



2011 CHAPTER 11

PART 1

PUBLIC PASSENGER TRANSPORT SERVICES

Service permits

Disqualification

11.—(1) Where, under section 10(1), the Department directs that a permit be revoked, the Department may order the person who was the holder of the permit to be disqualified (either indefinitely or for such period as the Department thinks fit) from holding or obtaining a permit; and so long as the disqualification is in force, notwithstanding anything in section 6, no permit may be issued to that person.

(2) If a person applies for or obtains a permit while disqualified under subsection (1)—

- (a) the person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale, and
- (b) any permit issued on the application, or (as the case may be) the permit obtained by that person, shall be void.

(3) Where the Department makes an order under subsection (1) in respect of any person, the Department may direct that if that person, at any time or during such period as the Department may specify—

- (a) is a director of, or holds a controlling interest in—
 - (i) a company which holds a permit of the kind to which the order in question applies, or

- (ii) a company of which such a company is a subsidiary, or
- (b) provides any service in partnership with a person who holds such a permit, that permit of that company or, (as the case may be), of that person, shall be liable to revocation, suspension or curtailment under section 10.
- (4) The powers conferred by subsections (1) and (3) in relation to the person who was the holder of a permit shall be exercisable also—
- (a) where that person was a company, in relation to any director of that company, and
- (b) where that person provided any service under the permit in partnership with other persons, in relation to any of those other persons;
- and any reference in this section or in section 10 or 12 to subsection (1) or (3) includes a reference to that subsection as it applies by virtue of this subsection.
- (5) Where the Department makes any order disqualifying a person under subsection (1), it may at any time—
- (a) cancel that order together with any direction that was given under subsection (3) when the order was made;
- (b) cancel any such direction; or
- (c) with the consent of the person disqualified, vary the order or any such direction (or both the order and any such direction).
- (6) Where a permit is suspended under this section, the permit remains in force during the time of its suspension subject to the limitation that no services are authorised to be provided under it.
- (7) For the purposes of this section, a person holds a controlling interest in a company if the person is the beneficial owner of more than half its equity share capital (as defined in section 548 of the Companies Act 2006 (c. 46)).