

## SCHEDULES

### SCHEDULE 3

#### SUPPLEMENTARY PROVISION AS TO QUALIFICATIONS FOR PSV OPERATORS LICENCE

##### *Professional competence*

- 3       References in Part II of this Act to professional competence are to the professional competence of an individual; and a company satisfies the requirement as to professional competence if, and so long as, it has a transport manager of its road transport business who is of good repute and professionally competent.
- 4       Where an individual is not himself professionally competent, the requirement as to professional competence shall be regarded as satisfied in relation to him if, and so long as, he has a transport manager of his road passenger transport business who is of good repute and professionally competent.
- 5       Where the holder of a PSV operator's licence relies on a transport manager to satisfy the requirement as to professional competence and that manager—
- (a) dies or ceases by reason of physical disability or mental disorder to be capable of discharging his duties as transport manager;
  - (b) ceases to work for the business ; or
  - (c) ceases to be of good repute,
- the holder shall nevertheless not be treated as failing to satisfy that requirement until the expiry of such period as in the opinion of the relevant traffic commissioners is reasonably required for the appointment of a new transport manager.
- 6       Subject to paragraph 10 below, an individual shall be regarded as professionally competent for the purposes of Part II of this Act if, and only if,—
- (a) he is the holder of a certificate issued by an approved body to the effect that he possesses the requisite skills; or
  - (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this paragraph by the Secretary of State.
- 7       In paragraph 6 above " approved body " means—
- (a) a body approved by the Secretary of State for the purposes of that paragraph; or
  - (b) a body approved by the Department of the Environment for Northern Ireland for the purposes of section 46A(5)(c) of the Transport Act (Northern Ireland) 1967 ; or
  - (c) a body or authority designated by another member State for the purposes of Article 2(4) of [Council Directive \(EEC\) 74/562](#) of 12th November 1974 on admission to the occupation of road passenger transport operator in national and international transport operations;

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*Status: This is the original version (as it was originally enacted).*

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and " the requisite skills " means skills in the subjects listed in Part A of the Annex to that Directive and, in the case of a licence to cover international operations, also skills in the subjects listed in Part B of mat Annex.