

SCHEDULE

Regulation 2(1)

AMENDMENTS OF SCHEDULE 3 TO THE PUBLIC PASSENGER VEHICLES ACT 1981

1. After paragraph 1 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<sup>(1)</sup> or the Community Service by Offenders (Scotland) Act 1978<sup>(2)</sup>.

(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<sup>(3)</sup>, the Air Force Act 1955<sup>(4)</sup> or the Naval Discipline Act 1957<sup>(5)</sup>.

(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 —

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(1) 1973 c. 62.  
(2) 1978 c. 49.  
(3) 1955 c. 18.  
(4) 1955 c. 19.  
(5) 1957 c. 53.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(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”.

5. The existing paragraph 5, as amended by paragraph 4 above, shall become sub-paragraph 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.”