

Public Service Vehicle Operator Licensing

Guide for Operators

This guide and the application forms for operator licensing and bus registration are available on the Vehicle and Operator Services Agency website. In addition, the site can provide help and information to transport operators, local authorities, partner organisations, hire companies and the public. Also available on line are the Traffic Area Office publications “Notices & Proceedings” and “Applications & Decisions”. Check out the website at www.vosa.gov.uk

Introduction

The purpose of this Guide is to explain how the operator licensing system works for public service vehicles (PSVs). The Deregulation and Contracting Out Act 1994 introduced some important changes to the operator licensing laws: this Guide covers these changes and tries to answer basic questions about the system.

The Guide is only intended for general help; it is not a legal document. For details of the law you will need to refer to the Acts and Regulations listed in Appendix 2.

If you require further help on applying for a licence or on any other aspects of the PSV operator licensing system or the bus registration system, staff in the Traffic Area Offices are available to help you. The addresses and telephone numbers are listed at the back of the Guide in Appendix 1.

The publication listed below may also be useful and is obtainable free of charge from the Department for Transport, Great Minster House, 76 Marsham Street, London SW1P 4DR.

Drivers' Hours Rules for Road Passenger Vehicles (PSV375)

1 DO I NEED A PSV OPERATOR'S LICENCE?

You will need a PSV operator's licence if:

- your vehicle carries passengers by road for payment (this is called hire or reward); and
- the vehicle is classed as a Public Service Vehicle (PSV), as described in question 3.

2 WHAT IS HIRE OR REWARD?

Hire or reward is any sort of payment which gives a person a right to be carried on a vehicle regardless of whether a profit is made or not. The payment may be made by the person himself, or on his behalf and may be a direct payment (such as a fare or other payment made directly in respect of the journey) or an indirect payment (such as a membership subscription to a club, payment for a bed in a hotel, school fees or payment for concert tickets). Although such indirect payments are usually made in respect of other services (rather than for transport) they are nonetheless viewed by the courts as hire or reward because anyone who had not made the payment would have no right to be carried.

3 WHAT IS A PUBLIC SERVICE VEHICLE?

The answer *depends on the size and use* of the vehicle. There are special exceptions for school buses owned and operated by local education authorities and for vehicles run under permits (see Appendix 3).

Minibuses and larger vehicles

If the vehicle is suitable for *carrying 9 or more* passengers (as well as the driver) and does so for hire or reward it is a public service vehicle.

Small vehicles suitable for carrying 8 or fewer passengers

- (a) if you give *lifts in a car*, or take part in a social car scheme run by a local authority, you can charge people enough to cover your running costs (plus general wear) and your car will still be treated as a private vehicle, not a taxi, hire car or PSV;
- (b) if you run a *taxi or hire car business* and charge for the hire of the vehicle as a whole, you will not be charging separate fares so your vehicle will not be a PSV;
 - But you will *need a taxi or hire-car licence* if a licensing system is in force within the area you wish to operate. You will not need a PSV operator's licence.
- (c) if you have a *licensed taxi or hire-car*, you can use it to carry passengers at separate fares without it becoming a PSV, as long as all the passengers book in advance* and agree when they book to share the cost. Also local authorities may start taxi sharing schemes operating from authorised places*. Here, too, the licensed taxi will not be classed as a PSV, so no PSV operator's licence will be needed;

- (d) if you want to carry passengers at separate fares in any other way you will need a PSV operator's licence even for a vehicle with no more than 9 seats. But you should note that:
- if you have a taxi licence and want to use the taxi on a local service, like a bus, you are entitled to a special PSV licence, which is easy to get (see Appendix 4).
 - if you only want to operate one or two vehicles neither of which has more than 9 seats, you can apply for a restricted PSV operator's licence which is easier to get than a standard licence (see question 9).
 - Separate fares means an individual payment by each passenger to the driver, conductor or agent of the operator for the journey undertaken. Payment may be made on the bus or in advance of the journey at a sales point (ticket machine, newsagents, bus station or office). Payment may also be by indirect means (in respect of other services such as concert tickets where travel is included). Where the vehicle is hired as a whole and individual passengers make no contribution, such as for transporting children to and from school, separate fares are not involved.
- (e) In Scotland any small passenger-carrying vehicle (of 8 or fewer passenger seats) must be licensed as a private hire car where it is used for hire by private arrangement. Examples of such use might include private hire, school contracts or wildlife tours, but this list is neither prescriptive nor exhaustive, and each separate type of use must be considered on its merits. A Private Hire Car (PHC) licence is not required for small vehicles of this type if they are only ever used to carry passengers at separate fares on a registered local service. In these circumstances they will need to be covered by a Public Service Vehicle Operator Licence (PSVOL). If however the vehicle is used for both private hire and for registered services it will need to be covered by both types of licence (PHC and PSV). If you need further and more detailed information about the operation in Scotland of small passenger-carrying vehicles (with 8 or fewer passenger seats) ask the Scottish Traffic Area for a copy of the separate Notice "LICENSING OF SMALL PASSENGER CARRYING VEHICLES of 11 July 2001). Different arrangements apply in England and Wales.

4 WHAT SPECIAL RULES APPLY TO PSVs?

Here is a very broad outline:

- (a) the operator of a PSV in service must have a *valid PSV operator's licence* (with the exceptions as outlined above);
- (b) the drivers of a PSV with 9 or more passenger seats must hold either an existing PSV driver's licence (which will remain valid until it expires) or for licences issued on or after 1 April 1991, Passenger Carrying Vehicle (PCV) driving entitlement which will be shown on a unified driving licence which shows all driving entitlement, both ordinary and vocational.
- (c) a vehicle which can carry 9 or more passengers must have a *certificate of initial fitness (COIF)*, or a certificate of conformity to show it was built or adapted to PSV standards. If you buy a secondhand PSV make sure that it has a certificate and that it is passed on to you;
- (d) if you want to operate a bus service without a conductor, make sure that it follows the rules for one person operation, which are to be found in the Regulations governing Conditions of Fitness. For further advice on this or the COIF, please contact the PSV Section of VOSA in Swansea (Tel: 01792 454 250 or 454 203). See Appendix 1 for address.

- (e) There is a special Class VI MOT test for PSVs which must be taken every year starting at 12 months after manufacture or first use. For further details, please ring the VOSA in Swansea (Tel: 01792 454 222) or your local HGV Testing Station (Telephone numbers are in the telephone directory);
- (f) if you are going to operate a local service outside London you must register it. In London you must get a London Service Permit. For further details see ‘A guide to local bus service registration’ (PSV353A). For further information on London Service Permits please see question 44 of this Guide or visit the Transport for London website www.tfl.gov.uk.
 - You must also know about the rules on drivers’ hours and tachographs – see the booklet ‘Drivers’ Hours Rules for Road Passenger Vehicles’ (PSV375).
 - If you have a permit as described in Appendix 3, small vehicles are free from parts a, b, c and d. Large vehicles are free from parts a, b and d but must obey c. See the Guide to Passenger Transport Provided by Voluntary Groups (PSV385).
 - All the Guides mentioned are obtainable from VOSA Traffic Area Offices and Test Stations, The Dept. for Transport, Buses & Taxis Division, or they can be downloaded from the VOSA website.

5 IS A VEHICLE STILL A PSV EVEN WHEN IT IS NOT CARRYING PASSENGERS?

If the vehicle is parked in a depot or garage (or is being driven between two depots or is temporarily laid up for any reason) it is still a PSV. It only stops being a PSV when its use as one has been permanently discontinued; for example, if you take a bus out of service altogether and adapt it for some other use (such as driver training).

- There is an exception for vehicles which are sometimes used as taxis and sometimes as PSVs under a special PSV operator’s licence (see Appendix 4). These vehicles are only PSVs when they are used on local services, otherwise they are taxis and must run under taxi rules.

6 HOW MANY PSV OPERATORS’ LICENCES WILL I NEED?

There are 8 traffic areas in Great Britain. You must have a licence for each traffic area in which you have an operating centre. An operating centre is the place where your vehicles are normally kept. The licence will tell you how many vehicles you are authorised to operate at any one time. You can use your vehicles anywhere in Great Britain, as long as they are normally kept in the traffic area which issued your licence.

7 HOW MANY TYPES OF LICENCE ARE THERE?

There are four kinds of licence:

- a standard licence – for national and international operations;
- a standard licence – for national operations only;
- a restricted licence – for small operations only; and
- a special licence – for holders of taxi licences only (see Appendix 4).

8 WHAT IS A STANDARD LICENCE?

Standard licences are used by most full time commercial operators. To get a standard licence you, or your transport manager, must satisfy the *requirement of professional competence*. (The meaning of professional competence is explained in Appendix 5). If the requirement of professional competence is met for both national and international operations, you can get a standard international licence. This allows you to take passengers abroad as well as to operate in Great Britain.

- If you or your transport manager can only claim professional competence for national operations, you will only be able to get a standard national licence. There are also other requirements you must meet before your licence is granted, these are explained in Q11 below.

9 WHAT IS A RESTRICTED LICENCE?

Restricted licences are used by small-scale operators since they only allow the operator to use one or two vehicles. Neither of these vehicles must be constructed to carry more than:

- 8 passengers; although vehicles carrying up to
- 16 passengers may be used if either:
 - (a) the vehicles are not used as part of a passenger transport business (eg. they are used in connection with a hotel business), or
 - (b) your main job is not the operation of PSVs which are able to carry 9 or more passengers (ie. the operation of the minibus(es) is a side-line and not your main occupation).

You do not have to satisfy the requirement of professional competence to get a restricted licence, but all other requirements are the same as for a standard licence. You must apply in the same way, and obey the same rules.

10 WHAT IS A SPECIAL LICENCE?

A special licence can be granted only to someone who already holds a taxi licence. *Its only use is to let a licensed taxi operate on a local service*. The way you apply and all the other rules are quite different from all other types of licence; they are set out in Appendix 4.

- If you are only interested in getting a special licence go straight to Appendix 4 and ignore the rest of this part of the guide.
- You should also read 'A guide to local bus service registration' (PSV353A) or 'A guide to London local service licensing' (PSV383) as appropriate.

11 WHAT OTHER REQUIREMENTS MUST I SATISFY TO GET A LICENCE?

For a *standard or restricted licence* you must satisfy the Traffic Commissioner that you:

are of good repute;

The Traffic Commissioner will look at any *relevant convictions* that either you or any employees have had in the last five years (for the meaning of relevant convictions see leaflet PSV442 reproduced in Appendix 8). He may also take into account any other matters which affect your good repute, including those brought up by any objectors to your application. Lack of frankness about convictions on the application form or non-disclosure of convictions incurred during the life of the licence will constitute a grave threat to the continuation of any licence once the matter comes to the attention of the Traffic Commissioner.

Any employee who holds the professional competence qualification must also meet the good repute requirement;

are of appropriate financial standing (ie. have enough money to run the business);

The Traffic Commissioner will need to make sure that you have *enough money* to run your business properly. The money can be in the form of a bank or building society balance [statements for the last 3 months will be required] an overdraft facility (supported by a letter from the bank manager) or convertible shares.

If you are applying for a standard international licence, you must have available capital and reserves equal to or exceeding the aggregate of:

- a. 9,000 Euro for the first or only authorised vehicle, and
- b. 5,000 Euro for each additional authorised vehicle

have good enough facilities (or arrangements) for maintaining your vehicles;

Your vehicles must be *properly maintained*, and the Traffic Commissioner will look very closely at your arrangements to make sure that they are good enough;

can make sure that both you and your staff obey all the rules;

The Traffic Commissioner will need to make sure that you and your staff are able to *obey the rules* which cover speed limits, proper insurance of vehicles and especially drivers' hours rules (for details of these please see 'The drivers' hours rules for Road Passenger Vehicles' (PSV375)).

- For details of the professional competence requirement, see Appendix 5.

12 HOW DO I APPLY FOR A LICENCE?

- (a) If new to the industry, you can get an application form (PSV421) from the Traffic Area Office for the area in which you will normally keep your vehicles. You should send back the form at least 8 weeks before the day on which you want your licence to start.

However, the Traffic Commissioner will not grant your licence until he is satisfied that he has sufficient evidence that you will meet the requirements set out in Q11; this may take more than 8 weeks. Therefore you are advised not to buy vehicles or any special equipment, and not to enter into any contract to run services, until you know that your licence has been granted.

- (b) If you are already in the industry – From 1 January 1996 a system of continuous licensing was introduced whereby your licence once granted will remain valid for life, provided you operate within the terms of your licence and pay the required fees. This meant that all existing 5 year licences, with expiry dates on or after 1 January 1996, became continuous (except those curtailed on disciplinary grounds) and you will not have to apply to renew your licence on its expiry date. New vehicle discs will have to be paid for as the existing licences expire but the licence will not have to be renewed. Instead your local Traffic Area Office will contact you every 5 years and ask you to confirm a summary of the information it holds on record and to pay the required fee by a specified date. This fee will keep your licence in force and pay for the vehicle discs you will need to display in your vehicles.

Remember if you do not pay your fees on time your licence will automatically terminate and you will have to submit an application for a new licence.

13 WHAT IF MY LICENCE WAS CURTAILED BY THE TRAFFIC COMMISSIONER?

If the Traffic Commissioner shortened the period of validity of your licence for disciplinary reasons, your licence will not become continuous automatically. You will have to apply for a new licence when your existing licence expires. You should allow at least 8 weeks for your new licence to be processed but you may continue to operate under your existing licence while your new application is being dealt with.

14 WILL I NEED A NEW-STYLE LICENCE DOCUMENT?

Yes, but this will be issued to you so you need take no action. From 1 January 1996 all 5 year licences became continuous. Old-style licences with expiry dates will be replaced gradually by new documentation. The Traffic Commissioner will take the opportunity to issue you with a new-style licence either when your discs expire or when you apply for a licence variation.

15 HOW MANY VEHICLES CAN I APPLY TO OPERATE?

A *standard licence* can authorise the operation of any number of vehicles. You should apply to operate as many vehicles as you think you will need at any one time. You must satisfy the Traffic Commissioner that you are able to run that number of vehicles safely, and to maintain them properly.

- The Traffic Commissioner may grant you a licence to operate a smaller number of vehicles than you asked for. So whilst you may own more vehicles than the maximum authorised on the licence, you may not run more than that number at any one time and every vehicle must display a disc whenever it is used. You can apply at any time to vary your licence so that you can operate more vehicles (see question 32).

A *restricted licence* can only authorise the operation of up to two vehicles, with a maximum seating capacity of 16 passengers.

16 SHOULD I SEND A FEE WITH MY FORM?

Yes. You will need to send an application fee with your form. This fee is non-refundable, even if you are not granted a licence, as it covers the cost of processing your application. If the Traffic Commissioner grants your licence, the traffic area office will write and tell you what further fees are payable before you may start operations. Your new licence and vehicle discs will be issued once all fees have been paid. It is against the law to start operating until you have received your licence and discs.

17 CAN ANYONE OBJECT TO MY APPLICATION?

The Traffic Commissioner publishes a notice of your application in a fortnightly publication, 'Notices and Proceedings'. The police and local authorities have a statutory right to object to your application if they can prove that you do not satisfy the requirements set out in Q11. The local authorities who can object are:

- London Boroughs and the City of London;
- English and Welsh County and District Councils;
- Passenger Transport Executives; and
- Scottish Councils.

Any objections must be made in writing and must reach the Traffic Area Office no later than 21 days after the application is published in Notices and Proceedings. A copy of the objection must also be sent to you at the same time. If there is an objection the Traffic Commissioner will probably call you and the objector(s) to a Public Inquiry before he decides whether to grant the licence.

18 CAN OTHER OPERATORS OBJECT?

No one else has any right of objection, but the Commissioner can receive and consider relevant representations from any other interested party, including other operators or members of the public. These may be made in writing or during a Public Inquiry. It is up to the Traffic Commissioner to decide how seriously to take representations received, but he will not take much notice of anything that cannot be proved.

19 HOW WILL THE TRAFFIC COMMISSIONER DEAL WITH ENVIRONMENTAL REPRESENTATIONS?

The Traffic Commissioner cannot refuse an application because a PSV operating centre is not environmentally suitable. Nonetheless, local authorities do have powers to refuse planning permission should they be convinced that the site of a proposed operating centre, or access to it, is unsuitable. You are strongly advised to consult the planning department of your local council at an early stage.

20 WILL THE TRAFFIC COMMISSIONER HOLD AN INQUIRY?

This is a matter for the Traffic Commissioner. He will probably hold an inquiry if there are any objections or if he has any doubts about your application. Your rights are briefly explained in this booklet and an outline of them is given in the publication 'Notices and Proceedings' which you can buy from or read through at your local Traffic Area Office.

21 HOW WILL NOTICE OF THE INQUIRY BE GIVEN?

Notice of the inquiry and where it will be held will be *sent it writing* to you and any other affected parties, it will also be *published in 'Notices and Proceedings'*. Not less than 14 days notice will be given of the inquiry arrangements. The Traffic Commissioner can postpone the inquiry at any time up until the day concerned.

22 WILL THE INQUIRY BE HELD IN PUBLIC?

Yes, but the Traffic Commissioner can stop the public from attending the parts of the inquiry where financial information is given. So if your competitors come to the inquiry they cannot get any confidential information about your accounts.

23 WHAT HAPPENS AT AN INQUIRY?

Inquiries held by the Traffic Commissioner are not as formal as a court of law, but they do follow a basic pattern. You do not have to bring a legal representative with you; however, if your licence is at stake it could be worthwhile considering this (a properly prepared case might mean the difference between keeping your licence or losing it).

- At an inquiry, the Traffic Commissioner will first briefly *summarise its purpose* and say how he will run it. If the inquiry is for a straight-forward application for a licence, the Commissioner will *ask you questions* about it, and he may also ask a Vehicle Examiner to give a report before making his decision. You will be able to ask the Vehicle Examiner questions and answer any points he makes.
- If there is an *objector to the application* (the local authority or the police), then proceedings will be a bit more formal. The Commissioner will probably ask the objector to explain the grounds of his objection. You or your representative will then be able to cross-examine the objector, and he will be able to cross-examine you.

The Traffic Commissioner will only give his decision after hearing both sides of the argument. He may also, at his discretion, let other people who do not have a right to object (but who have relevant things to say about the application) to make their points at the inquiry. If he does, you can ask them questions and reply to any points they make.

- If the Traffic Commissioner has called the inquiry himself (because he is considering *disciplinary action*), he will usually ask the Vehicle Examiner – or anyone else upon whose reports he has based his decision – to come to the inquiry to give evidence. You will be able to ask any witnesses questions. The Commissioner will also ask you questions (and you will always have the right to answer them) before he takes his decision.
- Sometimes, where he thinks that your *financial standing* needs to be considered, the Traffic Commissioner may ask a financial assessor to sit with him. The assessor may ask you questions and the Commissioner will consult the assessor before making a decision.

24 WHAT HAPPENS IF MY APPLICATION IS GRANTED?

The Traffic Commissioner will tell you of his decision to grant your application and when he has received your fee, he will *send you a licence*. This will show:

- the type of licence;
- the maximum number of vehicles you can operate under it;
- the type of vehicles you can use; and
- any conditions which he has put on the licence;
- any undertakings given which are material to the grant of a licence.

You will also receive your licence discs. The number sent will be the same as the number of vehicles authorised under your licence unless you ask for fewer. If you do not wish to take up the maximum number of discs you should let the traffic area office know how many you want. They will issue you, at any time, with additional discs, up to the maximum authorised on your licence, on payment of the relevant fees. Each disc will show your name and licence number plus the date the disc comes into force and the date it expires.

It is suggested that in order, to remind yourself of the conditions and undertakings on your licence, you may wish to frame or laminate them and display them in a prominent place in your office.

Remember you may only use, at any one time, the number of vehicles for which discs have been issued.

25 HOW LONG DOES MY LICENCE LAST?

Under the previous system a licence was normally granted for a period of 5 years and had to be renewed at the end of that period. Under the new system of continuous licensing, once granted, your licence remains valid for life unless you operate outside the terms of your licence or if you do not pay the required fee.

The present on-going system of enforcement will continue. Traffic Commissioners can take disciplinary action at any time where an operator's performance falls below the standard required for all operators. **If you do not pay the required fees on time, your licence will be automatically terminated.**

26 WILL MY VEHICLE DISCS BE CONTINUOUS?

No. Discs will be valid for one year or 5 years according to how you choose to pay.

A disc must be displayed on the windscreen of any vehicle used to carry passengers for hire or reward. It should be affixed in a weatherproof container or on the inside of the vehicle in such a position that it is adjacent to the Vehicle Excise Duty disc, does not interfere unduly with the driver's view and can easily be read from outside in daylight. It is an offence to write on or alter a disc in any way.

If your vehicle discs are lost or stolen, inform the Traffic Commissioner immediately in writing. Duplicate discs will be issued on payment of an administration fee. Where the writing on a disc has faded so it cannot be read, or the disc has been damaged, they should be returned to your traffic area office who will issue replacement discs free of charge.

27 DO THE DISCS RESTRICT ME TO USING CERTAIN VEHICLES?

As a rule *you can swop discs* from one vehicle to another as long as every vehicle carries a disc whenever it is used under the licence.

- However, the Traffic Commissioner can, as a disciplinary measure, put a condition on your licence making you use specified vehicles and no others. This may happen if your maintenance has not been good enough in the past (eg. if you have had problems maintaining certain types of vehicle).

28 CAN I HIRE VEHICLES FROM ANY OTHER OPERATORS?

Yes, there are two ways of doing this:

- (a) You may want to hire vehicles whenever you have any of your own vehicles off the road for repairs; you may hire vehicles for as long as you like as long as you do not go over the total number of vehicles authorised on your licence. You must display your discs in these hired vehicles. Make sure that you remove the discs from any out-of-service vehicles that you are replacing, or from any vehicles that are being returned to the operator from whom you hired them.

You will be as fully responsible for these hired vehicles as you would be if you were their permanent operator, so you should make sure that they are in good mechanical order before you hire them. You will also be the employer of the driver.

- (b) You may also hire vehicles (with or without a driver) on a temporary basis for up to 14 days without replacing the discs of the operator from whom you hired them. There must be a gap of 14 days before you can hire the same vehicle again.

This is a special arrangement to cover unforeseen emergencies or peaks in your business where you need more vehicles than you have been licensed to operate. In this case, the operator who hired out the vehicle to you is still legally the operator, as long as his disc is displayed. You should make sure that the hiring agreement you have with him places every responsibility on him for maintaining the vehicles even while they are in your possession. (If you hold a restricted licence, you cannot hire vehicles which carry more than 16 passengers.)

29 WHAT OTHER CONDITIONS CAN BE PUT ON MY LICENCE?

In some places where there are traffic problems or severe congestion, *traffic regulation conditions* may be in force. These conditions apply to all registered local services. If you register a local service which goes through a place where traffic regulation conditions are in force, the Traffic Area Office will ask you to return your PSV operator's licence so that the conditions can be put on it. *It is against the law to disobey these conditions.*

- A local authority with traffic responsibilities (a traffic authority), can ask the Traffic Commissioner to put traffic regulation conditions on a certain area. If a traffic authority asks for new traffic regulation conditions which would affect one of your registered services, the Traffic Commissioner will give you the chance to make representations at an inquiry. If conditions are put on which you think are unfair or unnecessary, you can appeal to the Secretary of State (not the Transport Tribunal). You can get more help from 'A guide to local bus service registration' (PSV353A).

The Traffic Commissioner can also put conditions on your licence to *control football coaches*, setting out the times you may leave and arrive and what breaks in the journeys you may take.

- Other types of conditions can be put on your licence as a *disciplinary measure* (see Q38).

30 WHAT HAPPENS IF MY APPLICATION IS REFUSED?

You have the *right to appeal* to the Transport Tribunal if your application is refused or if the licence is granted with conditions on it which you think are unacceptable (unless they are traffic regulation conditions).

The Tribunal will call you to a hearing and if your appeal is successful they will order the Traffic Commissioner to grant you a licence or change the conditions on it. Alternatively, they may refer your application back to the Traffic Commissioner for reconsideration. See Q40 for more information about Appeals.

31 CAN ANYONE APPEAL AGAINST THE GRANT OF MY LICENCE?

If any local authority or the Police objected to your application, they can appeal to the Transport Tribunal against the Traffic Commissioner's decision to grant you a licence, but nobody else has the right to appeal. You will be able to operate under your new licence until the appeal is heard.

32 WHAT IF I WANT TO RUN EXTRA VEHICLES UNDER MY LICENCE?

If you want to operate more vehicles than the total number authorised on your licence you should *apply to vary your licence* on form PSV431. The Traffic Commissioner will then see if you have enough money and good enough maintenance facilities or arrangements to operate the extra vehicles. If he is satisfied, he will vary your licence when you have paid the fee. New discs will be issued with the same expiry date as those you already have.

Under the old system, you were issued with the same number of discs as your authorisation. Under the new system, you may request a lesser number of discs if you wish and increase the number up to the maximum authorised as your business expands.

33 CAN I REDUCE THE NUMBER OF VEHICLES I AM ALLOWED TO OPERATE?

Yes, you can change the authorisation on your licence, by applying to vary your licence on form PSV431A. You will then be able to get a refund, as long as you return the discs you no longer need. The amount refunded will depend on the number of discs you return and the number of full months still to run on the discs. It will be paid at the rate of the original fee paid. You are only entitled to a refund if you apply to the Traffic Commissioner to vary your licence, not if you decide to operate fewer vehicles than the authorisation on your licence. Refunds will be paid if you stop operating in a traffic area and give up your licence completely.

34 CAN I MAKE ANY OTHER CHANGES TO MY LICENCE?

If your licence has conditions which stop you from operating certain types of vehicles or only lets you operate specified vehicles, you may apply to have the *condition changed or taken off*. You may need to prove to the Traffic Commissioner that your maintenance facilities or arrangements are now good enough for the vehicles you want to operate, or that the condition is no longer necessary or appropriate.

You may also apply to the Traffic Commissioner to vary or remove undertakings which you made when your licence was granted. If your applications are refused, you may appeal to the Transport Tribunal.

35 CAN I SWOP A RESTRICTED LICENCE FOR A STANDARD LICENCE?

No. If you wish to up-grade *a restricted licence to a standard national*, you will have to make a fresh application to the Traffic Commissioner for a new licence – forms are available from the Traffic Area offices. Proof of professional competence will be required and your financial standing will need to be reconsidered.

You can apply to upgrade a *standard national to international* by varying your existing licence. But if the licence is granted, you will only be charged a fee if, at the same time, you increase the maximum number of vehicles authorised. However, you will need to return your licence documents and vehicle discs so that they can be amended.

36 DOES THE TRAFFIC COMMISSIONER HAVE TO KNOW ABOUT ANY CHANGES IN MY CIRCUMSTANCE?

Yes, you should notify him in writing within 28 days of the event about:

- (a) any change in legal entity in your business (eg. if you change a business into a limited company). It is against the law to operate as a new entity without telling the Traffic Commissioner and getting a new licence from him;
- (b) any cases of death, bankruptcy, liquidation etc. (in such cases the licence will be automatically cancelled unless the Traffic Commissioner specially allows it to carry on for a short time);
- (c) any change of transport manager, with evidence of the new managers' professional competence;
- (d) any change of partners in a partnership firm (in some cases you may need a new licence);
- (e) any relevant convictions of yourself, your transport manager, officers, employees, or agents (see form PSV442);
- (f) any change in the address for correspondence which you gave in your application;
- (g) any change in the address of your operating centre(s); and
- (h) any other changes which the Traffic Commissioner may have required you to tell him about as a condition of granting your licence.

The Traffic Commissioner may also require you to provide him with information about the vehicles which are used under your operator licence. It is up to him to decide the exact details of information which he requires but it is likely to include details of the vehicle registration numbers.

Remember you have a legal duty to notify the Vehicle & Operator Services Agency as soon as practicable of any failure or damage to your vehicle which could affect safety of your passengers and of any alterations made to its structure or fixed equipment.

Every 5 years you will be sent a list of the information held on your licence so you can check it and up-date any details which are incorrect. But do not wait for the check-list to tell the Traffic Commissioners of any changes, you must inform him as soon as possible where alterations occur and no later than 28 days afterwards.

37 CAN MY LICENCE BE TAKEN AWAY ONCE IT HAS BEEN GRANTED?

Yes. The Traffic Commissioner has the power to *revoke your licence* (take it away) or to *suspend* it so that you cannot use it for a given time or until some defect in your operation has been put right. He may also reduce the number of vehicles authorised or put conditions on your licence which only lets you operate certain types of vehicle (eg. nothing larger than a minibus).

He may take this kind of action if:

- you do not meet the requirements of good repute or financial standing;
- in the case of a standard licence, there is no longer a professionally competent person working in the firm (see Appendix 5);
- you make a false statement to get a licence, or have not kept to an agreement you made when you applied for your licence;
- you have broken a condition or not kept any undertaking on your licence;
- a vehicle examiner has prohibited the use of any of your vehicles because of their dangerous condition; or
- there has been a change of circumstances which affects your suitability as an operator.

38 CAN ANY OTHER ACTION BE TAKEN AGAINST ME?

Yes, if you operate a local service unreliably or in a dangerous way, the Traffic Commissioner can put a condition on your licence which will stop you operating either that service, or any local services. If there have been maintenance defects, or if vehicles have been swapped between operators to avoid enforcement, he may specify that you only operate certain vehicles and no others.

- When considering this sort of action, the Traffic Commissioner will take note of any complaints that create doubts about your suitability as a PSV operator. He may consider complaints from the public, other PSV operators or road users, the Police, or local trading standards officers, etc.

39 WILL I BE ABLE TO BE HEARD BEFORE ANY CONDITIONS ARE PUT ON MY LICENCE?

Yes, in most cases the Traffic Commissioner will ask you to come to an inquiry before he takes any action against your licence. If he does not, you have the right to ask for an inquiry to be held.

- In some cases, he may take action straight away (eg. in the interests of public safety) and hold the inquiry later. You do not have to go to the inquiry yourself but you are strongly advised to do so. You can bring along a legal or professional advisor if you wish (see Q23 on inquiries).

40 CAN I APPEAL AGAINST A DECISION BY THE TRAFFIC COMMISSIONER AFFECTING MY LICENCE?

Yes, you may *appeal to the Transport Tribunal*. But if your licence has been revoked or conditions have been put on it, they start straight away (unless the Traffic Commissioner lets you carry on operating as before until the appeal is heard). You can ask him to delay his decision and if he refuses, you can apply to the Transport Tribunal to make a special direction (called a ‘stay’) which will let you carry on as before until the appeal is heard. The Transport Tribunal must reach a decision on this application within 14 days. Whatever they decide this will not affect the result of the appeal when it is heard. A free booklet ‘Appeals to the Transport Tribunal’ is available from the Transport Tribunal (address at Appendix 1), or contact your traffic area office for advice on how to make an appeal.

41 IF MY LICENCE IS REVOKED, CAN I APPLY FOR ANOTHER ONE?

Yes, but you should wait until you have put your affairs in order and can satisfy the Traffic Commissioner that you are now a suitable person to operate PSVs.

- The Traffic Commissioner, however, does have the power to disqualify anyone whose licence has been revoked from holding an operator’s licence in his or any other traffic area indefinitely or for a specified period of time. If the disqualification applies to another traffic area, the licence will automatically be suspended from the date of the disqualification order.
- A disqualification order may also stop you from operating in a partnership or being a director or major shareholder in any company that operates PSVs. Operators’ licences held by partnerships or companies in which you are involved may also be revoked, but the Traffic Commissioner is only likely to take such a severe step where it is very clearly justified. You have a right of appeal to the Transport Tribunal against a disqualification order.

If, after a period of time, you feel your circumstances have improved, you may apply to the Traffic Commissioner to have the order cancelled or varied.

42 WHAT TYPE OF SERVICE CAN I RUN UNDER MY LICENCE?

You can run more or less any type of service, but you should note that:

- in a vehicle with more than eight passenger seats it is against the law to ply for hire as a whole, like a taxi;
- in a vehicle with up to eight passenger seats you cannot do any work which needs a taxi or hire-car licence if the area concerned has a system of either taxi or hire-car licensing;
- your district council, or in London, the London Public Carriage Office, will tell you what the local licensing rules are for taxis or hire-cars;
- you may need another licence to run a local service in London (see Q44); and
- there are restrictions on the carriage of alcohol on vehicles used to take passengers to certain sporting events.

43 WHAT SERVICES CAN I RUN WITHOUT FURTHER FORMALITIES?

You can, for example:

- carry a party of passengers for a single payment from the organiser (this is called ‘private hire’) – the passengers must not pay separate fares to you or to anyone acting as your agent; or
- run an express coach service, passengers may pay separate fares (but they must travel at least 15 miles in a straight line from the place where they got on – unless they need to get off in an emergency); or
- run a long distance excursion or tour (where everyone travels at least 15 miles in a straight line from where they got on and then returns).
- If you want to run a local service (on which passengers pay separate fares and which will take them less than 15 miles) there are some more things which you must do.

44 WHAT DO I NEED TO DO BEFORE I CAN RUN A LOCAL SERVICE?

Outside London

You must register the service with the Traffic Commissioner before you want the service to start. You must also give notice before you change or cancel the service. Before registering you should read ‘A Guide to Local Bus Service Registration’ [PSV353A] or PSV 353A{Scotland}].

For advice on the registration of Flexible Local Bus Services you should read “A Guide to Flexible Local Bus Service Registrations (PSV358A)”.

Within London

There is a different system for local services with any stopping places within London. The majority of services in London are operated under contract to Transport for London [TfL] Buses, the contracts being awarded following competitive tender. There are also a small number of services that form part of the TfL bus network operated under a London Local Service Agreement with TfL Buses. Other services including tourist and commuter coach services operate under a London Service Permit granted by TfL Buses.

If you wish to apply for a London Service Permit, or require clarification concerning a service which you intend operating in London, you need to contact the Licensing Manager at TfL Buses, 172 Buckingham Palace Road, London, SW1 9TN, tel 020 7918 3135. An explanatory guide on the London Service Permit system is available from the same location.

45 WHAT ABOUT INTERNATIONAL OPERATIONS?

You can only run international services or perform cabotage if you have a standard international licence. Additionally, a restricted licence holder may undertake international journeys under the same conditions as national operators and may qualify for an own-account certificate allowing them to operate in the EU without the need for further authorisation. In all cases you will have to obey all the international rules. For regular services, shuttle services without accommodations and residual occasional services, you will need to get permission from the Department for Transport, and from the appropriate authorities in the countries you are visiting. For other services waybills are required and can be obtained from the Confederation of Passenger Transport, Imperial House, 15–19 Kingsway, London WC2B 6UN, telephone 020 7240 3131. The work of the International Road Freight Office has now transferred to the Eastern Traffic Area, City House, 126-130 Hills Road, Cambridge CB2 1NP. Advice on international operations can be sought by telephoning 01223 531 030.

46 WHERE CAN I GET MORE INFORMATION?

Appendix 2 lists various Acts of Parliament, Regulations, Guides and booklets which may answer your questions. The Traffic Area Office staff can give you some help, and so can the local Traffic Examiner and Vehicle Examiner. The Confederation of Passenger Transport may also be able to help you. If you are interested in operating local bus services you should get in touch with the appropriate local authority, or equivalent:

- for services in London – Transport for London Buses;
- for services in the 6 English Metropolitan areas – the Passenger Transport Executive;
- for services in other parts of England or any part of Wales – the Transport Co-ordinating Office for the County/Unitary Authority; or
- in Scotland – the Transport Co-ordinating Officer for the relevant Council.

APPENDIX 1

VOSA

Traffic Area Offices

All correspondence should be addressed to the Clerk to the Traffic Commissioner

Traffic Area	Responsible for	Address
North Eastern	The Metropolitan Boroughs within South Yorkshire, Tyne and Wear and West Yorkshire. The Counties of Durham, Northumberland, Nottinghamshire and North North Yorkshire. The Districts of Darlington, East Riding of Yorkshire, Hartlepool, Kingston upon Hull, Middlesbrough, North Lincolnshire, North East Lincolnshire, Nottingham, Redcar and Cleveland, Stockton-on-Tees and York.	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0870 60 60 440 Fax: 0113 248 9607
North Western	The Metropolitan Boroughs within Greater Manchester and Merseyside. The Counties of Cheshire, Cumbria, Derbyshire and Lancashire. The Districts of Blackburn with Darwen, Blackpool, Derby City, Halton and Warrington	Hillcrest House 386 Harehills Lane Leeds LS9 6NF Tel: 0870 60 60 440 Fax: 0113 248 9607
Eastern	The Counties of Bedfordshire, Buckinghamshire, Cambridgeshire, Hertfordshire, Essex, Leicestershire, Lincolnshire (except the Districts of North Lincolnshire and North East Lincolnshire), Norfolk, Northamptonshire and Suffolk. The Districts of Leicester, Luton, Milton Keynes, Peterborough, Rutland, Southend-on-Sea and Thurrock	Eastern Traffic Area Office City House 126-130 Hills Road Cambridge CB2 1NP Tel: 0870 60 60 440 Fax: 01223 309684

Traffic Area	Responsible for	Address
West Midland	The Meropolitan Boroughs within the West Midlands. The Counties of Shropshire, Staffordshire, Warwickshire and Worcestershire. The Districts of Herefordshire, Stoke-on-Trent and Telford and Wrekin	38 George Road Edgbaston Birmingham B15 1PL Tel: 0870 60 60 440 Fax: 0121 456 4250
Welsh (Cymru)	Wales (Cymru)	38 George Road Edgbaston Birmingham B15 1PL Tel: 0870 60 60 440 Fax: 0121 456 4250
Western	The Counties of Cornwall, Devon, Dorset, Gloucestershire, Hampshire, Oxfordshire, Somerset and Wiltshire. The Districts of Bath and North East Somerset, Bournemouth, Bracknell Forest, Bristol, Isle of Wight, North Somerset, Plymouth, Poole, Portsmouth, Reading, Slough, Southampton, South Gloucestershire, Swindon, Torbay, West Berkshire, Windsor and Maidenhead and Wokingham.	Western Traffic Area 2 Rivergate Temple Quay Bristol BS1 6EH Tel: 0870 60 60 440 Fax: 0117 929 8352
South Eastern & Metropolitan	Greater London The Counties of Kent, Surrey, East Sussex and West Sussex The Districts of Brighton and Hove, The Medway Towns.	Ivy House 3 Ivy Terrace Eastbourne BN21 4QT Tel: 0870 60 60 440 Fax: 01323 726679
Scottish	Scotland	J Floor Argyle House 3 Lady Lawson Street Edinburgh EH3 9SE Tel: 0870 60 60 440 Fax: 0131 229 0682

Other Useful Addresses

VOSA PSV Section	Welcombe House 91–92 The Strand Swansea SA1 2DH	Tel: 01792 454 250 or 01792 454 203
The Department for Transport	Zone 3/13, Buses & Taxis Division Great Minster House, 76 Marsham Street, London SW1P 4DR	Tel: 0207 944 2275
The Transport Tribunal	Postal address: Procession House, 55 Ludgate Hill, London EC4M 7JW. Public entrance: Procession House, 110 New Bridge Street, London EC4V 6JL	Tel: 020 7029 9780 Fax: 020 7029 9782
Driver Enquiry Unit	Driver and Vehicle Licensing Agency, Longview Road, Swansea SA6 7JL	Tel: 01792 772 151
Confederation of Passenger Transport	Imperial House, 15–19 Kingsway, London WC2B 6UN	Tel: 020 7240 3131

APPENDIX 2

Acts of Parliament

PUBLIC PASSENGER VEHICLES ACT 1981 & THE TRANSPORT ACT 1985 AND THE DEREGULATION AND CONTRACTING OUT ACT 1994

These three Acts should be read in conjunction with one another. The 1981 Act is the primary legislation for PSV operator licensing, but it has been amended by several sections of the Transport Act 1985 and by sections 58–69 and Schedule 14 of the Deregulation and Contracting Out Act 1994.

Certain parts of these acts are relevant to the subjects in this guide, namely:

THE PUBLIC PASSENGER VEHICLES ACT 1981

- Section 1: definition of a public service vehicle (PSV).
- Sections 6–11: fitness of PSVs.
- Sections 12–21: PSV operators' licences (see below Transport Act 1985 Sections 24–31)
- Sections 22–23: PSV drivers' licences.
- Section 46: fare-paying passengers on school buses.
- Schedule 1: conditions affecting PSV status etc.
- Schedule 3: qualifications for PSV operators' licences.

(note: sections 2, 28, 30–45 and 47–9 are entirely repealed by the 1985 Act; sections 4–5, 50–51 and 54 are completely rewritten by the 1985 Act.)

TRANSPORT ACT 1985

- Section 2: Meaning of local service.
- Sections 3–5: Traffic Commissioners (replacing sections 4, 5 and 54 of the 1981 Act).
- Section 6: Registration of local services.
- Sections 7–9: Traffic regulation conditions.

- Section 12: Use of taxis in providing local services (special licences).
- Sections 18–23: Vehicles used under permits.
- Sections 24–31: PSV operators' licences (amending and adding to the 1981 Act).
- Sections 34–46: London local service licences.
- Sections 110–111: Fuel duty rebate.
- Section 117: Transport Tribunal.
- Schedule 4: Transport Tribunal.

(Schedules 1, 2, 7 and 8 include various other changes to the 1981 Act.)

DEREGULATION AND CONTRACTING OUT ACT 1994

- Section 59: Undertakings given on applications for licences.
- Section 60: Objections to applications for licences.
- Section 61: Duration of licences.
- Section 62: Suspension of licences.
- Section 63: Operators discs.
- Section 64: Repeal of section 27 of 1981 Act.
- Section 65: Review of decisions.
- Section 66: Fees.
- Section 67: Disqualification of PSV operators.
- Schedule 14: Minor and consequential amendments.

REGULATIONS

For operators' licensing requirements and the registration and licensing of local services see:

The Public Service Vehicles (Operators' Licences) (Fees) Regulations 1995 (SI 1995/2909).

The Public Service Vehicles (Registration of Local Services) Regulations 1986 (SI 1986/1671) **amended** by SI 1988/1879, SI 1989/1064, SI 1993/2752 and SI 1994/3271.

The Public Service Vehicles (Registration of Local Services)(Amendment)(England & Wales) Regulations 2004 (SI 2004/10).

The Public Service Vehicles (Traffic Regulation Conditions) Regulations 1986 (SI 1986/1030) **amended by** SI 1994/3272.

The Public Service Vehicles (London Local Service Licences) Regulations 1986 (SI 1986/1691).

The Public Service Vehicles (Traffic Commissioners: Publication and Inquiries) Regulations 1986 (SI 1986/1629) **amended by** SI 1993/2754.

The Operation of Public Service Vehicles (Partnership) Regulations 1986 (SI 1986/1628) **amended by** SI 1990/1850.

The Public Service Vehicles (Qualifications) Regulations 1990 (SI 1990/1851) **amended by** SI 1990/2641.

The Public Service Vehicles (Lost Property) Regulations 1978 (SI 1978/1684) **amended by** SI 1981/1623 and SI 1995/185.

The Fuel Duty Grant (Eligible Bus Services) Regulations 1985 (SI 1985/1886).

The Service Subsidy Agreement (Tendering) Regulations 1985 (SI 1985/1921) **amended by** SI 1989/464 and 1994/1227.

The Transport Tribunal Rules 1986 (SI 1986/1547)

The Public Service Vehicle (Operators' Licences) Regulations 1995 (SI 1995/2908).

For Vehicle Requirements see:

The Road Vehicles (Construction and Use) Regulations (SI 1986/1078) as amended.

The Public Service Vehicles (Conditions of Fitness, Equipment, Use and Certification) Regulations 1981 (SI 1981/257), as amended.

The Public Service Vehicles (Carrying Capacity) Regulations 1984 (SI 1984/1406).

For PCV drivers' requirements see:

The Public Service Vehicles (Conduct of Drivers, Inspectors, Conductors and Passengers) Regulations 1990 (SI 1990/1020) **amended by** SI 1995/186.

The Motor Vehicles (Driving Licences) Regulations 1987 (SI 1987/1378) **amended by** SI 1990/842, SI 1991/485, SI 1991/1121, SI 1991/2483, SI 1992/1318, SI 1992/1757, SI 1992/3090, SI 1993/1602 and SI 1994/639.

The Motor Vehicles (Driving Licences) (Heavy Goods and Public Service Vehicles) Regulations 1990 (SI 1990/2611) **amended by** SI 1992/3085.

The Motor Vehicles (Driving Licences) (Large Goods and Passenger Carrying Vehicles) Regulations 1990 (SI 1990/2612) **amended by** SI 1991/515, SI 1991/1122, SI 1991/1541, SI 1992/166, SI 1992/1356, SI 1992/1761, SI 1992/3089, SI 1993/1603 and SI 1994/639.

For operation of bus services by taxis see:

The Local Services (Operation by Taxis) Regulations 1986 (SI 1986/567)

The Local Services (Operations by Taxis) (London) Regulations 1986 (SI 1986/566)

For Vehicles Used Under Permits see:

The Community Bus Regulations 1986 (SI 1986/1245) **amended by** SI 1996/3087.

The Section 19 Minibus (Designated Bodies) Order 1987 (SI 1987/1229) **amended by** SI 1990/1708, SI 1995/1540, and SI 1997/535.

The Minibus and other Section 19 Permit Buses Regulations 1987 (SI 1987/1230) **amended by** SI 1996/3088.

For drivers' hours see:

1. EC Rules

EC Regulation 3820/85 on drivers' hours EC Regulation 3821/85 on tachographs EC Regulation 3314/90 on tachographs EC Regulation 684/92 on "Regular Services"

* The Drivers' Hours (Harmonisation with Community Rules) Regulations 1986 (SI 1986/1458).

The Community Drivers' Hours and Recording Equipment (Exemptions and Supplementary Provisions) Regulations 1986 (SI 1986/1456) **amended by** SI 1986/1457, SI 1986/1669, SI 1987/805 and SI 1988/760.

The Passenger and Goods Vehicles (Recording Equipment) Regulations 1979 (SI 1979/1746) **amended by** SI 1984/144, SI 1985/1801, SI 1986/1457, SI 1986/2076, SI 1989/2121, SI 1991/381 and SI 1994/1838.

*** Applicable to both EC and Domestic Rules**

2. AETR Rules

European Agreement concerning the work of crews on vehicles engaged in International Road Transport (AETR) (Cmnd. 7401) (as amended by Cmnd. 7401 and 9037 and E/ECE/TRANS/564 Amend 2 & 3).

Transport Act 1968 (Part IV) (as amended by The Passenger and Goods Vehicles (Recording Equipment) Regulations (see Section 1)).

The Drivers' Hours (Passenger Vehicles) (Exemptions) Regulations 1970 (SI 1970/145).

The Drivers' Hours (Passenger and Goods Vehicles) (Modifications) Order 1971 (SI 1971/818).

GUIDES AND LEAFLETS

You can get the following from the Department for Transport, Local Government and the Regions, Great Minster House, 76 Marsham Street, London SW1P 4DR and, in most cases, from Traffic Area Offices:

- A Guide to Local Bus Service Registration (PSV353A); [PSV353A(Scotland)]
- Drivers' Hours Rules for Road Passenger Vehicles (PSV375);
- Guide to Maintaining Roadworthiness. (HMSO) (priced document);
- Guide to Flexible Local Bus Service Registrations. [PSV358A]

You can get the following booklet from The Driver Licensing Agency in Swansea (address in Appendix 1).

- 'What you need to know about your driving licence' (D100).

For details of the PCV driving test you should read 'The Bus and Coach Driving Manual'. (HMSO) Price £8.95.

PSV OPERATOR LICENSING FORMS

- PSV356: Application for a Special Restricted PSV Licence (fee payable with application).
- PSV356A: Special Restricted PSV Operator's Licence.
- PSV421: Application form for Standard or Restricted Licence (fee payable with application).
- PSV421A: Supplementary form for detailing vehicles to be used under the licence.
- PSV421F: Supplementary form requesting financial information in support of licence application.
- PSV430: Form to notify change of vehicle registration numbers.
- PSV431: Application for chargeable variations to a PSV operator's licence.
- PSV431A: Application for non-chargeable variations to a PSV operator's licence.
- PSV442: Rules for PSV vehicle operators and their staff on relevant convictions.

APPENDIX 3

Voluntary Transport: Permit schemes

Some voluntary operators of minibuses and, in a few cases, larger buses, are free from PSV operator licensing if they use their vehicle under special permits. These permits let the holder carry fare paying passengers in fairly restricted circumstances.

This Appendix only gives an outline of the subject. For more information please see the guide PSV385 'Passenger Transport Provided by Voluntary Groups'.

There are two permit schemes.

- minibus permits: these were brought in in 1977 and from 1987 onwards are granted under the terms of Section 19 of the Transport Act 1985; and
- community bus permits: issued under section 22 of the Transport Act 1985 replacing the community bus road service licences issued from 1978 to 1986.

Minibus Permits

Voluntary groups concerned with education, religion, social welfare, recreation or other activities of benefit to the community can get minibus permits. The ordinary permit is for a vehicle which can carry between 9 and 16 passengers. These permits are issued either by Traffic Commissioners or designated bodies (local authorities, various national charities or church organisations etc). They allow the holder of the permit to carry members of the group (eg. Boy Scouts) or people who the group aims to help (eg. the disabled). The permit gives details of those who may use the vehicle but it must not be the general public.

Minibus permits do not allow a vehicle to be used to make a profit, or to be used in connection with a profit making activity.

Voluntary groups which act as 'Umbrella Organisations' for small bodies concerned with education, religion, social welfare or other activities which would benefit the community, can get a large bus permit for vehicles with more than 16 passenger seats. You can get these only from the Traffic Commissioner, who must be satisfied that the group has good enough facilities or arrangements for maintaining the vehicles.

Community Bus Permits

Community bus permits are meant for a different purpose. They are issued to groups who want to run a local bus service on a voluntary, non-profit basis using unpaid volunteer drivers. These groups are usually committees of volunteers sponsored by their local authority where there is not any other bus service for the community in question.

Unlike other permit vehicles, community buses can carry the general public, and their main use is to give the public a local service (which must be registered with the Traffic Commissioner). Permits are issued by the Traffic Commissioner who can, at his discretion, allow the operator to use the vehicle for non-local services (eg. contract hire) that help to give financial backing to the local operation.

Community bus operators have to run their local services just as reliably as professional operators. The Traffic Commissioner must also be satisfied that their maintenance facilities or arrangements are good enough. He can revoke the permit if standards are not kept up.

APPENDIX 4

Special PSV operators' licences

This Appendix is for proprietors of licensed taxis who want to use their vehicles to run a local service at separate fares.

DO I NEED A PSV OPERATOR'S LICENCE TO RUN A LOCAL SERVICE WITH MY TAXIS?

Yes, but because you already hold a taxi licence you only need to get a special restricted PSV operator's licence.

HOW DO I APPLY?

You can get an application form (PSV356) from the Traffic Area Office which covers the area for the district council which issued your licence. The licence will be granted once the Traffic Area Office has checked that you hold at least one taxi licence.

HOW MANY VEHICLES CAN I OPERATE?

The licence covers you in perpetuity for all the taxis for which you hold licences. The number of vehicles you have may change during that time but you will not have to change your special licence. You will have to pay a fee every 5 years to keep your licence in force.

ARE THERE ANY OTHER CONDITIONS?

Yes. You must undertake to operate a local service. You must register the service, or in London, get a London service permit.

All the vehicles used under the licence must be ones for which you hold taxi licences.

Local bus services (other than excursions and tours) are the only type of PSV operation you can undertake. You cannot run any other type of PSV service with your taxis (eg. an express service with stopping places more than 15 miles apart).

HOW DO I REGISTER A LOCAL SERVICE?

You must register your local service in the same way as other PSV operators do, please see 'A guide to local bus service registration' (PSV353A).

For advice on the registration of Flexible Local Bus Services you should read "A Guide to Flexible Local Bus Service Registrations (PSV358A)".

ARE THERE ANY SPECIAL RULES I MUST OBEY?

Yes, on any service you run at least one stopping place must be in the area of the district council which issued your taxi licence, the other stopping places can be in any other district.

You must have a notice on the front of the vehicle with the word 'Bus' on it in letters 60mm high and showing either the route, the destination or the kind of service you are running.

You must have a faretable on display in the vehicle so that the passengers can check the fare for any journey, or how the fare is worked out.

The vehicles must be licensed taxis for which you have proper licences. You cannot use private hire cars under a special licence.

CAN ANYONE DRIVE THE TAXI ON LOCAL SERVICES?

No, the driver must be a licensed taxi driver and should be licensed by the same district council as the vehicle. PSV drivers must not be used unless they also hold the appropriate taxi licence.

WILL MY VEHICLES BE RESTRICTED TO BEING USED TO OPERATE LOCAL SERVICES?

No. They may be used to operate other types of taxi service when they are not being used on a local service. But while being used on a local service they must not ply for exclusive hire or pick up passengers waiting at taxi ranks but must operate the local service as registered.

IS IT WORTH APPLYING FOR ANY OTHER KIND OF PSV OPERATOR'S LICENCE?

Yes, a restricted PSV operator's licence will let you run 2 vehicles with up to 8 passenger seats as PSVs (but not as taxis) as well as your taxi(s), and if the bulk of your earnings will still be from taxi operation, you may be granted a restricted licence for 2 PSVs with up to 16 passenger seats. But you must first satisfy the Traffic Commissioner that you are of good repute, appropriate financial standing, can maintain your vehicles properly and obey all parts of PSV law. You should read the main part of this guide for more information.

APPENDIX 5

Professional competence requirement for standard licences only

A professionally competent person must be in charge of running your business. This person can be you or a transport manager you employ (he/she does not have to be part of your full-time staff), or more than one transport manager working together. The professionally competent person must also be of good repute.

A person can be professionally competent for national operations only, or for both national and international operations. If the transport manager has professional competence for national operations only, you should apply for a standard licence. If he has professional competence for both national and international operations you can apply for a standard international licence.

Professional competence can be claimed in one of the three following ways.

1. On grounds of experience as a PSV operator or Transport manager* – but only if this experience began before 1 January 1978 and was gained:
 - (a) at any time in the period 1 January 1970 to 31 December 1974; or
 - (b) over a period or periods which add up to at least two years between 1 January 1975 and 31 December 1979.
2. By passing the Royal Society of Arts examination and holding the Certificate of Professional Competence (CPC) awarded for National and/or International Road Passenger Transport Operations, as appropriate. For more details please get in touch with the Royal Society of Arts Examination Board, Westwood Way, Coventry CV4 8HS. Tel: 01203 470 033.

* Note: Where the experience was gained as an employee, the Traffic Commissioner may want evidence such as letters from the operator(s) with whom you worked, describing your duties and confirming the dates of employment. If you or your transport manager were given a number on the Department of Transport's Register, you should put it in your application.

3. By holding certain professional qualifications given by one of the following groups:

For National and International Operations:

Fellow [FCILT] or Chartered Member [CMILT] of the Chartered Institute of Logistics and Transport by examination and/or formal accreditation in Road Passenger Transport, on production of the exemption certificate issued by the Institute;

Member or Associate Member of the Institute of Road Transport Engineers;

Holders of the Institute of Logistics and Transport Certificate in Logistics and Transport with endorsement in Road Passenger transport, on production of the exemption certificate issued by the Institute.

For National Operations only:

Holder of the Royal Society of Arts Certificate in Road Passenger Transport. This certificate only exempts you from the CPC if it was obtained after May 1984.

Member [MILT] of the Chartered Institute of Logistics and Transport by examination and/or formal accreditation in road passenger transport, on production of the exemption certificate issued by the Institute;

Associate of the Institute of Road Transport Engineers [by examination];

Holders of the Institute of Logistics and Transport Certificate in Logistics and Transport with endorsement in passenger transport coordination, on production of the exemption certificate issued by the Institute.

NOTE: From March 2007, Institute of Transport Administration (IoTA) exemption certificates are not acceptable as CPC qualifications/exemptions for nominated transport managers. Any new applications which nominate a Transport Manager who submits for consideration an IoTA certificate will not be accepted without either providing additional acceptable evidence of professional competence or alternatively, an applicant may nominate a replacement Transport Manager who holds an acceptable CPC or exemption. This approach will be adopted until agreed IoTA examinations are in place for National and International operations.

Operators who currently employ a Transport Manager who used IoTA certificates as evidence of exemption prior to March 2007 are not affected unless that TM wishes to be added to a new or additional licence. Should this occur the matter will be considered by the Traffic Commissioner.

APPENDIX 6

Maintenance Arrangements

The Department attaches great importance to proper maintenance, and has produced a guide entitled 'Guide to Maintaining Roadworthiness: Commercial Goods and Passenger Carrying Vehicles' jointly with the Confederation of Passenger Transport, Freight Transport Association and Road Haulage Association.

The guide is available from VOSA Traffic Area Offices and Test Stations or can be downloaded from the website on www.vosa.gov.uk

- A summary of the guide is reproduced at Appendix 7.

APPENDIX 7

Summary

1. A daily walkround check *must* be undertaken by a responsible person before a vehicle is used.
2. First-use inspections are essential for operators who lease, hire or borrow vehicles, including trailers, from other people. Inspections wherever vehicles and trailers have been off the road for some time are essential.
3. Drivers must be able to report promptly any defects or symptoms of defects that could adversely affect the safe operation of vehicles. Reports must be made in writing and provision should be made to record details of any rectification work done.
4. Drivers' defect reports which record any faults must be kept for at least 15 months.
5. Operators must ensure that checks are made regularly of items which affect roadworthiness.
6. Safety inspections must include those items covered by the appropriate Department for Transport annual test.
7. Safety inspections should be pre-planned preferably using a time based programme.
8. The system of safety inspections must be regularly monitored particularly in the early stages.
9. Any remedial work carried out arising from safety inspections must be the subject of a written record.
10. The safety inspection report must include:
 - vehicle details;
 - a list of all items to be inspected
 - when and by whom the inspections are carried out
 - the result of the inspection
 - details of any rectification work
 - a declaration that defects have been rectified satisfactorily.
11. On some types of vehicle and operations, intermediate safety checks may be necessary.
12. Records of safety inspections must be kept for at least 15 months.

13. Staff carrying out safety inspections must be competent to assess the significance of defects. Assistance must be available to operate the vehicle controls as necessary.
14. There must be a system to ensure that unroadworthy vehicles are removed from service.
15. Operators who undertake their own safety inspections must have adequate facilities and tools available. They must be appropriate to the size of fleet and type of vehicle operated.
16. Operators should have access to a means of measuring brake efficiency and setting headlamp aim and measuring exhaust emissions.
17. An operator is responsible for the condition of vehicles which (includes trailers) inspected and/or maintained for him by agents, contractors or hire companies.
18. Operators who contract out their safety inspections must draw up, and have approved, a formal written contract with an inspection agency or garage. Such operators must have a means of regularly monitoring the quality of work produced for them.
19. The dates when safety inspections are due must be the subject of forward planning.
20. A maintenance planner or wall chart should be used to identify dates at least 6 months when safety inspections are due.
21. Any system of maintaining roadworthiness must be effectively and continually monitored.
22. Any change by licensed operators to arrangements for safety inspections must be notified to the relevant Traffic Area Office without delay.
23. Drivers must be given clear written instructions about their responsibilities.

APPENDIX 8

Relevant Convictions

RULES FOR PUBLIC SERVICE VEHICLE OPERATORS AND THEIR STAFF

This leaflet concerns all those who either hold a public service vehicle (PSV) operator's licence, or who are in the process of applying for one, including persons in partnership and those acting on behalf of a company.

Section 19 of the Public Passenger Vehicles Act 1981 requires those who hold a PSV operator licence to report certain convictions of themselves and those who work for them to the Traffic Commissioner. It places a similar requirement on those who are applying for a PSV operator licence. Convictions which have to be notified are known as relevant convictions.

In assessing whether an operator or applicant meets the requirements to be of 'good repute', the Traffic Commissioner shall take account of any relevant evidence; in particular he must consider relevant convictions. How much weight he gives to each conviction will depend on the seriousness of the offence, and the extent to which it reflects on the operator's (or applicant's) fitness to manage a passenger transport business.

This leaflet aims to summarise what the relevant convictions are, and when they should be reported.

WHAT ARE THE RELEVANT CONVICTIONS?

These fall into 2 broad categories:

1. **Convictions for serious offences** – Where a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard scale or a community service order for more than 60 hours was imposed.
2. **Convictions for offences concerning the use of PSVs and the licensing requirements for their operators and drivers.** The offences include:
 - PSV operator licensing offences;
 - contraventions of vehicle fitness/excise/insurance requirements;
 - driving and traffic offences;
 - offences relating to drivers' hours and records; and
 - offences relating to grants for fuel duty rebate.

Some of these offences do not exclusively concern PSVs, and convictions need be reported only if the case in question is related to the operation or driving of a Public Service Vehicle. So the offence of speeding as a private motorist, for example, need not be reported.

The table at the end of this leaflet briefly describes the offences specified as relevant convictions in the Schedule to the Public Service Vehicles (Operators' licences) Regulations 1995 (SI 1995/2908).

SPENT CONVICTIONS

Even if a conviction has occurred, it should not be reported if it has become a spent conviction within the meaning of the Rehabilitation of Offenders Act 1974. In general, a conviction resulting in a fine becomes spent after 5 years unless, in certain circumstances, the offender is convicted of a further offence during that period (for offenders who are under 17 at the time of the conviction, it becomes spent after 2½ years).

For further details you may read the leaflet 'Wiping the Slate Clean' available free from the Home Office, C1 Division, 50 Queen Anne's Gate, London SW1H 4AT, or for fuller information, 'A Guide to Rehabilitation of Offenders Act 1974'. available from HMSO (reference No. ISBN 0 11 340755 6).

FOREIGN CONVICTIONS

If a conviction has been imposed by a Court outside Great Britain (including a Northern Ireland Court) it will be relevant, and should be reported, if the offence corresponds to one listed in the table on this leaflet.

IN WHAT CIRCUMSTANCES MUST RELEVANT CONVICTIONS BE REPORTED?

You will be asked when you apply for a PSV operator's licence to list all the relevant convictions over the last 5 years (excluding spent convictions) of:

- yourself (or any company on whose behalf you are applying);
- the person you propose to engage as your transport manager; and
- any employee or agent of yours.

These details must be given on your application form.

If in the period when your application is being considered, a relevant conviction occurs of any of these persons, you must report it immediately to the Traffic Commissioner to whom you have applied.

If you are the holder of a PSV operator's licence, you must continue to report relevant convictions throughout the currency of the licence as follows:

- those of yourself (or any company holding the licence) within 28 days of the conviction;
- those of the transport manager, if they concern offences committed in the course of your PSV business, within 28 days of the conviction; and
- those of any other officer, employee or agent, if they concern offences committed in the course of your PSV business, within 28 days of their coming to your knowledge.

If you **yourself** have any relevant convictions, you must report them even if they occur in the course of a business other than the one for which you hold or are seeking a licence.

In the case of your proposed **transport manager** you should, on application if so requested, report all his or her relevant convictions, including those incurred outside your own business. Thereafter you need report only those incurred by him or her in your own business as a road passenger transport operator.

You are not required to report convictions incurred by your **other employees** outside your passenger transport business (eg. in previous jobs, or in any different business). But you should bear in mind that any misconduct by an operator or employee may put the operator's good reputation at risk, even if it does not amount to a relevant conviction.

Note also that there is a separate requirement to report convictions on application for a PCV driver licence.

PARTNERSHIPS

When persons in partnership apply for, or hold, a PSV operator licence, every one of the partners must meet the requirement of 'good reputation', so the relevant convictions of each partner must be notified as if he or she were the operator.

RELEVANT CONVICTIONS: DESCRIPTION OF OFFENCES PRESCRIBED

Offence-creating provision

Description*

Public Passenger Vehicles Act 1981

Any offence under this Act or regulations made under it, and London local service licensing.

Offences against the requirements of PSV operator licensing. Failure to comply with PSV fitness requirements; driving a prohibited vehicle. Failure to comply with any statutory duty to supply information to the Traffic Commissioner or the Secretary of State.

Contravention of regulations on the above matters, or on conduct of PSV drivers, conductors or inspectors or carrying capacity of PSVs.

Failure of owner of PSV to give identity of driver when requested to do so by the Police.

Forging of documents relating to PSV operation, including licences, certificates, and discs.

Knowingly making a false statement to get a PSV licence, certificate or disc or to prevent one from being revoked, etc.

A **serious** offence under the law in force in any part of the United Kingdom for which a sentence of imprisonment for a term exceeding three months, a fine exceeding level 4 on the standard scale or a community service order for more than 60 hours was imposed. (See also note on Foreign Convictions.)

Transport Act 1985

Any offence under Parts I or II of that Act, or regulations made under those Parts.

Offences against the requirements of London local service licensing. Contravention of community bus permit conditions; plying for hire by PSV with more than 8 seats; contravention of regulations on local bus services, permit vehicles etc.

Any offence under Section 101.

Failure to comply with any obligation to participate in a concessionary fares scheme.

*** this is not a precise legal description – if in doubt please refer to the enactment.**

Offence-creating provision	Description*
Road Traffic Act 1988	
<i>In relation to a PSV any offence specified in:</i>	
<i>Part I</i>	Reckless, dangerous, careless driving; offences relating to drugs/drinking and driving; racing on highways; failure to comply with traffic direction.
<i>Part II</i>	Using a vehicle which does not comply with construction and use regulations, or which has not a valid test certificate; selling, supplying etc. a vehicle or component, or fitting a component, in an unroadworthy state.
<i>Part III</i>	Offences by a PSV driver concerning the ordinary driving licence including driving under age or while disqualified.
<i>Part IV</i>	Conduct of PSV drivers.
<i>Part VI</i>	Use of vehicles not properly insured, and related offences.
<i>Part VI</i>	Use of vehicles not properly insured, and related offences.
<i>Part VII – Sections 164(6) and (9), 165(3) and (6), 168, 170(7), 171(2), 172(3) and (4), 173(1), 174(1) and (2) and (5).</i>	Failure to produce licences, or supply various documents and information relating to accidents, driver licensing or insurance; forgery of licences, certificates etc. issued under this Act, or knowingly giving false information to get them.

Offence-creating provision	Description*
<p>In relation to a PSV any offence relating to: <i>The speed at which vehicles may be driven</i></p>	Includes speed limits on PSVs as a class and speed limits on certain sections or types of road.
<i>Grants toward bus fuel duty</i>	Making false statements to obtain a grant or failing to comply with its conditions.
<i>Vehicle excise duty</i>	Failing to pay vehicle excise duty.
<i>Convictions under Sections 5(1), 8(1), 11, 13, 16(1), 17(4) and 18(3) of the Road Traffic Regulation Act 1984, for contravention of orders, regulations or notices (as applicable) made under that Act</i>	Use of PSV contrary to traffic regulation orders (lane and directional use), or motorway regulations.
<i>Contravention of provision as to drivers' hours and the keeping of drivers' records, contained in regulations made under Part VI of the Transport Act 1968.</i>	Offences against either the domestic drivers' code, the EC rules or the AETR rules; failure to use a tachograph when required or to keep proper written records or to retain records for inspection.
<i>Contravention of Section 1 of the Sporting Events (Control of Alcohol etc.) Act 1985 in so far as it relates to PSVs</i>	Offences in connection with the carriage of alcohol on PSVs to certain named sporting events.
<i>Contravention of Section 92 of the Licensing (Scotland) Act 1976 and Section 70 of the Criminal Justice (Scotland) Act 1980.</i>	Offences (under Scottish law) relating to the carriage of alcohol on PSVs.

Note: Convictions for any offence similar to the above under the law of Northern Ireland or any other foreign country should also be reported.