

1990 No. 1850

PUBLIC PASSENGER TRANSPORT

**The Operation of Public Service Vehicles (Partnership)
(Amendment) Regulations 1990**

<i>Made - - - -</i>	<i>30th August 1990</i>
<i>Laid before Parliament</i>	<i>20th September 1990</i>
<i>Coming into force</i>	<i>11th October 1990</i>

The Secretary of State for Transport in exercise of the powers conferred by sections 58 and 60 of the Public Passenger Vehicles Act 1981^(a) and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of that Act, hereby makes the following Regulations:-

1.—(1) These Regulations may be cited as the Operation of Public Service Vehicles (Partnership) (Amendment) Regulations 1990 and shall come into force on 11th October 1990.

(2) These Regulations shall not apply in the case of an application for a licence made before the coming into force of these Regulations.

2. The Schedule to the Operation of Public Service Vehicles (Partnership) Regulations 1986^(b) shall be amended as follows:-

(a) In the entry in column (2) relating to section 14(1) of the Public Passenger Vehicles Act 1981 ("the 1981 Act") for paragraph (c) there shall be substituted the following paragraph:-

"(c) either-

(i) if one or more of those persons manage the road transport business carried on by the firm, he, or each of them, is professionally competent, or

(ii) the firm employs a transport manager or transport managers who, or each of whom, is of good repute and professionally competent".

(b) In the entry in column (2) relating to section 17(1) of the 1981 Act for paragraph (c) there shall be substituted the following paragraph:-

"(c) in a case where the requirement as to professional competence is satisfied by one or more of those persons who manage the road transport business carried on by the firm, he, or each of them, ceases to do so, or in a case where the firm employs a transport manager or transport managers such manager, or any of them, ceases to be of good repute, or in a case where the firm relies upon the employment of a single transport manager to satisfy the requirement as to professional competence, that transport manager ceases to be employed by the firm."

(a) 1981 c.14.

(b) S.I. 1986/1628.

- (c) After the entry relating to paragraph 1 of Schedule 3 to the 1981 Act there shall be inserted in column (1) the words "paragraph 2" and in column (2) the following entry:-
"The provisions as regards determining whether the applicant for, or holder of, a licence is of appropriate financial standing apply, in the case of persons in partnership, to the financial standing of the firm."
- (d) In the entry in column (2) relating to paragraph 3 of Schedule 3 to the 1981 Act for the words "it has a transport manager of its road passenger transport business who is of good repute and professionally competent" there shall be substituted the words "it has a transport manager or transport managers of its road transport business who, or each of whom, is of good repute and professionally competent" and for paragraphs (i) and (ii) there shall be substituted the following paragraphs-
- " (i) if one or more of those persons manage the road transport business carried on by the partnership, he, or each of them, is professionally competent, or
(ii) the firm employs a transport manager or transport managers of its road transport business who, or each of whom, is of good repute and professionally competent."
- (e) For the entry in Column (2) relating to paragraph 5 of Schedule 3 to the 1981 Act there shall be substituted the following entry:-
"In a case where one or more persons in partnership manage the road transport business carried on by the firm, or the firm employs a transport manager or transport managers, this paragraph shall apply (a) as regards one such person or a single transport manager employed by the firm as it applies as regards a single transport manager, and (b) as regards two or more such persons, or two or more transport managers employed by the firm, as it applies as regards two or more transport managers employed by a company."

30th August 1990

Cecil Parkinson
Secretary of State for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Operation of Public Service Vehicles (Partnership) Regulations 1986 to take account of the amendments to Schedule 3 to the Public Passenger Vehicles Act 1981 made by the Public Service Vehicle Operators (Qualifications) Regulations 1990 (S.I. 1990/1851) to implement Council Directive (EEC) No. 438/89 of 21st June 1989 (OJ No. L212, 22.7.89, p. 101) amending Council Directive (EEC) No. 562/74 of 12th November 1974 on admission to the occupation of road passenger transport operator in national and international transport operations (OJ No. L308, 19.11.74, p.23).

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