



# Transport Act 1985

## 1985 CHAPTER 67

### PART I

#### GENERAL PROVISIONS RELATING TO ROAD PASSENGER TRANSPORT

##### *Further amendments with respect to PSV operators' licences*

#### **28 Power to disqualify PSV operators.**

- (1) Where [<sup>F1</sup>a traffic commissioner] revokes a PSV operator's licence, he may order the former holder to be disqualified, indefinitely or for such period as he thinks fit, from holding or obtaining a PSV operator's licence.
- (2) So long as a disqualification imposed under subsection (1) above is in force with respect to any person,
  - [<sup>F2</sup>(a) any PSV operator's licence held by him at the date of the making of the order under subsection (1) above (other than the licence revoked) shall be suspended (that is, shall remain in force subject to the limitation that no vehicles are authorised to be used under it); and
  - (b) notwithstanding [<sup>F3</sup>section 14(3)] of the 1981 Act, no PSV operator's licence may be granted to him.]
- [<sup>F4</sup>(2A) If a person obtains a PSV operator's licence while he is disqualified under subsection (1) above, the licence shall be void.]
- (3) An order under subsection (1) above may be limited so as to apply only to the holding or obtaining of a PSV operator's licence in respect of [<sup>F5</sup>one or more specified traffic areas] and, if the order is so limited, subsection (2) above shall apply only to any PSV operator's licence to which the order applies.
- (4) Where a traffic commissioner makes an order under subsection (1) above with respect to any person, he may direct that if that person, at any time during such period as he may specify—
  - (a) is a director of, or holds a controlling interest in—

*Changes to legislation: Transport Act 1985, Section 28 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (i) a company which holds a licence of the kind to which the order applies; or
  - (ii) a company of which a company which holds such a licence is a subsidiary; or
  - (b) operates any public service vehicles in partnership with a person who holds such a licence;
- the powers under section 17(2) of the 1981 Act (revocation, suspension, etc., of PSV operators' licences) shall be exercisable in relation to that licence by [<sup>F6</sup>a traffic commissioner].
- (5) The powers conferred by this section in relation to the person who was the holder of a licence shall be exercisable also—
- (a) where that person was a company, in relation to any officer of that company; and
  - (b) where that person operated the vehicles used under the licence in partnership with other persons, in relation to any of those other persons [<sup>F7</sup>and any reference in subsection (6A) below to subsection (1) above or to subsection (4) above includes that subsection as it applies by virtue of this subsection.]
- (6) A traffic commissioner shall not make any such order or give any such direction without first holding an inquiry if any person affected by the proposed order or direction requests him to do so.
- [<sup>F8</sup>(6A) [<sup>F9</sup>Where an order disqualifying a person has been made under subsection (1) above, a traffic commissioner] may at any time—
- (a) cancel that order together with any direction that was given under subsection (4) above 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).]
- (7) For the purposes of this section a person holds a controlling interest in a company if he is the beneficial owner of more than half its equity share capital.

#### Textual Amendments

- F1** Words in s. 28(1) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F2** Paras. (a) and (b) substituted for words in s. 28(2) (3.1.1995) by 1995 c. 40, **s. 67(2)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F3** Words in s. 28(2)(b) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 1 para. 12(2)** (with Sch. 3 Pt. 1)
- F4** S. 28(2A) inserted (3.1.1995) by 1994 c. 40, **s. 67(3)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F5** Words in s. 28(3) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F6** Words in s. 28(4) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)
- F7** Words in s. 28(5) added (3.1.1995) by 1994 c. 40, **s. 67(4)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F8** S. 28(6A) inserted (3.1.1995) by 1994 c. 40, **s. 67(5)**; S.I. 1994/3188, **arts. 2, 3(1)**
- F9** Words in s. 28(6A) substituted (3.7.2013) by [The Local Transport Act 2008 \(Traffic Commissioners\) \(Consequential Amendments\) Order 2013 \(S.I. 2013/1644\)](#), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

---

**Changes to legislation:** Transport Act 1985, Section 28 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

---

**Modifications etc. (not altering text)**

C1 S. 26-30 applied (28.7.1998) by 1998 c. iii, s. 1, [Sch. s. 54](#) of Order

**Changes to legislation:**

Transport Act 1985, Section 28 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 6(2ZA) inserted by [2019 asp 17 s. 37\(2\)\(a\)](#)
- s. 6(7ZA) inserted by [2019 asp 17 s. 37\(2\)\(b\)](#)