STATUTORY INSTRUMENTS

1981 No. 259

ROAD TRAFFIC

The Operation of Public Service Vehicles (Partnership) Regulations 1981

Made - - - -	*23rd February* 1981
Laid before Parliament	*10th March* 1981
Coming into Operation	*1st April* 1981

The Minister of Transport, in exercise of the powers conferred by section 30(1) and (2) of the Transport Act 1980(**a**) and section 160(1) of the Road Traffic Act 1960(**b**), and now vested in him (**c**) and of all other enabling powers, and after consultation with representative organisations under section 260(2) of the said Act of 1960(**d**), hereby makes the following Regulations:—

1. These Regulations shall come into operation on 1st April 1981 and may be cited as the Operation of Public Service Vehicles (Partnerhip) Regulations 1981.

2. In these Regulations—

"the 1980 Regulations" means the Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980(**e**);

"the 1981 Regulations" means the Public Service Vehicles (Operators' Licences) Regulations 1981(**f**);

"firm" and "firm-name" have the same meaning as in section 4 of the Partnership Act 1890(**g**).

3.—(1) In their application to the operation of vehicles and the provision of services by persons in partnership—

(*a*) The provision of Part I of the Transport Act 1980 specified in column (1) in Schedule 1 to these Regulations shall be modified as indicated in relation to those provisions in column (2) of that Schedule;

(*b*) the provisions of the 1980 Regulations specified in column (1) of Schedule 2 to these Regulations shall be modified as indicated in relation to those provisions in column (2) of that Schedule; and

(*c*) the provisions of the 1981 Regulations specified in column (1) of Schedule 3 to these Regulations shall be modified as indicated in relation to those provisions in column (2) of that Schedule.

(**a**) 1980 c. 34.

(**b**) 1960 c. 16;section 160(1) of which Act has been amended by section 43 of, and paragraph 11 in Part I of Schedule 5 to, the Transport Act 1980 (c. 34).

(**c**) As regards 1960 c. 16 by virtue of S.I. 1970/1681 and 1979/571.

(**d**) 1960 c. 16;section 260(2) of which Act has been amended by section 43 of, and paragraph 15 in Part I of Schedule 5 to, the Transport Act 1980.

(**e**) S.I. 1980/1354. (**f**) S.I. 1981/258. (**g**) 1890 c. 39.

(2) In so far as any modification mentioned in paragraph (1) above imports into the meaning of the nouns "holder" and "applicant" a firm, the pronouns "he", "him" and "his" shall, in relation to those nouns, be construed accordingly.

4. The permitted case in which, pursuant to section 30(2) of the Transport Act 1980, a road service licence or a PSV operator's licence may be granted to an unincorporated body as such is the case of persons in partnership.

Norman Fowler,
Minister of Transport.

23rd February 1981.

SCHEDULE 1 (see Regulation 3(1)(*a*))

(MODIFICATIONS OF PART I OF THE TRANSPORT ACT 1980)

1	2
Provisions of the Transport Act 1980	Modifications as regards persons in partnership
Sections 4(2), (4) and (7), 6(4), 7(3), (4) and (6), 19(2), 21(7) and (8), 22(1), (6), (7) and (9), 23(3) and (4), 25(3) and (4), 26(1), (2) and (3), 28(3), (4) and (7), and 31(4) and Schedule 3, paragraph 5	In these subsections and in this paragraph the word "holder" means, in a case where a licence is held by or granted to persons in partnership, the firm.
Sections 5(1), 8(1), 9(1), 19(4) and 27(3)	In these subsections the word "applicant" means, in a case where an application is made by persons in partnership, the firm.
Section 19(3)	The restriction that a person shall not at the same time hold more than one PSV operator's licence granted by the traffic commissioners for the same area shall apply so that a person in partnership shall be treated as a person separate from that person as an individual or in any other partnership.
Section 21(1)	The provision that an application for a standard licence shall not be granted unless the traffic commissioners are satisfied that the applicant meets the requirements specified in the subsection in relation to such an application, and that an application for a restricted licence shall not be granted unless they are satisfied that the applicant meets the requirements specified in the subsection in relation to such an application, shall apply in a case where an application for a standard licence or, as the case may be, a restricted licence, is made by persons in partnership so that the traffic commissioners are required to satisfy themselves that— (*a*) every one of such persons is of good repute, (*b*) the firm satisfies the requirement of appropriate financial standing, and (*c*) either one of such persons, who either alone or jointly with one or more other persons has continuous and effective responsibility for the road passenger transport business of the firm, satisfies the requirement as to professional competence, or the firm employs a transport manager who is of good repute and professionally competent.

1	2
Provisions of the Transport Act 1980	Modifications as regards persons in partnership
Section 23(1)	The provision that the traffic commissioners shall revoke a PSV operator's licence if it appears to them at any time that the holder no longer satisfies the requirements referred to in the subsection shall apply, in a case where the holder is persons in partnership, if (*a*) any one or more of those persons cease to satisfy the requirement to be of good repute, or (*b*) the firm ceases to satisfy the requirement to be of appropriate financial standing, or (*c*) in a case where the requirement as to professional competence is satisfied by one of such persons (either solely or jointly) satisfying that requirement, he ceases to do so, or in a case where the requirement as to professional competence is satisfied by the employment of a transport manager who satisfies that requirement, the firm ceases to employ such a transport manager.
Section 24(1)	The requirement that there shall be fixed and exhibited on a vehicle being used in circumstances such that a PSV operator's licence is required a disc showing particulars of the operator of the vehicle applies, in a case of the operator of the vehicle being persons in partnership, so that the firm-name is shown on the disc.
Section 25(1)	The requirement of this subsection that a person who has applied for a PSV operator's licence shall forthwith notify the traffic commissioners to whom the application was made if, in the interval between the making of the application and the date on which it is disposed of, a relevant conviction occurs of the applicant, or any employee or agent of his, applies in a case of persons in partnership as respects a relevant conviction of each such person and of any employee or agent of the firm.

1	2
Provisions of the Transport Act 1980	Modifications as regards persons in partnership
Section 25(2)	The duty imposed by this subsection on the holder of a PSV operator's licence to give notice in writing to the traffic commissioners by whom the licence was granted of any relevant conviction of the holder applies, in a case where the licence is held by persons in partnership, as respects a relevant conviction of each such person; and the duty imposed by this subsection on the holder of a PSV operator's licence to give such notice to the said commissioners of any relevant conviction of any officer, employee or agent of the holder for an offence committed in the course of the holder's road passenger transport business applies in such a case as respects the road passenger transport business of the firm.
Section 25(3)	The duty imposed by paragraph (*a*) of this subsection on the holder of a PSV operator's licence within 28 days of the occurrence of the events specified in the subsection to give notice in writing thereof to the traffic commissioners by whom the licence was granted applies, in a case of persons in partnership, if the firm is dissolved pursuant to sections 32 to 35 of the Partnership Act 1890.
Section 31(2)	The provisions in this subsection as to the events on which a road service licence or a PSV operator's licence terminates apply, in a case where such a licence is held by persons in partnership, if— (*a*) the partnership is dissolved; (*b*) one of such persons becomes a patient within the meaning of Part VIII of the Mental Health Act 1959(**a**) or, in Scotland, becomes incapable of managing his own affairs, with the result that only one other of such persons who is not such a patient or so incapable remains in the firm; or (*c*) one of such persons who alone satisfies, as regards the firm, the requirements of professional competence ceases to be a member of the partnership (either by death or otherwise) or becomes a patient or incapable as mentioned in sub-paragraph (*b*) above.

(**a**) 1959 c. 72.

1	2
Provisions of the Transport Act 1980	Modifications as regards persons in partnership
Schedule 3 Paragraph 1	The provisions as regards determining whether an individual is of good repute apply, in a case of persons in partnership, in respect of each of the persons in partnership as they apply to an individual.
Paragraph 3	The provision that a company satisfies the requirement as to professional competence if, and so long as, it has a transport manager of its road passenger transport business who is of good repute and professionally competent applies in a case of persons in partnership so that the firm satisfies the said requirement if, and so long as, each of such persons is of good repute, and either — (i) one of those persons, who either alone or jointly with one or more other persons has continuous and effective reponsibility for the road passenger transport business of the firm, satisfies the requirements as to professional competence, or (ii) the firm employs a transport manager who is of good repute and professionally competent.
Paragraph 5	In a case where persons in partnership rely on one of their number to satisfy the requirement as to professional competence this paragraph shall apply as regards that person in the same manner as it applies as regards a transport manager.
Paragraph 8	Sub-paragraph (1) shall be modified so that paragraphs 9 and 10 apply to persons in partnership applying for or being the holder of a standard licence in the same manner as they apply to other individual persons.

SCHEDULE 2 (see Regulation 3(1)(*b*))

(MODIFICATIONS OF PROVISIONS OF THE 1980 REGULATIONS)

1	2
Provisions of the 1980 Regulations	Modifications as regards persons in partnership
Regulation 3(1)	The expression "the holder of a licence" means, in a case where a licence has been granted or issued to persons in partnership, the firm.
Regulations 5(1), 6(2), 9(2) and (4), 20(3) and (4), 21(1)	The expression "the applicant" means, in a case where a licence is applied for by persons in partnership, the firm.

SCHEDULE 3 (see Regulation 3(1)(*c*))

(MODIFICATIONS OF PROVISIONS OF THE 1981 REGULATIONS)

1	2
Provisions of the 1981 Regulations	Modifications as regards persons in partnership
Regulation 3(1)	Except in Schedule 2, the expression "holder" means, in a case where a licence has been granted or issued to persons in partnership, the firm.
Regulation 8(1)	The requirement that every disc shall contain the name of the holder of the licence who is the operator of the vehicle to which the disc is affixed shall, in a case where the holder is persons in partnership, apply so as to require that the firm-name be contained on the disc.
Schedule 2, Paragraph 1	In a case of the holder of a licence being a firm the relevant convictions mentioned in sub-paragraph (*a*) are those of each person who is a partner of the firm, and in a case of an application for a licence being made by a firm the relevant convictions mentioned in that sub-paragraph are those of each person who is a partner of the firm at any time between the date on which the application is made and the date on which it is determined. The relevant conviction of any person appointed or otherwise engaged as mentioned in sub-paragraph (*c*) shall extend, in the case of a person in partnership, to any person appointed or otherwise engaged as so mentioned in relation to any public passenger transport business carried on or proposed to be carried on by the partnership, or by any other firm of which that person is a member, or by that person otherwise than as a member of a firm.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. By virtue of the Transport Act 1980 Commencement (No. 4) Order 1981, (S.I. 1981 256 c. 5) section 30 of the Transport Act 1980 comes into operation on 1st April 1981.

2. In exercise of the powers conferred by section 30(1) of the 1980 Act, and of section 160(1) of the Road Traffic Act 1960, these Regulations modify the provisions of Part I of the 1980 Act and of the Public Service Vehicles (Road Service Licences and Express Services) Regulations 1980 and the PSV Operators' Licences Regulations 1981 as regards persons in partnership.

3. Pursuant to section 30(2) of the 1980 Act, and section 160(1) of the 1960 Act, these Regulations permit persons in partnership as the case in which a road service licence or a PSV operator's licence may be granted to an unincorporated body as such.

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