

## SCHEDULE 3

### Transitional provisions

## PART 1

### Transitional Provisions for the Public Passenger Vehicles Act 1981

#### **Meaning of “standard licence”**

1. In this Part “standard licence” has the meaning given by section 82(1) of the 1981 Act.

#### **Standard licences issued before the commencement date**

2.—(1) A person who holds a standard licence that was issued before the commencement date must, on and after the commencement date, comply with the requirements of section 14ZA of the 1981 Act (and section 17(1) of the 1981 Act as substituted by paragraph 6 of Schedule 1 (revocation for failure to comply with requirements of section 14ZA) applies accordingly).

(2) Sub-paragraph (1) is subject to sub-paragraph (3) and paragraph 6 (exemption from professional competence examinations for certain transport managers).

(3) A certificate issued to a person under paragraph 6(1)(a) of Schedule 3 to the 1981 Act before the commencement date is to be treated as a certificate issued under paragraph 6(1)(a) of that Schedule on or after the commencement date.

#### **Conditions contained in standard licences issued before the commencement date**

- 3.—(1) This paragraph applies to a standard licence issued before the commencement date.

(2) In a condition attached to the licence under section 16A(1)(a) of the 1981 Act, a reference to section 14(1) of that Act is to be read, on and after the commencement date, as a reference to section 14ZA(2) of that Act.

(3) In a condition attached to the licence under section 16A(1)(b) of the 1981 Act, a reference to section 14(1)(a) or (c) of that Act is to be read, on and after the commencement date, as a reference to section 14ZA(3) of that Act.

#### **Objections to issue of operators’ licences made before the commencement date**

4.—(1) This paragraph applies where a traffic commissioner receives an application for a standard licence before the commencement date, but does not grant the application until on or after the commencement date.

(2) An objection to the grant of the application made under section 14A(1) of the 1981 Act before the commencement date is to be treated as if it had been made on or after the commencement date under section 14A of that Act as amended by paragraph 4 of Schedule 1.

#### **Period for appointment of new transport manager under paragraph 5 of Schedule 3**

5.—(1) Sub-paragraph (2) applies where a traffic commissioner has, before the commencement date, given an opinion as to the period reasonably required for—

- (a) the appointment of a new transport manager under paragraph 5(1) of Schedule 3 to the 1981 Act, or

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(b) the removal of the transport manager or the appointment of another transport manager in his place under paragraph 5(2) of that Schedule.

(2) The licence-holder is not to be treated, on and after the commencement date, as failing to satisfy the requirement of professional competence under section 14ZA(2)(d) or (3)(b) of the 1981 Act until the expiry of the period.

(3) Sub-paragraph (4) applies where before the commencement date a traffic commissioner could have, but has not, given an opinion as to the period reasonably required for—

(a) the appointment of a new transport manager under paragraph 5(1) of Schedule 3 to the 1981 Act, or

(b) the removal of the transport manager or the appointment of another transport manager in his place under paragraph 5(2) of that Schedule.

(4) The licence-holder is not to be treated as failing to satisfy the requirement of professional competence under section 14ZA(2)(d) or (3)(b) of the 1981 Act until the traffic commissioner has given an opinion as to that period, and that period has expired.

#### **Exemption from professional competence examinations for certain transport managers**

6.—(1) The Secretary of State may grant a transport manager an exemption from the requirements of paragraph 6(1) of Schedule 3 to the 1981 Act for the purposes of compliance with the requirement of section 14ZA(3)(b) of that Act (professional competence).

(2) The Secretary of State may grant an exemption under sub-paragraph (1) only if satisfied that the transport manager has continuously managed a road haulage undertaking or a road passenger transport undertaking (within the meaning of Article 9 of the 2009 Regulation) in one or more Member States for the period of ten years ending on 4th December 2009.

(3) The Secretary of State may grant an exemption under sub-paragraph (1) on an application or without an application being made for it.

(4) The power conferred by sub-paragraph (1) may not be exercised after 4th December 2013.

(5) If an application is made for an exemption under sub-paragraph (1) and the Secretary of State refuses the application, the applicant may request a redetermination of the application by a traffic commissioner.

(6) Sub-paragraph (2) applies to a grant of an exemption by a traffic commissioner under sub-paragraph (5) as it applies to a grant of an exemption by the Secretary of State under sub-paragraph (1).

#### **Proceedings relating to transport manager: procedural provisions**

7. Paragraphs 7A to 7C of Schedule 3 to the 1981 Act as inserted by paragraph 11(6) of Schedule 1, apply to proceedings under the 1981 Act that have been commenced, but not completed, before the commencement date.