
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Operation of Public Service Vehicles (Partnership) Regulations 1986 (S.I. 1986/1628) to take account of amendments to related legislation, in particular those made to the Public Passenger Vehicles Act 1981 by the Road Transport Operator Regulations 2011 (S.I. 2011/2632) in consequence of the coming into force of Regulation (EC) No. 1071/2009 which established common rules concerning the conditions to be complied with to pursue the occupation of road transport operator (“Regulation 1071/2009”).

Regulation 4 substitutes a new regulation 4 of the 1986 Regulations which specifies the cases in which PSV operator licences or London service permits under the Greater London Authority Act 1999 may be granted to unincorporated bodies. Under the new regulation the specified cases are those where a standard licence is granted to an undertaking for the purposes of Regulation 1071/2009 (which can include unincorporated bodies) and where a restricted licence or a London service permit is granted to persons in partnership.

Regulation 5 amends regulation 5 of the 1986 Regulations to insert a reference to the 1999 Act and to substitute for references to London local service licences references to London service permits.

Regulation 6 amends Part I of the Schedule to the 1986 Regulations which specifies modifications to provisions of the 1981 Act to apply in relation to its application to partnerships. In particular-

- a) regulations 6(2) and 6(3) substitute for the modification of section 14(1) of the Act (grant of licences) new provisions which modify respectively the new section 14ZA(2) (requirements for standard licences) and the new section 14ZB (requirements for restricted licences);
- b) regulation 6(4) substitutes a new provision modifying section 17(1) (revocation of standard operator’s licences) which reflects the amendments made to the 1981 Act;
- c) regulation 6(5) substitutes a reference to a London service permit for that to a London local service licence; and
- d) regulation 6(6) omits the entries relating to paragraphs 5 and 8 of Schedule 3 to the 1981 Act which have been repealed.

Regulation 7 requires the Secretary of State to review the operation and effect of these Regulations and to publish a report within five years after they come into force and within every five years after that. Following a review, it will fall to the Secretary of State to consider whether the Regulations should stay as they are, or be revoked or amended. A further instrument would be needed to revoke or to amend them.

A full impact assessment has not been produced specifically for this instrument as no impact on the costs of business or the voluntary sector is foreseen. However, the effect that Regulation 1071/2009 (along with two related EU Road Transport Regulations, Regulations (EC) 1072/2009 and 1073/2009) will have on those costs is available from the Operator Licensing and Roadworthiness Division at the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR and from the following website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/2450/impactassessment.pdf.

It is also published with the Explanatory Memorandum alongside this instrument on www.legislation.gov.uk.