

SCHEDULE 3

Regulations 7(2) and 8(2)

Transitional provisions

PART 1

Transitional Provisions for the Public Passenger Vehicles Act 1981

Meaning of “standard licence”

1. In this Part “standard licence” has the meaning given by section 82(1) of the 1981 Act.

Commencement Information

- I1** Sch. 3 para. 1 in force at 4.12.2011, see [reg. 1\(1\)](#)

Standard licences issued before the commencement date

2.—(1) A person who holds a standard licence that was issued before the commencement date must, on and after the commencement date, comply with the requirements of section 14ZA of the 1981 Act (and section 17(1) of the 1981 Act as substituted by paragraph 6 of Schedule 1 (revocation for failure to comply with requirements of section 14ZA) applies accordingly).

(2) Sub-paragraph (1) is subject to sub-paragraph (3) and paragraph 6 (exemption from professional competence examinations for certain transport managers).

(3) A certificate issued to a person under paragraph 6(1)(a) of Schedule 3 to the 1981 Act before the commencement date is to be treated as a certificate issued under paragraph 6(1)(a) of that Schedule on or after the commencement date.

Commencement Information

- I2** Sch. 3 para. 2 in force at 4.12.2011, see [reg. 1\(1\)](#)

Conditions contained in standard licences issued before the commencement date

3.—(1) This paragraph applies to a standard licence issued before the commencement date.

(2) In a condition attached to the licence under section 16A(1)(a) of the 1981 Act, a reference to section 14(1) of that Act is to be read, on and after the commencement date, as a reference to section 14ZA(2) of that Act.

(3) In a condition attached to the licence under section 16A(1)(b) of the 1981 Act, a reference to section 14(1)(a) or (c) of that Act is to be read, on and after the commencement date, as a reference to section 14ZA(3) of that Act.

Commencement Information

- I3** Sch. 3 para. 3 in force at 4.12.2011, see [reg. 1\(1\)](#)

Objections to issue of operators' licences made before the commencement date

4.—(1) This paragraph applies where a traffic commissioner receives an application for a standard licence before the commencement date, but does not grant the application until on or after the commencement date.

(2) An objection to the grant of the application made under section 14A(1) of the 1981 Act before the commencement date is to be treated as if it had been made on or after the commencement date under section 14A of that Act as amended by paragraph 4 of Schedule 1.

Commencement Information

I4 Sch. 3 para. 4 in force at 4.12.2011, see **reg. 1(1)**

Period for appointment of new transport manager under paragraph 5 of Schedule 3

5.—(1) Sub-paragraph (2) applies where a traffic commissioner has, before the commencement date, given an opinion as to the period reasonably required for—

- (a) the appointment of a new transport manager under paragraph 5(1) of Schedule 3 to the 1981 Act, or
- (b) the removal of the transport manager or the appointment of another transport manager in his place under paragraph 5(2) of that Schedule.

(2) The licence-holder is not to be treated, on and after the commencement date, as failing to satisfy the requirement of professional competence under section 14ZA(2)(d) or (3)(b) of the 1981 Act until the expiry of the period.

(3) Sub-paragraph (4) applies where before the commencement date a traffic commissioner could have, but has not, given an opinion as to the period reasonably required for—

- (a) the appointment of a new transport manager under paragraph 5(1) of Schedule 3 to the 1981 Act, or
- (b) the removal of the transport manager or the appointment of another transport manager in his place under paragraph 5(2) of that Schedule.

(4) The licence-holder is not to be treated as failing to satisfy the requirement of professional competence under section 14ZA(2)(d) or (3)(b) of the 1981 Act until the traffic commissioner has given an opinion as to that period, and that period has expired.

Commencement Information

I5 Sch. 3 para. 5 in force at 4.12.2011, see **reg. 1(1)**

Exemption from professional competence examinations for certain transport managers

6.—(1) The Secretary of State may grant a transport manager an exemption from the requirements of paragraph 6(1) of Schedule 3 to the 1981 Act for the purposes of compliance with the requirement of section 14ZA(3)(b) of that Act (professional competence).

(2) The Secretary of State may grant an exemption under sub-paragraph (1) only if satisfied that the transport manager has continuously managed a road haulage undertaking or a road passenger transport undertaking (within the meaning of Article 9 of the 2009 Regulation) in one or more Member States for the period of ten years ending on 4th December 2009.

(3) The Secretary of State may grant an exemption under sub-paragraph (1) on an application or without an application being made for it.

(4) The power conferred by sub-paragraph (1) may not be exercised after 4th December 2013.

(5) If an application is made for an exemption under sub-paragraph (1) and the Secretary of State refuses the application, the applicant may request a redetermination of the application by a traffic commissioner.

(6) Sub-paragraph (2) applies to a grant of an exemption by a traffic commissioner under sub-paragraph (5) as it applies to a grant of an exemption by the Secretary of State under sub-paragraph (1).

Commencement Information

I6 Sch. 3 para. 6 in force at 4.12.2011, see [reg. 1\(1\)](#)

Proceedings relating to transport manager: procedural provisions

7. Paragraphs 7A to 7C of Schedule 3 to the 1981 Act as inserted by paragraph 11(6) of Schedule 1, apply to proceedings under the 1981 Act that have been commenced, but not completed, before the commencement date.

Commencement Information

I7 Sch. 3 para. 7 in force at 4.12.2011, see [reg. 1\(1\)](#)

PART 2

Transitional Provisions for the Goods Vehicles (Licensing of Operators) Act 1995

Meaning of “standard licence”

8. In this Part “standard licence” has the meaning given by section 3(2) of the 1995 Act.

Commencement Information

I8 Sch. 3 para. 8 in force at 4.12.2011, see [reg. 1\(1\)](#)

Standard licences issued before the commencement date

9.—(1) A person who holds a standard licence that was issued before the commencement date must, on and after the commencement date, comply with the requirements of section 13A of the 1995 Act (and section 27(1) of the 1995 Act as amended by paragraph 10 of Schedule 2 (revocation for failure to comply with requirements of section 13A) applies accordingly).

(2) Sub-paragraph (1) is subject to sub-paragraph (3) and paragraph 14 (exemption from professional competence examinations for certain transport managers).

(3) A certificate issued to a person under paragraph 13(1)(a) of Schedule 3 to the 1995 Act before the commencement date is to be treated as a certificate issued under paragraph 13(1)(a) of that Schedule on or after the commencement date.

Commencement Information

I9 Sch. 3 para. 9 in force at 4.12.2011, see [reg. 1\(1\)](#)

Conditions contained in standard licences issued before the commencement date

10.—(1) This paragraph applies to a standard licence issued before the commencement date.

(2) In a condition attached to the licence under section 22(2)(a) of the 1995 Act, a reference to section 13(3) of that Act is to be read, on and after the commencement date, as a reference to section 13A(2) of that Act.

(3) In a condition attached to the licence under section 22(2)(b) of the 1995 Act, a reference to section 13(3)(a) or (c) of that Act is to be read, on and after the commencement date, as a reference to section 13A(3) of that Act.

Commencement Information

I10 Sch. 3 para. 10 in force at 4.12.2011, see [reg. 1\(1\)](#)

Offences under section 22(6) of the 1995 Act (contravention of condition attached to licence)

11.—(1) This paragraph applies where a person is guilty of an offence under section 22(6) of the 1995 Act (contravention of condition attached to licence).

(2) Where the offence was committed partly before and partly on or after the commencement date, section 22(6) as amended by paragraph 8(2)(d) of Schedule 2 applies in relation to the offence.

Commencement Information

I11 Sch. 3 para. 11 in force at 4.12.2011, see [reg. 1\(1\)](#)

Objections to issue of operators' licences made before the commencement date

12.—(1) This paragraph applies where a traffic commissioner receives an application for a standard licence before the commencement date, but does not grant the application until on or after the commencement date.

(2) An objection to the grant of the application made under section 12(1)(a) of the 1995 Act before the commencement date is to be treated as if it had been made on or after the commencement date under section 12 of that Act as amended by paragraph 4 of Schedule 2.

Commencement Information

I12 Sch. 3 para. 12 in force at 4.12.2011, see [reg. 1\(1\)](#)

Period for appointment of new transport manager under paragraph 10 or 11 of Schedule 3

13.—(1) Sub-paragraph (2) applies where a traffic commissioner has, before the commencement date, given an opinion as to the period reasonably required for—

- (a) the appointment of a new transport manager under paragraph 10 of Schedule 3 to the 1995 Act, or

- (b) the removal of the transport manager or the appointment of another transport manager in his place under paragraph 11 of that Schedule.
- (2) The licence-holder is not to be treated, on and after the commencement date, as failing to satisfy the requirement of professional competence under section 13A(2)(d) or (3)(b) of the 1995 Act until the expiry of the period.
- (3) Sub-paragraph (4) applies where before the commencement date a traffic commissioner could have, but has not, given an opinion as to the period reasonably required for—
 - (a) the appointment of a new transport manager under paragraph 10 of Schedule 3 to the 1995 Act, or
 - (b) the removal of the transport manager or the appointment of another transport manager in his place under paragraph 11 of that Schedule.
- (4) The licence-holder is not to be treated as failing to satisfy the requirement of professional competence under section 13A(2)(d) or (3)(b) of the 1995 Act until the traffic commissioner has given an opinion as to that period, and that period has expired.

Commencement Information

I13 Sch. 3 para. 13 in force at 4.12.2011, see [reg. 1\(1\)](#)

Exemption from professional competence examinations for certain transport managers

- 14.**—(1) The Secretary of State may grant a transport manager an exemption from the requirements of paragraph 13(1) of Schedule 3 to the 1995 Act for the purposes of compliance with the requirement of section 13A(3)(b) of that Act (professional competence).
- (2) The Secretary of State may grant an exemption under sub-paragraph (1) only if satisfied that the transport manager has continuously managed a road haulage undertaking or a road passenger transport undertaking (within the meaning of Article 9 of the 2009 Regulation) in one or more member States for the period of ten years ending on 4th December 2009.
- (3) The Secretary of State may grant an exemption under sub-paragraph (1) on an application or without an application being made for it.
- (4) The power conferred by sub-paragraph (1) may not be exercised after 4th December 2013.
- (5) If an application is made for an exemption under sub-paragraph (1) and the Secretary of State refuses the application, the applicant may request a redetermination of the application by a traffic commissioner.
- (6) Sub-paragraph (2) applies to a grant of an exemption by a traffic commissioner under sub-paragraph (5) as it applies to a grant of an exemption by the Secretary of State under sub-paragraph (1).

Commencement Information

I14 Sch. 3 para. 14 in force at 4.12.2011, see [reg. 1\(1\)](#)

Proceedings relating to transport manager: procedural provisions

15. The amendments made to paragraph 15 of Schedule 3 to the 1995 Act by paragraph 20(6) of Schedule 2, and paragraphs 16 and 17 of that Schedule as inserted by paragraph 20(7) of Schedule 2, apply to proceedings under the 1995 Act that have been commenced, but not completed, before the commencement date.

Changes to legislation: There are currently no known outstanding effects for the The Road Transport Operator Regulations 2011, SCHEDULE 3. (See end of Document for details)

Commencement Information

I15 Sch. 3 para. 15 in force at 4.12.2011, see **reg. 1(1)**

Changes to legislation:

There are currently no known outstanding effects for the The Road Transport Operator Regulations 2011, SCHEDULE 3.