

## SCHEDULES

### SCHEDULE 3

Sections 14(2) and 17(6).

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

##### *Good repute*

- 1 (1) In determining whether an individual is of good repute, traffic commissioners shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of his and of his employees and agents; and
  - (b) such other information as the commissioners may have as to his previous conduct, in whatever capacity, in relation to the operation of vehicles of any description in the course of a business.
- (2) In determining whether a company is of good repute, traffic commissioners shall have regard to all the relevant evidence and in particular to—
- (a) relevant convictions of the company and its officers, employees and agents; and
  - (b) such other information as the commissioners may have as to previous conduct of—
    - (i) the company's officers, employees and agents in relation to the operation of vehicles of any description in the course of any business carried on by the company; and
    - (ii) each of the company's directors, in whatever capacity, in relation to the operation of vehicles of any description in the course of any other business.

##### *Appropriate financial standing*

- 2 Being of appropriate financial standing in relation to an applicant for, or holder of, a PSV operators licence consists in having available sufficient financial resources to ensure the establishment and proper administration of the business carried on, or proposed to be carried on, under the 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.

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*Status: This is the original version (as it was originally enacted).*

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- 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;

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.

*Persons engaged in road passenger transport before 1st January 1978*

- 8 (1) Paragraphs 9 and 10 below apply only to persons applying for, and to holders of, standard licences.
- (2) For the purposes of those paragraphs, an individual or company was authorised to engage in the occupation of road passenger transport operator at any time if, and only if, at that time—
- (a) he was the holder, or one of the joint holders, of a public service vehicle licence under section 127 of the Road Traffic Act 1960, or the corresponding provision of the law of Northern Ireland, relating to a vehicle adapted to carry more than eight passengers; or
  - (b) he was by virtue of a permit under Regulation 20 of the Public Service Vehicles (Licences and Certificates) Regulations 1952, or the corresponding provision of the law of Northern Ireland, deemed to be the holder or one of the joint holders of such a licence ; or
  - (c) he was so authorised under the law of another member State; or
  - (d) he was the transport manager of a person within paragraph (a), (b) or (c).

- 9 (1) An individual or company authorised to engage in the occupation of road passenger transport operator at any time before 1st January 1978 shall be deemed until the contrary is proved to satisfy the requirements to be of good repute and appropriate financial standing and, if so authorised before 1st January 1975, also to satisfy the requirement as to professional competence.
- (2) An applicant for a standard licence, or for the variation of such a licence, shall not be obliged to furnish to the traffic commissioners in support of his application information relating to a requirement which is deemed to be satisfied by virtue of sub-paragraph (1) above unless it appears to the commissioners that there are grounds for thinking that the requirement is not in fact satisfied.
- 10 For the purpose of Part II of this Act, an individual shall be regarded as professionally competent if he was authorised to engage in the occupation of road passenger transport operator before 1st January 1978 and was so authorised—
- (a) for a period of, or for periods amounting in the aggregate to, two years during the period 1st January 1975 to 31st December 1979; or
  - (b) at any time in the period 1st January 1970 to 31st December 1974.