



# 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 the traffic commissioner for any traffic area 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, no PSV operator's licence shall be granted to him and any such licence obtained by him shall be of no effect.
- (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 the area of one or more specified traffic commissioners 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—
    - (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 ;

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*Status: This is the original version (as it was originally enacted).*

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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 the traffic commissioner by whom it was granted.

- (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.
- (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.
- (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.