

STATUTORY INSTRUMENTS

1999 No. 2431

PUBLIC PASSENGER TRANSPORT

The Public Service Vehicle Operators (Qualifications) Regulations 1999

<i>Made</i>	- - - -	<i>2nd September 1999</i>
<i>Laid before Parliament</i>		<i>9th September 1999</i>
<i>Coming into force</i>	- -	<i>1st October 1999</i>

The Secretary of State for Environment, Transport and the Regions being a Minister designated^{F1} for the purposes of section 2(2) of the European Communities Act 1972^{F2} 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:

F1 [S.I. 1975/1707](#).

F2 [1972 c. 68](#).

Citation, commencement, interpretation and extent

1.—(1) These Regulations may be cited as the Public Service Vehicle Operators (Qualifications) Regulations 1999.

(2) Subject to Regulation 6, these Regulations shall come into force on 1st October 1999.

(3) In these Regulations “the Act” means the Public Passenger Vehicles Act 1981^{F3}.

(4) These Regulations do not extend to Northern Ireland.

F3 [1981 c. 14](#); [sections 14](#) and [17](#) were amended by [section 3\(5\)](#) of, and [Part II](#) of [Schedule 2](#) to, the [Transport Act 1985 \(c. 67\)](#) and by [sections 59\(1\) to \(3\), 62, 68 and 81](#) of, and [Schedules 14 and 17](#) to, the [Deregulation and Contracting Out Act 1994 \(c. 40\)](#), [section 16](#) was amended by [sections 38 and 46](#) of the [Criminal Justice Act 1982 \(c. 48\)](#) and [section 139\(2\)](#) of, and [Schedules 2, 7 and 8](#) to, the [Transport Act 1985](#), and [Schedule 3](#) was amended by [section 3\(5\)](#) of, and [Part II](#) of [Schedule 2](#) to, the [Transport Act 1985](#) and by [S.I. 1990/1851](#) and [1990/2641](#).

Good repute

2.—(1) For sub-paragraph (3) of paragraph 1 of [Schedule 3](#) to the Act (qualifications for PSV operator’s licence) there shall be substituted the following sub-paragraph—

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“(3) A traffic commissioner shall determine that an individual is not of good repute if he has—

- (a) more than one conviction of a serious offence; or
- (b) been convicted of road transport offences.”

(2) For sub-paragraph (5) of that paragraph there shall be substituted the following sub-paragraph—

“(5) For the purposes of sub-paragraph (3)(b) above a road transport offence is—

- (a) an offence under the law of any part of the United Kingdom relating to road transport including in particular—
 - (i) an offence relating to drivers’ hours of work or rest periods, the weights or dimensions of commercial vehicles, road or vehicle safety or the protection of the environment; and
 - (ii) any other offence concerning professional liability; or
- (b) any corresponding offence under the law of a country or territory outside the United Kingdom.”

Financial standing

3. For sub-paragraph (2) of paragraph 2 of Schedule 3 to the Act there shall be substituted the following sub-paragraph—

“(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 the appropriate financial standing unless he has available to him capital and reserves of an amount equal to or exceeding the aggregate of—

- (a) 9,000 Euro for the first or only vehicle which is to be or is authorised under the licence; and
- (b) 5,000 Euro for each additional vehicle which is to be or is so authorised.”

Professional competence

4.—(1) In paragraph 6 of Schedule 3 to the Act, for paragraph (a) there shall be substituted the following paragraph—

“(a) he has demonstrated that he possesses the requisite skills by passing a written examination organised by an approved body and is the holder of a certificate to that effect issued by that body; or”

(2) Paragraph 6 of that Schedule as so amended shall be renumbered as sub-paragraph (1) of that paragraph and after that provision as so renumbered there shall be inserted the following sub-paragraphs—

“(2) The written examination mentioned in sub-paragraph (1)(a) may be supplemented by an oral examination organised by the approved body in the form set out in Annex I to Council Directive No. [96/26/EC](#).

(3) The certificate mentioned in sub-paragraph (1)(a) must take the form of the certificate set out in Annex Ia to that Directive.”

(3) In paragraph 7 of that Schedule—

- (a) in the definition of “approved body”, for the words from “Article 2(4)” to “21st June 1989” there shall be substituted the words “Article 3(4) of Council Directive No. [96/26/EC](#)”; and
- (b) in the definition of “the requisite skills”, for the words from “skills in the subjects” to the end there shall be substituted the words “knowledge corresponding to the level of training,

for either national or international transport operations as the case may be, provided for in Annex I to that Directive in the subjects there listed. ”

Periodic checks

5. After section 16 of the Act there shall be inserted the following section—

“16A Conditions as to matters required to be notified.

(1) On issuing a standard licence, a traffic commissioner shall attach to it the following conditions, namely—

- (a) a condition requiring the licence-holder to inform the commissioner of any event which could affect the fulfilment by the licence-holder of any of the requirements of section 14(1) of this Act, and to do so within 28 days of the event; and
 - (b) a condition requiring the licence-holder to inform the commissioner of any event which could affect the fulfilment by a relevant transport manager of the requirements mentioned in section 14(1)(a) or (c) of this Act, and to do so within 28 days of the event coming to the licence-holder’s knowledge.
- (2) In subsection (1)(b) above the reference to a “relevant transport manager” is a reference to any transport manager employed by the licence-holder who is relied on by the licence-holder to fulfil the requirements of section 14(1)(c) of this Act.
- (3) Any person who contravenes any condition attached under this section to a licence of which he is the holder is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.”

Transitional provisions and savings

6.—(1) Subject to paragraph (2) below, in relation to the holder of a PSV operator’s licence granted before 1st October 1999, the amendment made by regulation 3 above does not come into force until 1st October 2001.

(2) Where a condition attached to the licence is varied on or after 1st October 1999 so as to increase the maximum number of vehicles which may at any one time be used under the licence, for the purposes of aggregating capital and reserves for additional vehicles, paragraph (1) above shall have effect as if for the reference to 1st October 2001 there were substituted a reference to the date of the variation.

(3) The amendments made by regulation 4 above shall not apply in relation to a certificate of professional competence—

- (a) which was issued before 1st October 1999; or
- (b) which was issued on or after that date to a person who before that date passed the whole or any part of the examination leading to the issue of that certificate.

Signed by authority of the Secretary of State for the Environment, Transport and the Regions

Larry Whitty
Parliamentary Under-Secretary of State,
Department of the Environment, Transport and
the Regions

2nd September 1999

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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 [98/76/EC](#) of 1st October 1998 (O.J. L277 14th October 1998 page 17) amending Council Directive [96/26/EC](#) of 29th April 1996 on admission to the occupation of road passenger transport operator in national and international transport operations (O.J. No. L124 23rd May 1996 page 1).

The principal changes to the 1981 Act made by the Regulations are as follows:

1) Paragraph 1 of Schedule 3 requires the traffic commissioners to determine that an individual is not of good repute if he has—

a) more than one conviction of an offence for which a sentence of imprisonment of more than 3 months, a fine exceeding level 4 on the standard scale or a community service order is imposed (“a serious offence”); or

b) been convicted of offences in or outside the United Kingdom relating to road transport, and particularly in this context offences concerning the drivers hours rules, the weights or dimensions of a commercial vehicle, road or vehicle safety, protection of the environment or professional liability (“road transport offences”).

2) Paragraph 2 of Schedule 3 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.

3) Paragraphs 6 and 7 of Schedule 3 specify that an individual shall only be regarded as professionally competent if he has passed a written examination (which may be supplemented by an oral examination) which demonstrates knowledge corresponding to the level of training provided for in the subjects listed in the new Annex I to Council Directive 96/26.

4) A new section 16A will enable the traffic commissioner to insert a condition requiring the PSV licence holder to inform him of any changes which could affect the fulfilment of the requirements of good repute, financial standing and professional competence.

Regulation 6 contains transitional provisions and savings.

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