

2009 No. 787

PUBLIC PASSENGER TRANSPORT

**The Public Service Vehicles (Operators' Licences) (Fees)
(Amendment) Regulations 2009**

<i>Made</i>	- - - -	<i>25th March 2009</i>
<i>Laid before Parliament</i>		<i>30th March 2009</i>
<i>Coming into force</i>	- -	<i>20th April 2009</i>

The Secretary of State for Transport makes the following Regulations in exercise of the powers conferred by sections 52(1)(a) and 60(1)(e) and (1A) of the Public Passenger Vehicles Act 1981(a) and by virtue of the Department for Transport (Fees) Order 2009(b).

Representative organisations have been consulted with in accordance with section 61(2) of the 1981 Act (c).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as The Public Service Vehicles (Operators' Licences) (Fees) (Amendment) Regulations 2009 and shall come into force on 20th April 2009.

(2) In these Regulations—

“the 1981 Act” means the Public Passenger Vehicles Act 1981;

“the 1995 Regulations” means the Public Service Vehicles (Operators' Licences) Regulations 1995(d);

“the principal Regulations” means the Public Service Vehicles (Operators' Licences) (Fees) Regulations 1995(e).

Amendments

2.—(1) The principal Regulations shall be amended as follows.

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- (a) 1981 c.14 (in these footnotes called “the 1981 Act”). Relevant amendments to sections 52(1) (a) and 60(1) of the 1981 Act were made by the Transport Act 1985 (c.67) (in these footnotes called “the 1985 Act”) and by the Deregulation and Contracting Out Act 1994 (c.40) (in these footnotes called the 1994 Act”), as follows. Section 52(1)(a) of the 1981 Act was amended by paragraphs 4(1) and 4(14) of Part II of Schedule 2 of the 1985 Act; words were omitted from section 60(1) of the 1981 Act by Schedule 8 of the 1985 Act and section 60(1) of the 1981 Act was amended by paragraphs 4(1) and 4(18) of Part II of Schedule 2 to the 1985 Act. Section 52(1) (a) of the 1981 Act was further amended by section 66(2) of the 1994 Act and section 60(1) (e) of the 1981 Act was substituted by section 66(5) of the 1994 Act. Section 60 (1A) of the 1981 Act was inserted by section 134(2) (b) of the 1985 Act. For the definition of “prescribed” and “regulations”, see section 60(2) of the 1981 Act, as amended by the 1985 Act, sections 134(1) and (2) (c).
- (b) S.I.2009/711. The relevant provisions in S.I. 2009/711 are regulation 4(2) and paragraphs 7 to 1 of Schedule 1, together with regulation 9 and Schedule 2.
- (c) Section 61(2) of the 1981 Act was amended by the 1985 Act, section 139(3) and Schedule 8.
- (d) S.I. 1995/2908, as amended by S.I. 2009/786
- (e) S.I. 1995/2909, amended by S.I. 2002/2535, S.I. 2007/689 and S.I. 2008/1473.

(2) In regulation 2 (interpretation), the following definitions shall be inserted after the definition of the Public Service Vehicles (Operators' Licences) Regulations 1995—

“‘five yearly anniversary’ means, where no notice of election in force, in relation to a licence, the date of expiry of a period of 5 years, beginning with the date of either the granting of the licence or the most recent 5th anniversary of that date, whichever is the later;

“notice of election” has the same meaning as in the 1995 Regulations and a reference to such a notice being in force shall be construed in accordance with those Regulations;

“one yearly anniversary” means, where a notice of election is in force, in relation to a licence, the date of expiry of a period of 1 year, beginning with the date of either the granting of the licence or the previous anniversary of that date, whichever is the later”.

(3) In regulation 3, the following shall be substituted for paragraph 4—

“(4) The period for which a fee is payable in relation to fee number (viA) is the period beginning on the date on which the disc comes into force and ending—

- (a) where a notice of election is in force, on the date of the next one yearly anniversary provided such date falls before 1 April 2010; or
- (b) where no notice of election is in force, on the date of the next five yearly anniversary provided such date falls before 1 April 2010; or
- (c) in any other case, ending on 31 March 2010.”.

(4) In regulation 4, paragraph 4 shall be omitted.

(5) The following substitutions shall be made in the Schedule—

- (a) in relation to fee number (i), “£235” for “£224”;
- (b) in relation to fee number (ii), “£155” for “£148”;
- (c) the entries relating to fee numbers (iii) and (iv) set out in the Schedule to these Regulations for the entries relating to those fee numbers;
- (d) in relation to fee number (v), “£119” for “£113”;
- (e) the entries relating to fee numbers (vi) and (viA) set out in the Schedule to these Regulations for the entry relating to fee number (vi);
- (f) in relation to fee numbers (vii) and (viii), respectively, “£61” for “£58”
- (g) in relation to fee number (ix), “£8” for “£15”.

(6) Column 5 of the Schedule (relating to annual payments) shall be omitted.

Transitional provisions

3.—(1) Where a decision has been made before the coming into force of these Regulations on an application for the grant of a standard or restricted licence under section 14(1) of the 1981 Act (a), the fee prescribed in the principal Regulations immediately before the coming into force of these Regulations applies.

(2) Where, immediately before the coming into force of these Regulations, the fee for the grant of a standard or restricted licence, or for its continuation, was payable in instalments, pursuant to regulation 3(4) of the principal Regulations as they had effect at that time, a final instalment calculated in accordance with paragraph (3) will be payable on the next one yearly anniversary.

(3) The fee payable under paragraph (2) shall be of an amount equal to £1 per month or part thereof for the period beginning on the first day of the month in which the one yearly anniversary falls and ending on 31 March 2010.

(4) Where fee number (vi) was payable by the licence holder in instalments by virtue of regulation 3(4) of the principal Regulations as they had effect immediately before the coming into force of these Regulations, a final instalment calculated in accordance with paragraph (5) will be

(a) Section 14(1) was amended by the 1985 Act, section 3(5) and Schedule 2, Part II, paragraph 4(1).

payable on the next one yearly anniversary of the licence in respect of which the relevant disc is granted.

(5) The fee payable under paragraph (4) shall be of an amount equal to £3 per month or part thereof beginning on the date on which the disc comes into force and ending on 31 March 2010.

Abolition of fees for the grant or continuation of operator licences and the issue of discs

4. On 1 April 2010, the Schedule to the principal Regulations shall be further amended by the omission of fee numbers (iii), (iv), (vi) and (viA).

Signed by authority of the Secretary of State

Jim Fitzpatrick
Parliamentary Under Secretary of State
Department for Transport

25th March 2009

SCHEDULE

Regulation 2(5)

<i>1</i> <i>Fee number</i>	<i>2</i> <i>Subject matter of</i> <i>charge</i>	<i>3</i> <i>Fee</i>	<i>4</i> <i>Time fee is payable</i>
(iii)	Grant of a standard or restricted licence under section 14(1) of the 1981 Act	£1 per month or part thereof for the period beginning with the date the decision was made on the application for the grant of licence and ending on 31 March 2010.	Within 21 days beginning with the date the decision was made on the application for the grant of licence
(iv)	Continuation in force of an existing standard or restricted licence	£1 per month or part thereof for the period beginning on the first day of the month in which either the 5 yearly anniversary or one yearly anniversary falls, and in either case, ending on 31 March 2010	Before the end of the month preceding either the 5 yearly anniversary or the one yearly anniversary, as the case may be
(vi)	Issue of a disc under section 18 of the 1981 Act, where a licence is issued or continued	£3 per month or part thereof for the period beginning on the date on which the disc comes into force and ending on 31 March 2010	Before the disc is issued
(viA)	Issue of an additional disc under section 18 of the 1981 Act, after a licence has been issued or continued	£3 per month or part thereof for the period for which a fee is payable in accordance with regulation 3(4)	Before the disc is issued

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the fees which are payable under the Public Service Vehicles (Operators' Licences) (Fees) Regulations 1995, in relation to public service vehicle operator licences and vehicle discs granted under Part II of the Public Service Vehicles Act 1981.

Simple fee changes, which are subject to straightforward increases or decrease, together with the percentage of the increase or decrease, are shown in the table below. The fees were last increased on 1 August 2008.

	<i>Old Fee</i>	<i>New Fee</i>	<i>Percentage Increase/Decrease</i>
Application for a standard licence	£224	£235	4.9%
Application for a restricted licence	£148	£155	4.7%
Application to vary a condition on a licence so as to increase the maximum number of vehicles	£113	£119	5.3%
Application for a special licence	£58	£61	5.2%
Continuation in force of an existing special licence	£58	£61	5.2%
Replacement disc	£15	£8	-46.7%

In addition, fees relating to the grant or continuation of a standard or restricted operator's licence are reduced to a fee equal to £1 per month or part thereof, for the period starting on the first day of the month in which the fee becomes due and ending on 31 March 2010. After that date, no fees will be payable in relation to the grant of these licences (*regulation 4*).

Vehicle disc fees are reduced to an amount equal to £3 per month or part thereof in respect of the period up to and including 31 March 2010 (*regulation 2(5)(e)*). After that date those fees are abolished (*regulation 4*).

The Regulations also contain transitional provisions in respect of fees for the grant of a standard or a restricted operators' licence.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the VOSA Corporate Office, Berkeley House, Croydon Street, Bristol BS5 0DA. The impact assessment is also annexed to the Explanatory Memorandum which is available alongside the instrument on the OPSI website at www.opsi.gov.uk.

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STATUTORY INSTRUMENTS

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£4.00