STATUTORY INSTRUMENTS

1981 No. 258

ROAD TRAFFIC

The Public Service Vehicles (Operators' Licences) Regulations 1981

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

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Schedule 1—Regulations revoked by Regulation 2

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The Minister of Transport, in exercise of the powers conferred by sections 158, 159(1) and 160(1) of the Road Traffic Act 1960**(a)** and sections 22(3) and (4), 24(1) and (3), 28(9), 31(3) and 44(1) and (2) of the Transport Act 1980**(b)** and now vested in him**(c)**, and of all other enabling powers, and after consultation

(a) 1960 c. 16; sections 158 and 160(1) of which Act have been amended by section 43 of, and paragraphs 10 and 11 of Part I of Schedule 5 to, the Transport Act 1980 (c.34), and section 159(1) of which Act has been amended by section 38 of the Transport Act 1980.
(b) 1980 c. 34.
(c) As regards 1960 c. 16 by virtue of S.I. 1972/1681 and S.I. 1979/571.

with representative organisations in accordance with section 260(2) of the said Act of 1960**(a)** and with the Council on Tribunals in accordance with section 10(1) of the Tribunals and Inquiries Act 1971**(b)**, hereby makes the following Regulations:—

Commencement and citation

1. These Regulations shall come into operation on 1st April 1981 and may be cited as the Public Service Vehicles (Operators' Licences) Regulations 1981.

Revocation

2. The Regulations mentioned in column (1) of Schedule 1 are hereby revoked to the extent specified in column (2) of that Schedule.

Interpretation

3.—(1) In these Regulations, unless the context otherwise requires—

"the 1960 Act" means the Road Traffic Act 1960;

"the 1980 Act" means the Transport Act 1980;

"certifying officer" means an officer appointed under section 128(1) of the 1960 Act;

"disc" means an operator's disc issued under section 24;

"holder" in relation to a licence means the individual or company to whom that licence was granted;

"licence" means a PSV operator's licence;

"the Minister" means the Minister of Transport; and

"public service vehicle examiner" means an examiner appointed under section 128(2) of the 1960 Act.

(2) Unless the context otherwise requires, any reference in these Regulations to—

(*a*) a numbered section is a reference to the section bearing that number in the 1980 Act;

(*b*) a numbered Regulation or Schedule is a reference to the Regulation or Schedule bearing that number in these Regulations;

(*c*) a numbered paragraph is a reference to the paragraph bearing that number in the Regulations in which the reference appears.

Descriptions of conditions attached to licences

4.—(1) For the purpose of section 22(3), the prescribed description of conditions is any conditions specified in paragraph (2) in relation to a journey, or part of a journey, the purpose or the main purpose of which is to carry passengers to or from—

(*a*) in Scotland, an event being a designated sporting event to which section 68 of the Criminal Justice (Scotland) Act 1980**(c)** applies; or

(*b*) in England or Wales, a game of football to which the rules of the Football Association apply and in which any payment to any of the players is made in respect of their participation in the game.

(2) The conditions referred to in paragraph (1) are—

(*a*) the times of departure and arrival of the outward journey and of the homeward journey;

(a) 1960 c. 16, section 260(2) of which Act has been amended by section 43 of, and paragraph 15 of Part I of Schedule 5 to, the Transport Act 1980 (c. 34).
(b) 1971 c. 62. **(c)** 1980 c. 62.

(*b*) the length of any break in the outward journey or the homeward journey and the places at which any such break may occur;

(*c*) the things, including intoxicating liquor, which a passenger shall not be permitted to take into the vehicle on the outward journey or the homeward journey; and

(*d*) the plight, including insobriety, in which a passenger shall not be permitted to enter the vehicle at the beginning or at any other stage of its outward or homeward journey.

Addition to, alteration in, and removal of conditions of licences

5. Before attaching to a licence any condition or additional condition in exercise of their powers under section 22(3), or altering, in exercise of their powers under section 22(5)(*a*), any condition attached to a licence under section 22(3) or, in exercise of their powers under section 22(5)(*b*), removing any condition attached to a licence under section 22(3), the traffic commissioners who granted the licence shall give the holder notice of their proposal to attach, alter or remove any such condition, and the said traffic commissioners shall consider any written representations from the holder about that proposal which they receive within 14 days of such notice.

Requirements of notice as regards revocation, suspension and curtailment of licences, variation, and attachment of conditions, and consideration of representations

6.—(1) Before—

(*a*) revoking any licence in exercise of their powers under section 23(1) or (2)(*a*); or

(*b*) suspending a licence in exercise of their powers under section 23(2)(*b*); or

(*c*) curtailing the period of validity of a licence in exercise of their powers under section 23(2)(*c*); or

(*d*) varying any condition attached to a licence under section 22(1) or attaching to a licence any such condition as is mentioned in section 22(1) in exercise of their powers under section 23(2)(*d*),

the traffic commissioners who granted the licence shall give notice to the holder—

(i) that they are considering one or more of the said actions;

(ii) of the grounds on which that consideration is based;

(iii) that within 14 days of such notice the holder may make representations to the said traffic commissioners with respect to that consideration;

(iv) that those representations shall be written; and

(v) either—

(*a*) that the said traffic commissioners propose to hold a public sitting in relation to that consideration and the date (being a date not less than 14 days from the notice) on which that sitting will be held, or

(*b*) that the said traffic commissioners do not propose to hold a public sitting in relation to that consideration unless the holder, within 14 days of the notice, in writing requests them to do so.

(2) The said traffic commissioners shall take into account any representations which they receive by virtue of and in accordance with any notice which they give under paragraph (1) before they decide whether or not to take any action which the notice stated they were considering.

(3) The provisions of paragraph (2) shall not prevent the traffic commissioners at their discretion from hearing and considering any representations other than those made in accordance with paragraph (2) including any which are advanced (whether orally or in writing) at the public sitting, if any, at which the proposed revocation or suspension is considered.

Manner in which discs are to be fixed and exhibited

7. The holder of a licence shall, during such time as a vehicle is in use on a road by virtue of the licence, cause a disc to be affixed to the vehicle in a weatherproof container, either—

(i) in a conspicuous position on the left or near side of the vehicle, or

(ii) on the windscreen of the vehicle in a position where the driver's view will not be unduly impaired thereby, adjacent to the licence under the Vehicles (Excise) Act 1971(**a**) if such a licence is carried on the windscreen,

and at all times when the vehicle is being so used the disc shall be clearly legible either from the near side or from the front of the vehicle as the case may require.

Form of and particulars to be contained on discs

8.—(1) Every disc shall contain—

(*a*) the name of the holder of the licence who is the operator of the vehicle to which the disc is affixed,

(*b*) the code and number of the said licence and the date on which it will expire, and

(*c*) the words "Transport Act 1980: Operators' Licensing" and the words "Public Service Vehicle Operator's Identity Disc".

(2) (*a*) If the licence under which the disc is being used is a standard licence which authorises use of the vehicle on which the disc is displayed on both national and international operations the disc shall be green and contain, beneath the expiry date of the licence, the words "standard international";

(*b*) if the licence under which the disc is being used is a standard licence which authorises the use of the vehicle on which the disc is displayed on national operations only the disc shall be blue and contain, beneath the expiry date of the licence, the words "standard national"; and

(*c*) If the licence under which the disc is being used is a restricted licence the disc shall be orange and contain, beneath the expiry date of the licence, the word "restricted".

Return of licences and discs

9.—(1) In the event of the suspension or revocation of a licence the holder shall, within 14 days after a notice of the suspension or revocation has been given to him, send or deliver such licence to the traffic commissioners by whom it was granted for retention during the time of the suspension, or for cancellation, as the case may be, and shall at the same time send or deliver to the said commissioners any discs which have been issued in relation to the licence.

(2) On the removal of a suspension referred to in paragraph (1) the said commissioners shall return any licence the time of which has not expired together with any discs which were issued in relation to the licence.

(3) In the event of the period of validity of a licence being curtailed the holder shall, within 14 days after a notice of curtailment has been given to him, send

(**a**) 1971 c. 10.

or deliver such licence to the traffic commissioners by whom it was granted, and such commissioners shall amend the licence as regards the curtailment and then return the same, and on the expiry of the licence as a result of a curtailment the holder shall return any discs which he then holds in respect of the licence.

(4) In the event of the traffic commissioners attaching an additional condition to a licence or altering or removing a condition attached to a licence, the holder shall, within 14 days after a notice of the addition, alteration or removal, as the case may be, has been given to him, return the licence to the traffic commissioners who gave such notice, and those commissioners shall amend the licence as regards the addition, alteration or removal and then return the same.

(5) In the event of a variation of one or more conditions attached to a licence under section 22(1) having the effect of reducing the maximum number of vehicles which may be used under the licence below the number of discs which have been issued to the holder, there shall be returned by the holder to the traffic commissioners by whom the discs were issued such number of discs as will leave the holder with only the same number of discs as is equal to the said maximum number of vehicles.

Issue of duplicate licences and discs

10.—(1) If a licence or disc has been lost or destroyed, the holder shall forthwith notify the traffic commissioners by whom the licence or disc was granted and those commissioners, if satisfied that the licence or disc has been lost or destroyed, shall issue a copy of the same marked as a duplicate.

(2) If a licence or disc referred to in paragraph (1) is subsequently recovered by the holder he shall forthwith return it to the said traffic commissioners.

(3) If a licence or disc becomes defaced or illegible the holder shall forthwith return it to the traffic commissioners by whom it was granted and on such return those commissioners shall issue a copy of the licence or disc marked as a duplicate.

(4) A copy of a licence or disc issued and marked as a duplicate in accordance with paragraph (1) or (3) shall have the same effect as the original.

Production of licences and discs for examination

11.—(1) A licence or a disc shall be produced by the holder for examination if he is so required by any police constable, certifying officer or public service vehicle examiner or by any person authorised by the traffic commissioners for any traffic area to inspect the licence or disc, and any such requirement shall be complied with in not more than 14 days.

(2) Any requirement as is mentioned in paragraph (1) may be complied with by the holder producing the licence or disc at his operating centre, head office or principal place of business within the traffic area of the traffic commissioners by whom the licence was granted.

Appeals and applications

12.—(1) Every appeal under section 28(1) or (3) against any decision of the traffic commissioners in relation to a licence shall be made so as to be received by the Minister not later than 28 days from the date on which the traffic commissioners gave notice of their decision to the applicant.

(2) Every appeal made in accordance with paragraph (1) and every appeal under section 28(5) shall—

(*a*) be in writing; and

(*b*) state—

(i) in a case where no licence has been granted, any reference number given by the traffic commissioners to the application in respect of which the appeal is made, and in a case where the appeal relates to a licence which has been granted, the code and number given by the traffic commissioners to that licence, and

(ii) the grounds on which the appeal is made.

(3) Every application to the Minister by the holder of a licence for a direction under section 28(4) shall—

(*a*) be in writing; and

(*b*) state particulars of—

(i) the decision in respect of which the application is made, and

(ii) the grounds on which the application is made.

(4) At the same time as an appeal is made under section 28(1), (3) or (5), and at the same time as an application is made under section 28(4), the appellant or, as the case may be, the applicant, shall send to the traffic commissioners in relation to whose decision or failure to come to a decision the appeal or application is made a copy of the appeal or application.

Notification of decisions

13.—(1) The traffic commissioners shall, as regards any application made to them in accordance with the provisions of these Regulations, inform the applicant of their decision upon the application, and the traffic commissioners shall inform any applicant who so requests of the reasons for their decision.

(2) The Minister shall notify his decision, and his reason for it, as regards any appeal or application made to him, in accordance with the provisions of these Regulations, to the person who made the appeal or application.

Notices generally

14. All notices as respects which provision is made in these Regulations shall be in writing and, in the case of a notice given by the traffic commissioners, shall be sent to the address last notified to them by the holder as his business address.

Relevant convictions

15. The convictions specified in Schedule 2 are hereby prescribed as relevant convictions for the purposes of Part I of the 1980 Act.

Operators under hiring arrangements

16. The person who is to be regarded as the operator of a vehicle which is made available by one holder of a PSV operator's licence to another under a hiring arrangement is the holder from whom the vehicle is hired in a case where—

(i) the holder to whom the vehicle is hired is not, under the hiring arrangement, entitled to keep the vehicle in his possession for a total period of more than 14 days,

(ii) not less than 14 days has elapsed between the finish of any period (of whatever duration) in which the hirer to whom the vehicle is hired was entitled to the use of the vehicle under a hiring arrangement with the holder from whom the vehicle is hired and the start of the period mentioned in sub-paragraph (i) above, and

(iii) at all times when the vehicle is being used as a stage, express or contract carriage during the period mentioned in sub-paragraph (i) above there is affixed to the vehicle a disc which has been issued to the holder from whom the vehicle is hired.

Fees for licences and discs

17.—(1) The fee for a licence is £3.50 for each month, or part of a month, during which the licence is expressed to have effect, and save as provided in paragraph (3), the fee in respect of the whole of the period for which the licence is expressed to have effect shall be paid before the licence is granted.

(2) The fee for the second and every subsequent disc issued to the holder of a licence is £3.50 for each month, or part of a month, during which the disc may be used and, save as provided in paragraph (3), the fee in respect of the whole of the period for which the disc may be used shall be paid before the disc is issued.

(3) In a case where, before 1st April 1982, a licence is granted for a period of four years or more, the fee for the licence and the fee for any disc may, at the request of the person applying for the grant of the licence or the issue of the disc, be paid by the following instalments, namely—

(*a*) one half of the fee for the licence before the licence is granted, and the other half on or before 31st December 1982,

(*b*) one half of the fee for the disc before the disc is issued, and the other half on or before 31st December 1982.

Refunds of fees paid for licences and discs

18.—(1) If the holder surrenders a licence, or if his licence is revoked or curtailed, he shall be refunded that part of the fee paid for the licence which is attributable to the number of complete months to which that licence related and which have not yet begun at the date of the surrender or revocation or, in the case of a curtailment, at the date on which the licence expires as a result of the curtailment.

(2) If the holder of a licence returns the second or any subsequent disc either—

(*a*) in accordance with Regulation 9(1) on the revocation of the licence,

(*b*) in accordance with Regulation 9(3) or (5), or

(*c*) on the surrender of his licence

he shall be refunded that part of the fee paid for the disc which is attributable to the number of months which have not yet begun and to which the licence relates or (in a case where a licence is revoked) to which it related, and the disc surrendered shall be deemed to be the last one issued and not previously surrendered.

(3) If a licence terminates in accordance with section 31(2) or in accordance with regulations made under section 31(3) the personal representative, trustee, sequestrator, receiver or liquidator of, or in relation to, the holder is entitled to the same refunds as a holder is entitled to in accordance with paragraphs (1) and (2).

Termination of licences held by companies

19. In a case where a licence is held by a company the events relating to the holder on the occurrence of which the licence is to terminate are as follows:—

(*a*) the making of a winding-up order;

(*b*) the passing of a resolution for voluntary winding up;

(*c*) the appointment of a receiver or manager of the body's undertaking; and

(*d*) the taking of possession, by or on behalf of the holders of any debenture secured by a floating charge, of any property of the body comprised in or subject to the charge.

Computation of time

20. No period of time prescribed in these Regulations shall include any day which is a bank holiday under the Banking and Financial Dealings Act 1971(**a**).

Norman Fowler,
Minister of Transport.

23rd February 1981.

SCHEDULE 1

(REGULATIONS REVOKED BY REGULATION 2)

(1)		(2)
Year and Number	Title	Extent of revocation
S.R. and O. 1933/653..	The Public Service Vehicles (Records of Licences) Regulations 1933	The whole Instrument
S.I. 1952/900	The Public Service Vehicles (Licences and Certificates) Regulations 1952	The whole Instrument in so far as it has not previously been revoked.

(**a**) 1971 c. 80.

SCHEDULE 2

(RELEVANT CONVICTIONS PRESCRIBED BY REGULATION 15)

1. A conviction of any of the offences specified in paragraph 2 below—

(*a*) of the holder of a PSV operator's licence, or the person applying for such a licence, in relation to any public passenger transport business which such holder or, as the case may be, person applying has carried on, carries on or proposes to carry on; and

(*b*) of any transport manager whom the holder of a PSV operator's licence employs or proposes to employ, and of any transport manager whom a person applying for such a licence employs or proposes to employ; and

(*c*) of any person appointed or otherwise engaged as an officer, employee or agent of the holder of a PSV operator's licence or of a person applying for such a licence in relation to any public passenger transport business which such holder or person applying carries on, or proposes to carry on.

2. The offences referred to in paragraph 1 above are as follows:—

(*a*) in any circumstances, any offence under—

(i) Part III of the 1960 Act,

(ii) sections 235 and 239 of the 1960 Act,

(iii) any regulations made, or having effect as if made, under Part III of the 1960 Act other than those to which section 239 of that Act applies; and

(*b*) in relation to a public service vehicle or the operation thereof—

(i) any offence specified in—

sections 232 and 233 of the 1960 Act,

Part I of the Road Traffic Act 1972**(a)**,

Part II of the Road Traffic Act 1972,

Part III of the Road Traffic Act 1972,

Part VI of the Road Traffic Act 1972, and

sections 161(4) and (5), 162(1) and (3), 164(1), 166(1), 167(1), 168(3), 169(1), 170(1), (2), (5A) and (6) and 178 in Part VII of the Road Traffic Act 1972;

(ii) any offence relating to—

the speed at which vehicles may be driven,

new bus grants (under section 32 of, and Schedule 8 to, the Transport Act 1968)**(b)**,

grants towards bus fuel duty (under section 92 of the Finance Act 1965)**(c)**,

a duty of excise imposed by or under the Vehicles (Excise) Act 1971;

(iii) any offence being a contravention of—

any order made, or having effect as if made, under section 1, 6, 9, 11, or 14 of the Road Traffic Regulation Act 1967**(d)** and any order or notice made under section 12 of that Act,

any regulations made, or having effect as if made, under section 13 of the Road Traffic Regulation Act 1967,

the provisions as to drivers' hours and the keeping of drivers' records contained in, or in regulations made under, Part VI of the Transport Act 1968;

(iv) an offence under section 92 of the Licensing (Scotland) Act 1976**(e)** and an offence under section 70 of the Criminal Justice (Scotland) Act 1980.

(a) 1972 c. 20. **(b)** 1968 c. 73. **(c)** 1965 c. 25. **(d)** 1967 c. 76.
(e) 1976 c. 66.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. By these Regulations matters relating to PSV operators' licences and discs are prescribed in time with the commencement by the Transport Act 1980 (Commencement No. 4) Order 1981 S.I. No. 256 of the provisions in the Transport Act 1980 relating to those matters.

2. Sections 22(3) and (4) of the 1980 Act provide for the traffic commissioners to attach conditions of any prescribed description to PSV operators' licences. Under Regulation 4 certain descriptions of conditions are prescribed. Regulation 5 contains provisions in relation to the addition to, and alteration and removal, of, conditions of licences. Regulation 6 contains provisions as regards revocations, suspensions and curtailment of PSV operators' licences. Regulations 7 and 8 deal with discs; the manner in which they are to be fixed and exhibited, their form and the particulars to be contained in them. Regulation 9 contains provisions as to the return of licences (and discs which have been issued in relation to them) in certain events. Regulation 10 provides for the issue of duplicate licences and discs. Regulation 11 provides for the production of licences and discs for examination by any police constable, certifying officer, public service vehicle examiner or person authorised for the purpose by the traffic commissioners.

3. Section 28 of the 1980 Act contains provisions as to appeals and applications to the Minister, and Regulation 12 contains provisions relating to those matters.

4. Regulation 13 contains provisions as to the notification of decisions.

5. Regulation 14 contains provisions as to notices.

6. Under Regulation 15 and Schedule 2, the convictions of certain offences are prescribed as relevant convictions for the purposes of Part I of the 1980 Act.

7. Section 44(2) of the 1980 Act provides that regulations may make provision as to the person who is to be regarded as the operator of a vehicle which is made available by one holder of a PSV operator's licence to another under a hiring arrangement. That power is exercised by Regulation 16.

8. Regulations 17 and 18 provide for fees for licences and discs and for refunds of fees in certain circumstances.

9. Regulation 19 specifies, pursuant to section 31(3) of the 1980 Act, in a case where a licence is held by a company, events on the occurrence of which the licence is to terminate.

10. Regulation 20 provides for the computation of time for the purposes of these Regulations.

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