



Transport Act 1980

1980 CHAPTER 34

PART I

PUBLIC SERVICE VEHICLES

Public service vehicle operators' licences

19 PSV operators' licences

- (1) A vehicle shall not be used on a road as a stage, express or contract carriage except under a PSV operator's licence granted in accordance with the following provisions of this Part.
- (2) The authority having power to grant a PSV operator's licence is the traffic commissioners for any traffic area in which, if the licence is granted, there will be one or more operating centres of vehicles used under the licence; and, subject to the provisions of this Part, a PSV operator's licence authorises the holder to use anywhere in Great Britain vehicles which have their operating centre in the area of the traffic commissioners by whom the licence was granted.
- (3) A person may hold two or more PSV operators' licences each granted by the traffic commissioners for different areas, but shall not at the same time hold more than one such licence granted by the commissioners for the same area.
- (4) An application for a PSV operator's licence shall be made in such form as the traffic commissioners may require, and an applicant shall give the commissioners such information as they may reasonably require for disposing of the application.
- (5) If a vehicle is used in contravention of subsection (1) the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £500.

20 Classification of licences

- (1) A PSV operator's licence may be either a standard licence or a restricted licence.

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- (2) A standard licence authorises the use of any description of public service vehicle and may authorise use either—
 - (a) on both national and international operations; or
 - (b) on national operations only.
- (3) A restricted licence authorises the use (whether on national or international operations) of—
 - (a) public service vehicles not adapted to carry more than eight passengers; and
 - (b) public service vehicles not adapted to carry more than sixteen passengers when used—
 - (i) otherwise than in the course of a business of carrying passengers; or
 - (ii) by a person whose main occupation is not the operation of public service vehicles adapted to carry more than eight passengers.
- (4) For the purposes of subsection (3)(b)(i), a vehicle used for carrying passengers by a local or public authority shall not be regarded as used in the course of a business of carrying passengers unless it is used by the public service vehicle undertaking of that authority.

21 Grant and duration of licences

- (1) An application for a standard licence shall not be granted unless the traffic commissioners are satisfied that the applicant meets the following requirements, namely—
 - (a) the requirement to be of good repute;
 - (b) the requirement to be of appropriate financial standing; and
 - (c) the requirement as to professional competence;
 and an application for a restricted licence shall not be granted unless the, traffic commissioners are satisfied that the applicant meets the requirements to be of good repute and of appropriate financial standing.
- (2) The provisions of Schedule 3 shall have effect for supplementing the provisions of subsection (1), and for modifying the operation of that subsection in the case of persons engaged in road passenger transport before 1st January 1978.
- (3) Notwithstanding that it appears to the traffic commissioners on an application for a standard or restricted licence that the requirements mentioned in subsection (1) are met, the application shall not be granted unless the commissioners are further satisfied—
 - (a) that there will be adequate facilities or arrangements for maintaining in a fit and serviceable condition the vehicles proposed to be used under the licence ; and
 - (b) that there will be adequate arrangements for securing compliance with the requirements of the law relating to the driving and operation of those vehicles.
- (4) If on an application for a PSV operator's licence the traffic commissioners determine that the relevant requirements mentioned in subsection (1) and the further requirements mentioned in subsection (3) are satisfied they shall, subject to the following provisions of this section and to section 22, grant the licence in accordance with the application.

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- (5) There shall be specified in every PSV operator's licence the date on which the licence is to come into force and the date with which it is to expire; and, subject to subsection (6), the last-mentioned date shall be such as will make the duration of the licence such period not exceeding five years as the traffic commissioners on granting the licence consider appropriate in the circumstances.
- (6) Traffic commissioners on granting a PSV operator's licence may direct that the duration of the licence shall be such period not exceeding five years as is in the opinion of the commissioners desirable in order to arrange a reasonably convenient programme of work for the commissioners.
- (7) If, immediately before a PSV operator's licence is due to expire, proceedings are pending before the traffic commissioners on an application by the holder of that licence for the grant to him of a new licence in substitution for it, the existing licence shall continue in force until the application is disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 23.
- (8) Where an application is made to the traffic commissioners by the holder of a PSV operator's licence for the grant to him of a new licence to take effect on the expiry of the existing licence and the traffic commissioners decide not to grant the new licence they may direct that the existing licence continue in force for such period as appears to them reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.

22 Conditions attached to licences

- (1) Traffic commissioners on granting a PSV operator's licence shall attach to it one or more conditions specifying the maximum number of vehicles (being vehicles having their operating centre in the area of those commissioners) which the holder of the licence may at any one time use under the licence.
- (2) Conditions attached under subsection (1) to a PSV operator's licence may specify different maximum numbers for different descriptions of vehicle.
- (3) Traffic commissioners may (whether at the time when the licence is granted or at any time thereafter) attach to a PSV operator's licence granted by them such conditions or additional conditions as they think fit for restricting or regulating the use of vehicles under the licence, being conditions of any prescribed description.
- (4) Without prejudice to the generality of the power to prescribe descriptions of conditions for the purposes of subsection (3), the descriptions which may be so prescribed include conditions for regulating the places at which vehicles being used under a PSV operator's licence may stop to take up or set down passengers.
- (5) The traffic commissioners by whom a PSV operator's licence was granted may at any time while it is in force vary the licence by—
 - (a) altering in such manner as they think fit any condition attached under subsection (3) to the licence ; or
 - (b) removing any condition so attached to the licence.
- (6) On the application of the holder of a PSV operator's licence, the traffic commissioners by whom the licence was granted may at any time while it is in force—
 - (a) vary the conditions attached under subsection (1) to the licence ; or
 - (b) exercise their powers (whether of alteration or removal) under subsection (5);

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and a person making an application under this subsection shall give to the traffic commissioners such information as they may reasonably require for the discharge of their duties in relation to the application.

- (7) If a condition attached to a PSV operator's licence is contravened, the holder of the licence shall be liable on summary conviction to a fine not exceeding £200.
- (8) Compliance with any condition attached to a PSV operator's licence under this section may be temporarily dispensed with by the traffic commissioners by whom the licence was granted if they are satisfied that compliance with the condition would be unduly onerous by reason of circumstances not foreseen when the condition was attached or, if the condition has been altered, when it was last altered.
- (9) It is hereby declared that the conditions attached under subsection (1) to a PSV operator's licence granted by the traffic commissioners for any area do not affect the use by the holder of the licence of a vehicle—
 - (a) under a PSV operator's licence granted to him by the traffic commissioners for another area ; or
 - (b) in circumstances such that another person falls to be treated as the operator of the vehicle (for example, by virtue of regulations under section 44(2)(a)).

23 Revocation, suspension, etc. of licences

- (1) The traffic commissioners by whom a standard licence was granted shall revoke the licence if it appears to them at any time that the holder no longer satisfies the requirement to be of good repute, the requirement to be of appropriate financial standing or the requirement as to professional competence.
- (2) Without prejudice to subsection (1), the traffic commissioners by whom a PSV operator's licence was granted may, on any of the grounds specified in subsection (3), at any time—
 - (a) revoke the licence;
 - (b) suspend the licence for such period as the commissioners direct (during which time it shall be of no effect);
 - (c) curtail the period of validity of the licence ;
 - (d) vary any condition attached under subsection (1) of section 22 to the licence, or attach to the licence (whether in addition to or in place of any existing condition so attached to it) any such condition as is mentioned in that subsection.
- (3) The grounds for action under subsection (2) are—
 - (a) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for a variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled;
 - (b) that there has been a contravention of any condition attached to the licence ;
 - (c) that a prohibition under section 18 has been imposed with respect to a vehicle owned or operated by the holder of the licence, or that the holder of the licence has been convicted of an offence under subsection (9) of that section;

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- (d) in the case of a restricted licence, that the holder no longer satisfies the requirement to be of good repute or the requirement to be of appropriate financial standing;
 - (e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence.
- (4) Traffic commissioners shall not take any action under subsection (1) or (2) in respect of any licence without first holding a public sitting if the holder of the licence requests them to do so.
- (5) Where traffic commissioners decide to revoke a licence under this section, they may direct that the revocation shall not take effect for such period as appears to them reasonably required to enable the business carried on under the licence to be transferred to another person duly licensed to carry it on.
- (6) The provisions of Schedule 3 shall apply for the purposes of subsections (1) and (3) (d) as they apply for the purposes of section 21(1).

24 Duty to exhibit operator's disc

- (1) Where a vehicle is being used in circumstances such that a PSV operator's licence is required, there shall be fixed and exhibited on the vehicle in the prescribed manner an operator's disc issued under this section showing particulars of the operator of the vehicle and of the PSV operator's licence under which the vehicle is being used.
- (2) Traffic commissioners on granting a PSV operator's licence shall supply the person to whom the licence is granted with a number of operator's discs equal to the maximum number of vehicles which he may use under the licence in accordance with the condition or conditions attached to the licence under section 22(1); and if that maximum number is later increased on the variation of one or more of those conditions, the traffic commissioners on making the variation shall supply him with further operator's discs accordingly.
- (3) Regulations may make provision—
- (a) as to the form of operator's discs and the particulars to be shown on them;
 - (b) with respect to the custody and production of operator's discs;
 - (c) for the issue of new operator's discs in place of those lost, destroyed, or defaced ;
 - (d) for the return of operator's discs on the revocation or expiration of a PSV operator's licence or 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.
- (4) If a vehicle is used in contravention of subsection (1), the operator of the vehicle shall be liable on summary conviction to a fine not exceeding £200.

25 Duty to inform traffic commissioners of relevant convictions, etc.

- (1) 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, or of any person proposed

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to be engaged as transport manager whose repute and competence are relied on in connection with the application.

- (2) It shall be the duty of the holder of a PSV operator's licence to give notice in writing to the traffic commissioners by whom the licence was granted of—
- (a) any relevant conviction of the holder ; and
 - (b) 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,
- and to do so within 28 days of the conviction in the case of a conviction of the holder or his transport manager and within 28 days of the conviction coming to the holder's knowledge in any other case.
- (3) It shall be the duty of the holder of a PSV operator's licence within 28 days of the occurrence of—
- (a) the bankruptcy or liquidation of the holder, or the sequestration of his estate or the appointment of a receiver, manager or trustee of his road passenger transport business; or
 - (b) any change in the identity of the transport manager of the holder's road passenger transport business,
- to give notice in writing of that event to the traffic commissioners, by whom the licence was granted.
- (4) Traffic commissioners on granting or varying a PSV operator's licence, or at any time thereafter, may require the holder of the licence to inform them forthwith or within a time specified by them of any material change specified by them in any of his circumstances which were relevant to the grant or variation of the licence.
- (5) A person who fails to comply with subsection (1), (2) or (3) or with any requirement under subsection (4) shall be liable on summary conviction to a fine not exceeding £200.

26 Duty to give traffic commissioners information about vehicles

- (1) It shall be the duty of the holder of a PSV operator's licence, on the happening to any public service vehicle owned by him of any failure or damage of a nature calculated to affect the safety of occupants of the public service vehicle or of persons using the road, to report the matter as soon as is practicable to the traffic commissioners who granted the licence.
- (2) It shall be the duty of the holder of a PSV operator's licence, on any alteration otherwise than by replacement of parts being made in the structure or fixed equipment of any public service vehicle owned by him, to give notice of the alteration as soon as is practicable to the traffic commissioners who granted the licence.
- (3) The traffic commissioners by whom a PSV operator's licence was granted may—
- (a) require the holder of the licence to supply them forthwith or within a specified time with such information as they may reasonably require about the public service vehicles owned by him and normally kept at an operating centre within the area of those commissioners, and to keep up to date information supplied by him under this paragraph; or
 - (b) require the holder or former holder of the licence to supply them forthwith or within a specified time with such information as they may reasonably require

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about the public service vehicles owned by him at any material time specified by them which were at that time normally kept at an operating centre within the area of those commissioners.

In this subsection " material time " means a time when the PSV operator's licence in question was in force.

- (4) A person who fails to comply with the provisions of subsection (1) or (2) or with any requirement under subsection (3) shall be liable on summary conviction to a fine not exceeding £200.
- (5) A person who in purporting to comply with any requirement under subsection (3) supplies any information which he knows to be false or does not believe to be true shall be liable on summary conviction to a fine not exceeding £500.
- (6) Where a certifying officer or public service vehicle examiner imposes or removes a prohibition on the driving of a public service vehicle, he shall forthwith give notice of that fact to the traffic commissioners who granted the PSV operator's licence under which the vehicle was last used before the prohibition was imposed.

27 Certificates of qualification

- (1) A person who wishes to do either of the following things in another member State or in Northern Ireland, namely to carry on a road passenger transport business or to be the transport manager of such a business, may apply—
 - (a) if he holds a standard licence, to the traffic commissioners by whom that licence was granted or, if he holds more than one, by whom the last such licence was granted;
 - (b) in any other case, to the traffic commissioners for any traffic area,for a certificate as to his repute and professional competence and, where relevant, his financial standing.
- (2) A person applying for a certificate under subsection (1) shall give to the traffic commissioners such information as they may reasonably require for the discharge of their duties in relation to the application.
- (3) The traffic commissioners to whom an application under subsection (1) is made shall certify such matters relating to the applicant as—
 - (a) they are satisfied they may properly certify, and
 - (b) appear to them to be of assistance to the applicant in satisfying the requirements of the law of the other member State in which he wishes to carry on business or to work or, as the case may be, the requirements of the law of Northern Ireland.