner.

(3) At no time shall any person except the traffic commissioner, or a person authorised to do so on his behalf, write on or otherwise alter a disc, but in the event that a disc becomes illegible by ordinary wear and tear the holder shall forthwith return the illegible disc so that the traffic commissioner may provide a duplicate, marked as such.

Compulsory return of licences and discs

14.—(1) In the event of the suspension, surrender or other termination—

- (a) at any time of a continuous licence; or
- (b) prior to the date of expiry specified in a term licence,

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 the licence together with any discs which were issued in relation to the licence.

(3) In the event of the traffic commissioner deciding—

- (a) to attach an additional condition or any traffic regulation conditions to a licence;
- (b) to alter or remove a condition or any traffic regulation conditions attached to a licence; or
- (c) to vary or remove any undertaking in a licence,

the holder shall return that licence to the traffic commissioner for him to make the appropriate addition, alteration, variation or removal before returning it to the holder.

(4) 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, the holder shall return 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.

(5) In the event of a disc ceasing to have effect prior to the date of expiry, the holder shall return the disc to the traffic commissioner who issued it.

(6) For the purposes of this regulation, a requirement to return a licence or disc to a traffic commissioner is a requirement for it to be—

- (a) delivered to the office of his traffic area; or
- (b) sent to the traffic commissioner at the office of his traffic area by recorded delivery service,

within the period of 14 days beginning with the date on which the holder receives the notice from the traffic commissioner requiring it to be returned.

(7) For the purposes of this regulation, if a licence or disc is sent by recorded delivery service in accordance with paragraph (6), it shall be regarded as having been returned at the date that it is delivered at the appropriate office in the traffic area.

(8) In this regulation—

“term licence” means a licence which by virtue of the Deregulation and Contracting Out (Commencement) (No. 4) Order 1995(12), has an expiry date; and

“continuous licence” means a licence that is not a term licence.

Voluntary return of discs

15.—(1) The holder of the licence may, if he so wishes, at any time return a disc to the traffic commissioner by whom the licence was issued by delivering it to him at the office of his traffic area or sending it to him at that address by recorded delivery service.

(2) For the purposes of these Regulations, if a disc is sent by recorded delivery service in accordance with paragraph (1), it shall be regarded as having been returned on the date that it is delivered at the appropriate office in the traffic area.

Production of licences and discs for examination

16.—(1) Unless its loss or destruction has been previously notified to the traffic commissioner in accordance with regulation 13(1) or (2), a licence or a disc shall be produced by the holder for examination if he is so required by any police constable, 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

17. 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 objection to it.

Review of decisions

18. The period after taking a decision that is prescribed for the purposes of section 49A of the 1981 Act is 2 months.

Notices generally

19.—(1) A notice required or authorised to be given to a person (other than a traffic commissioner) under the 1981 Act and these Regulations may be effected by—

- (a) delivering to him at his proper address; or
- (b) sending it to him by post to his proper address; or
- (c) transmitting it to him by fax if he has indicated expressly in writing or by providing a fax number on his letter heading that he will accept transmission by fax.

(2) Any such document may—

- (a) in the case of a body corporate, be sent to the secretary or clerk of that body;
- (b) in the case of a partnership, be sent to any partner.

(3) For the purposes of this paragraph and section 7 of the Interpretation Act 1978(13), the proper address of any person is his last known address (whether of his residence or a place where he carries on business or is employed) and in the case of a body corporate, its secretary or its clerk, the address of its registered or principal office in the United Kingdom.

(4) If a notice under section 49A of the 1981 Act is sent by registered post or the recorded delivery service addressed to the applicant or (as the case may be) the licence holder at his proper address, the notice shall, for the purposes of that section, be deemed to have been given when it would have been delivered in the ordinary course of post, notwithstanding that—

- (a) the notice was returned as undelivered or was for any reason not received by him; or
- (b) was in fact delivered or received by him at some other time,

and notwithstanding anything in section 7 of the Interpretation Act 1978.

(5) Where a person has notified the traffic commissioner of an address or a new address at which documents may be given to him for the purposes of the 1981 Act and these Regulations, that address shall also be his proper address for service for the purposes mentioned in paragraph (3) or (4) or, as the case may be, his proper address for those purposes in substitution for that previously notified.

Notification of change of address

20. If during the currency of a licence the address for correspondence as notified in the licence holder's application or as subsequently notified under this regulation ceases to be an effective address for correspondence the holder shall within 28 days from the date of such event notify the traffic commissioner by whom the licence was granted of an effective address for correspondence.

Relevant convictions

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

Operators under hiring arrangements

22. 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.

Termination of licences held by companies

23. 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

24. Any day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽¹⁴⁾ shall be excluded from the computation of any period of a specified number of days prescribed in these Regulations.

Post Office

25. 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.

Savings

26. Notwithstanding the revocation of the Public Service Vehicles (Operators' Licences) Regulations 1986 by these Regulations, regulation 12(3) of those Regulations (which require a licence to be returned if its period of validity is curtailed) shall continue to have effect in relation to a licence if its period of validity is curtailed before 1st January 1996.

Signed by the authority of the Secretary of State for Transport.

11th November 1995

Steven Norris
Parliamentary Under Secretary of State,
Department of Transport

SCHEDULE

Regulation 21

RELEVANT CONVICTIONS PRESCRIBED BY REGULATION 21

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 sections 5(1), 8(1), 11, 13, 16(1), 17(4) and 18(3) of the Road Traffic Regulation Act 1984(15);
 - (c) under section 1(2) of the Sporting Events (Control of Alcohol etc.) Act 1985(16);
 - (d) under or by virtue of Parts I and II and Section 101 of the 1985 Act;
 - (e) under or by virtue of Parts I, II, III, IV and VI and sections 164(6) and (9), 165(3) and (6), 168, 170(7), 171(2), 172(3) and (4), 173(1), 174(1) and (2) and (5) in Part VII of the Road Traffic Act 1988(17);
 - (f) under section 91 of the Road Traffic Offenders Act 1988(18);
 - (g) relating to—
 - (i) the speed at which vehicles may be driven,
 - (ii) drivers' hours or the keeping of drivers' records under or by virtue of Part VI of the Transport Act 1968(19),

(15) 1984 c. 27; sections 5, 8, 16, 17 and 18 were amended by the New Roads and Street Works Act 1991 (c. 22), schedule 8 paragraphs 20,22, 27, 28 and 30; section 11 was amended by the Road Traffic Act 1991 (c. 40) (“the 1991 Act”), section 65.

(16) 1985 c. 57.

(17) 1988 c. 52; sections 3A, 13A, 40A, 41B, 69A, 72A, 89A and 94A were inserted by Part I of the 1991 Act which also amended sections 4, 7, 11-15, 22, 28-30, 42, 45, 46, 48-51, 61, 67-76, 79, 84, 85, 87, 89, 92, 94, 97, 98, 103, 105, 115, 117, 144, 151, 152, 165, 168, 170 and 173; section 47 is amended by the Finance Act 1994 (c. 10), section 5 and Schedule 2; sections 57, 65, 66 were amended by S.I. 1992/3107; Part IV was substituted by, and sections 87-89, 92-94, 97-99, 105, 108, 165 and 173 were amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c. 22); sections 93, 97-99, 105, 108, 109 and 164 were amended by S.I. 1990/144; sections 144 and 161 were amended by the National Health and Community Care Act 1990 (c. 19) section 145 was amended by S.I. 1992/3036 and sections 157 by S.I. 1993/2474.

(18) 1988 c. 53.

(19) 1968 c. 73; section 96(11A) was inserted by, and sections 98 and 99 were amended by the European Communities Act 1972 (c. 68) section 4 and Schedule 4; section 96 was amended by the Transport Act 1978 (c. 55), section 10; section 32 was amended by the Transport Act 1980 (c. 34), section 62(2); sections 96, 98, 99 and 103 were amended by the Transport Act 1985 (c. 67), section 3(5) and Schedule 2; sections 98, 99, 101 and 103 were amended by the Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3), section 2; sections 97A and B were inserted and sections 97, 98, 99 and 103 were amended by S.I. 1979/1746; section 103 was amended by S.I. 1981/1373; section 97 was amended by S.I. 1984/144; sections 96, 97, 97A and B, 99 and 103 were amended by S.I. 1986/1457; sections 95 and 103 were amended by S.I. 1986/1458; section 97 was amended by S.I. 1989/2121, S.I. 1991/381 and S.I. 1994/1838; section 97AA was inserted by S.I. 1989/2121; sections 96, 97A, 98 and 99 were amended by the Criminal Justice Act 1982 (c. 48), sections 36-39 and 46; section 99 was amended by the Magistrates' Courts Act 1980 (c. 43), section 32(2) and by the 1991 Act, section 48 and Schedule 4; section 102A is inserted and 102 amended by the Road Traffic (Consequential Provisions) Act 1988 (c. 54), section 4 and Schedule 3; and Schedule 8 is amended by the Magistrates' Courts Act 1980, section 2, the Criminal Justice Act 1982 sections 35, 38 and 46 and the Prosecution of Offenders Act 1985 (c. 23) section 31(6) and Schedule 2.

- (iii) 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⁽²⁰⁾,
- (iv) a duty of excise imposed by or under the Vehicles (Excise) Act 1971⁽²¹⁾ or the Vehicles Excise and Registration Act 1994, and
- (h) under section 92 of the Licensing (Scotland) Act 1976⁽²²⁾ and section 70 of the Criminal Justice (Scotland) Act 1980⁽²³⁾;

or other offences under the law in force in any part of Great Britain which are serious offences as defined in paragraph 1(4) of Schedule 3 or road transport offences as defined in paragraph 1(5) of that Schedule.

EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations consolidate with modifications the Public Service Vehicles (Operators' Licences) Regulations 1986, as amended. The Regulations include new provisions consequent on the changes made by Chapter IV of the Deregulation and Contracting Out Act 1994, including the expiry of discs, the election to pay for discs annually and the manner in which notices are to be given. The provisions dealing with fees are now contained in the Public Service (Operators' Licences) (Fees) Regulations 1995 (S.I.1995/2909).

2. Regulations 1 to 3 deal with general matters including commencement, revocation and interpretation.

3. Regulation 4 provides for the inspection of applications for licences by persons authorised by any chief officer of police or local authority.

4. Regulation 5 prescribes the time and manner in which objections to an application for a PSV operator's licence are to be made.

5. Regulation 6 prescribes that an application for a PSV operator's licence shall not be refused without the applicant being given the chance to state his case.

6. Regulation 7 prescribes conditions which may be attached to a licence so as to restrict or regulate the use of a vehicle.

7. Regulations 8 and 9 prescribe that the traffic commissioner before carrying out specified functions (including attaching or altering conditions on a licence or suspending or revoking a licence) shall give notice to the licence holder of his right to make written representations.

8. Regulation 10 prescribes the forms of and particulars which shall be contained on a disc.

9. Regulation 11 prescribes when discs shall expire and the manner in which operators may elect to pay for discs on an annual basis.

10. Regulation 12 prescribes the manner in which a disc is to be fitted.

⁽²⁰⁾ 1965 c. 25; section 92 was amended by section 110 of the Transport Act 1985.

⁽²¹⁾ 1971 c. 10; which was revoked by the Vehicle Excise and Registration Act 1994, section 65 and Schedule 5.

⁽²²⁾ 1976 c. 66.

⁽²³⁾ 1980 c. 62.

11. Regulation 13 prohibits unauthorised alteration of discs and provides the procedure for obtaining a duplicate licence or disc and for notifying the traffic commissioner if the original is lost or destroyed.

12. Regulation 14 requires the licence holder to return the licence and discs in specified circumstances (including suspension, surrender, attachment or alteration of conditions on a licence) and regulation 15 provides for the voluntary return of discs.

13. Regulation 16 provides for production of a licence or disc for inspection by a police officer, vehicle examiner or other authorised person, when so required.

14. Regulation 17 provides for notification by the traffic commissioner of his decisions.

15. Regulation 18 prescribes the time limit for the traffic commissioner to take decisions on review.

16. Regulation 19 prescribes the manner in which notices from the traffic commissioner are to be delivered, the address to which they are to be sent and the circumstances whereby a notice that a decision has been reviewed will be deemed to have been delivered.

17. Regulation 20 requires the licence holder to notify the traffic commissioner of a change of address.

18. Regulation 21 and the Schedule prescribe the convictions of specified persons which are relevant for the purposes of meeting the requirements under the Public Passenger Vehicles Act 1981 of repute and competence.

19. Regulation 22 provides for operators under hiring arrangements, and in particular prescribes circumstances in which the person from whom a vehicle is hired is to be regarded as the operator.

20. Regulation 23 provides for the termination of licences held by companies.

21. Regulation 24 excludes bank holidays from the computation of days for a purpose in these Regulations.

22. Regulation 25 provides that the limit on the number of vehicles to be used under a restricted licence shall not apply to the Post Office.

23. Regulation 26 provides for the saving of specific provision of Regulations revoked by regulation 2.