
 STATUTORY INSTRUMENTS

1986 No. 1628

PUBLIC PASSENGER TRANSPORT**The Operation of Public Service Vehicles (Partnership)
Regulations 1986**

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| <i>Made - - - -</i> | <i>22nd September 1986</i> |
| <i>Laid before Parliament</i> | <i>2nd October 1986</i> |
| <i>Coming into Operation</i> | <i>26th October 1986</i> |

The Secretary of State for Transport, in exercise of the powers conferred by section 58 of the Public Passenger Vehicles Act 1981 (a), and of all other enabling powers, and after consultation with representative organisations in accordance with section 61(2) of the said Act (b), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Operation of Public Service Vehicles (Partnership) Regulations 1986 and shall come into operation on 26th October 1986.

Revocation

2. The Operation of Public Service Vehicles (Partnership) Regulations 1981 (c) and the Operation of Public Service Vehicles (Partnership) (Amendment) Regulations 1985 (d) are hereby revoked.

Interpretation

3. In these Regulations:

- “the 1981 Act” means the Public Passenger Vehicles Act 1981;
- “the 1985 Act” means the Transport Act 1985 (e); and
- “firm” and “firm-name” have the meaning given in section 4 of the Partnership Act 1890 (f).

Licences granted to unincorporated bodies

4. The permitted case in which, pursuant to section 58(2) of the 1981 Act, a PSV operator’s licence or London local service licence may be granted to an unincorporated body as such is the case of persons in partnership.

Modifications of statutory provisions

5.—(1) The provisions of the 1981 Act and the 1985 Act specified in column 1 of, respectively, Part I and Part II of the Schedule to these

(a) 1981 c.14; section 58(1) was applied by section 132 of the Transport Act 1985 (c.67), and section 58(2) was applied by section 44 of, and repealed in part by paragraph 9 of Schedule 1 to, that Act.

(b) Section 61(2) was amended by the Transport Act 1985, section 135(1).

(c) S.I. 1981/259.

(d) S.I. 1985/1906.

(e) 1985 c.67.

(f) 1890 c.39.

Regulations shall be modified as indicated in relation to those provisions in column 2 of the relevant Part of the Schedule.

(2) Any reference in any other provision contained in or made under the 1981 Act or the 1985 Act to an applicant for, or holder of, a PSV operator's licence or London local service licence shall include, where the licence is applied for or held by persons in partnership, the firm.

(3) In so far as any modification mentioned in paragraphs (1) and (2) of this regulation 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.

John Moore,
Secretary of State for Transport.

22nd September 1986.

Regulation 5(1)

SCHEDULE

PART I: THE 1981 ACT

| Column 1 | Column 2 |
|-------------------|---|
| Provisions of Act | Modifications as regards persons in partnership |
| Section 12(3)(a) | The restriction that a person shall not at the same time hold more than one PSV operator's licence granted by the traffic commissioner 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 14(1)(b) | <p>The provision that an application for a standard licence shall not be granted unless the traffic commissioner is 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 he is 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 commissioner is required to satisfy himself that—</p> <ul style="list-style-type: none"> (a) every one of such persons is of good repute, (b) the firm satisfies the requirement of appropriate financial standing, and (c) either— <ul style="list-style-type: none"> (i) 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 (ii) the firm employs a transport manager who is of good repute and professionally competent. |

(a) Section 12(3) was amended by paragraph 4(4) of Part II of Schedule 2 to the Transport Act 1985.

(b) Section 14(1) was amended by paragraph 4(5) of Part II of Schedule 2 to the Transport Act 1985.

| Column 1 | Column 2 |
|-------------------|--|
| Provisions of Act | Modifications as regards persons in partnership |
| Section 17(1) (a) | <p>The provision that the traffic commissioner shall revoke a PSV operator's licence if it appears to him 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—</p> <ul style="list-style-type: none"> (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 18(1) | <p>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:</p> |
| Section 19(1) (b) | <p>The requirement that a person who has applied for a PSV operator's licence shall forthwith notify the traffic commissioner 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.</p> |
| Section 19(2) | <p>The duty imposed on the holder of a PSV operator's licence to give notice in writing to the traffic commissioner 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 on the holder of a PSV operator's licence to give such notice to the said commissioner 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.</p> |
| Section 19(3) | <p>The duty imposed 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 commissioner 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.</p> |

(a) Section 17(1) was amended by paragraph 4(8)(a) of Part II of Schedule 2 to the Transport Act 1985.

(b) Section 19 was amended by paragraph 4(10) of Part II of Schedule 2 to the Transport Act 1985.

| Column 1 | Column 2 |
|-------------------------------|---|
| Provisions of Act | Modifications as regards persons in partnership |
| Section 57(2) (a) | <p>The provisions of this subsection as to the events on which a London local service licence or a PSV operator's licence terminates apply, in a case where such a licence is held by persons in partnership, if—</p> <p>(a) the partnership is dissolved;</p> <p>(b) one of such persons becomes a patient within the meaning of Part VII of the Mental Health Act 1983 (b) 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</p> <p>(c) one of such persons who alone satisfies, as regards the firm, the requirement 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.</p> |
| Schedule 3 paragraph 1 (c) | <p>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.</p> |
| paragraph 3 | <p>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—</p> <p>(i) one of those 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</p> <p>(ii) the firm employs a transport manager who is of good repute and professionally competent.</p> |
| paragraph 5 | <p>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.</p> |
| paragraph 8 | <p>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.</p> |

(a) Section 57(2) was applied by section 44 of the Transport Act 1985, and repealed in part by paragraph 9 of Schedule 1 to that Act.

(b) 1983 c.20.

(c) Paragraphs 1 and 5 are amended by paragraph 4(21) of Part II of Schedule 2 to the Transport Act 1985.

SCHEDULE—continued

PART II: THE 1985 ACT

| Column 1 | Column 2 |
|------------------|--|
| Provision of Act | Modifications as regards persons in partnership |
| Section 12(12) | The restriction that a person shall not at the same time hold more than one special licence granted by the traffic commissioner 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. |

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations replace the Operation of Public Service Vehicles (Partnership) Regulations 1981, as amended, without any amendment of substance. Statutory references are up-dated, and provision is made for London local service licences, which have replaced road service licences in London from 26th October 1986. There are no modifications of specific provisions of Regulations since the current Regulations are drafted to avoid such a requirement.

By regulation 4, partnerships may hold PSV operators' licences or London local service licences. There are modifications to specific provisions of the Public Passenger Vehicles Act 1981 and the Transport Act 1985 in regulation 5(1) and the Schedule to provide for the cases of such licences being held by partnership firms, and references to applicants for or holders of such licences are modified by regulation 5(2).

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