

1990 No. 1851

**PUBLIC PASSENGER TRANSPORT**

**The Public Service Vehicle Operators (Qualifications)  
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, being a Minister designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of the qualifications of persons engaged in road transport, in exercise of the powers conferred by that section, hereby makes the following Regulations:-

**Citation and commencement**

1. These Regulations may be cited as the Public Service Vehicle Operators (Qualifications) Regulations 1990 and shall come into force on 11th October 1990.

**Amendments of Schedule 3 to the Public Passenger Vehicles Act 1981**

2.—(1) Schedule 3 to the Public Passenger Vehicles Act 1981(c) shall have effect with the amendments specified in the Schedule to these Regulations.

(2) None of those amendments affects applications for licences made before the coming into force of these Regulations.

(3) The amendment made by paragraph 2 of the Schedule applies only in relation to a licence issued on or after the day on which these Regulations come into force other than a licence issued to a person who has continuously held a licence since before that day and up to the time when the new licence is issued.

30th August 1990

*Cecil Parkinson*  
Secretary of State for Transport

AMENDMENTS OF SCHEDULE 3 TO THE PUBLIC PASSENGER  
VEHICLES ACT 1981

1. After paragraph 1(2) there shall be inserted –
  - “(3) A traffic commissioner shall determine that an individual is not of good repute if he –
    - (a) has been convicted of serious offences; or
    - (b) has been repeatedly convicted of road transport offences.
  - (4) For the purposes of sub-paragraph (3)(a) above a serious offence is –
    - (a) an offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard scale or a community service order for more than sixty hours was imposed; and
    - (b) any corresponding offence under the law of a country or territory outside the United Kingdom for which a corresponding punishment was imposed.
  - (5) For the purposes of sub-paragraph (3)(b) above a road transport offence is –
    - (a) an offence under the law in force in any part of the United Kingdom relating to road transport, including in particular drivers' hours and rest periods, the weights and dimensions of commercial vehicles and road and vehicle safety; and
    - (b) any corresponding offence under the law of a country or territory outside the United Kingdom.
  - (6) In sub-paragraph (4)(a) above “a sentence of imprisonment” includes any form of custodial sentence or order other than one under the enactments relating to mental health and “a community service order” means an order under section 14 of the Powers of Criminal Courts Act 1973(a) or the Community Service by Offenders (Scotland) Act 1978(b).
  - (7) In sub-paragraphs (4)(a) and (5)(a) above references to an offence under the law in force in any part of the United Kingdom include a reference to a civil offence (wherever committed) within the meaning of the Army Act 1955(c), the Air Force Act 1955(d) or the Naval Discipline Act 1957(e).
  - (8) For the purposes of sub-paragraph (3) above spent convictions shall be disregarded; and a traffic commissioner may also disregard an offence if such time as he considers appropriate has elapsed since the date of the conviction.
  - (9) Sub-paragraph (3) above is without prejudice to the power of a traffic commissioner to determine that an individual is not of good repute for reasons other than convictions of the kind there mentioned.
  - (10) In this paragraph references to an individual include references to a transport manager as well as to an individual who is an applicant for, or the holder of, a PSV operator's licence.”
2. The existing provisions of paragraph 2 shall become sub-paragraph (1) of that paragraph and after that sub-paragraph there shall be inserted –
  - “(2) An applicant for, or the holder of, such a licence authorising the use of vehicles for international operations shall not be considered to be of appropriate financial standing unless he has available capital and reserves of an amount equal to at least –
    - (a) 3,000 European Currency Units multiplied by the number of vehicles which are to be or are used under the licence; or
    - (b) 150 European Currency Units multiplied by the number of passenger seats in that number of vehicles,whichever is the less.”
3. In paragraph 3 for the words “it has a transport manager of its road 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”.
4. In paragraph 5 for the words “relies on a transport manager” there shall be substituted the words “relies on a single transport manager”.

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(a) 1973 c.62. (b) 1978 c.49. (c) 1955 c.18. (d) 1955 c.19. (e) 1957 c.53.

5. The existing paragraph 5, as amended by paragraph 4 above, shall become sub-paragraph (1) of that paragraph and after that sub-paragraph there shall be inserted –

“(2) Where the holder of a PSV operator’s licence is a company with two or more transport managers and any of them ceases to be of good repute the company shall nevertheless not be treated as failing to satisfy the requirement as to professional competence until the expiry of such period as in the opinion of the relevant traffic commissioner is reasonably required for his removal or the appointment of a transport manager in his place.”

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend Schedule 3 to the Public Passenger Vehicles Act 1981 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).

The principle changes made by the Regulations are as follows:-

(1) Paragraph 1 of the Schedule to the Regulations requires the Traffic Commissioners to determine that an individual is not of good repute if he -

(a) has been convicted of serious offences; or

(b) has been repeatedly convicted of road transport offences.

A "serious offence" is one for which a sentence of imprisonment of more than three months, a fine exceeding level 4 on the standard scale or a community service order is imposed and a "road transport offence" is an offence under the law relating to road transport, in particular drivers' hours and rest periods, the weights and dimensions of commercial vehicles and road and vehicle safety (Article 2.3 of the 1989 Directive).

(2) Paragraph 2 of the Schedule to the Regulations specifies the minimum capital and reserves that must be available to an applicant for, or holder of, a PSV operator's licence authorising the use of vehicles for international operations if he is to be considered to be of appropriate financial standing (Article 2.4 of the 1989 Directive).

(3) Paragraph 3 of the Schedule to the Regulations requires a company which is an applicant for, or holder of, a PSV operator's licence to have a transport manager who is, or where it has more than one transport manager, each of whom is of good repute and professionally competent (Article 2.2 of the 1989 Directive).

95p net

ISBN 0 11 004851 2

Printed in the United Kingdom for HMSO

850 WO1664 C29 9/90 452 7102 O/N 88174