



THE ROAD TRANSPORT ACT 2001

**THE PUBLIC PASSENGER VEHICLES
(TRANSITIONAL PROVISIONS) REGULATIONS 2002**

Approved by Tynwald

20th March 2002

Coming into operation

1st April 2002

In exercise of the powers conferred on the Department of Transport by section 64(2) of the Road Transport Act 2001¹, and of all other enabling powers, the following Regulations are hereby made:—

1. Citation, commencement and interpretation

(1) These Regulations may be cited as the Public Passenger Vehicles (Transitional Provisions) Regulations 2002 and, subject to section 62(6) of the Act, shall come into operation on the 1st April 2002.

(2) In these Regulations —

"the Act" means the Road Transport Act 2001;

"the 1916 Act" means the Local Government Consolidation Act 1916²;

"the 1964 Act" means the Road Traffic (Public Service Vehicles) Act 1964³;

"the Committee" means the Road Transport Licensing Committee;

"the Department" means the Department of Transport.

(3) For the purposes of these Regulations a licence is current if —

(a) it was granted before the 1st April 2002,

(b) it came into force before, or was to come into force on, that date; and

¹ 2001 c.27

² X p.57

³ XIX p.1298

- (c) but for the repeal of the enactment under which it was granted, it would have expired after that date;

and "the expiry date", in relation to a current licence, is the date on which, but for such repeal, the licence would have expired.

2. Exemption for holders of certain licences

- (1) This regulation applies to a current licence of any of the following descriptions —

- (a) a hackney carriage licence under section 288 of the 1916 Act, other than a licence for a hire and drive carriage only;
- (b) a public service vehicle licence under section 4 of the 1964 Act.

(2) Any person who, immediately before the 1st April 2002 is the holder of a licence to which this regulation applies (an "existing licensee") shall be deemed for the purposes of Parts 2 and 3 of the Act, until the expiry of the period specified in paragraph (3), to be registered —

- (a) in Part A of the register of passenger vehicle operators, if the licence (or, if more than one, one of the licences) is a licence referred to in paragraph (1)(b);
- (b) in Part B of that register, in any other case.

(3) The period referred to in paragraph (2) is the period commencing on the 1st April 2002 and ending on —

- (a) the expiry date of the licence referred to in paragraph (1)(a) or (b) (or, if more than one, the last of those licences to expire), or
- (b) if the existing licensee applies before the 1st July 2002 for registration as a passenger vehicle operator or for a passenger vehicle operator's licence —
 - (i) the date on which the registration or licence comes into force,
 - (ii) where the application is withdrawn, the date of withdrawal; or
 - (iii) where the application is refused, the date on which the time for appealing against the refusal expires or, if an appeal is made, the date on which the appeal is determined or withdrawn,

whichever is the later.

(4) During the period referred to in paragraph (2), for the purposes of section 15(2) of the Act —

- (a) a number of passenger vehicles, equal to the total number of licences referred to in paragraph (1)(a) and (b) held by the existing licensee immediately before the 1st April 2002, shall be deemed to be specified in relation to him under section 15(2)(a) of the Act;
- (b) a number of passenger vehicles constructed or adapted to carry not more than 8 passengers in addition to the driver, equal to the number of licences referred to in paragraph (1)(a) held by the existing licensee immediately before the 1st April 2002, shall be deemed to be specified in relation to him under section 15(2)(b) of the Act;
- (c) a number of passenger vehicles constructed or adapted to carry more than 8 passengers in addition to the driver, equal to the number of licences referred to in paragraph (1)(b) held by the existing licensee immediately before the 1st April 2002, shall be deemed to be specified in relation to him under section 15(2)(b) of the Act.

3. Continuation of certain licences

(1) Any person who, immediately before the 1st April 2002 is the holder of a current road service licence under section 10 of the 1964 Act shall be deemed for the purposes of section 25 of the Act, until the expiry of the period specified in paragraph (4), to be the holder of a licence under the said section 25 authorising him to provide the regular services specified in the current licence.

(2) Any person who, immediately before the 1st April 2002 is the holder of a current licence to drive a hackney carriage under section 290 of the 1916 Act shall be deemed for the purposes of section 40 of the Act, until the expiry of the period specified in paragraph (4), to be the holder of a licence under the said section 40 —

- (a) if the current licence is limited to any specified type or types of vehicle, authorising him to drive public passenger vehicles of that type or those types;
- (b) otherwise, authorising him to drive public passenger vehicles of any description, not being vehicles constructed or adapted to carry more than 8 passengers in addition to the driver

(3) Any person who, immediately before the 1st April 2002 is the holder of a current licence to drive a public service vehicle under section 16 of the 1964 Act shall be deemed for the purposes of section 40 of the Act, until the expiry of the period specified in paragraph (4), to be the holder of a licence under the said section 40 —

- (a) if the current licence is limited to any specified type or types of vehicle, authorising him to drive public passenger vehicles of that type or those types;
- (b) otherwise, authorising him to drive public passenger vehicles of any description.

(4) The period referred to in paragraphs (1), (2) and (3) is the period commencing on the 1st April 2002 and ending on —

- (a) the expiry date of the current licence in question, or
- (b) if the holder of that licence applies before the 1st July 2002 for a licence under section 25 or section 40, as the case may be —
 - (i) the date on which the licence comes into force,
 - (ii) where the application is withdrawn, the date of withdrawal; or
 - (iii) where the application is refused, the date on which the time for appealing against the refusal expires or, if an appeal is made, the date on which the appeal is determined or withdrawn,

whichever is the later.

4. Pending applications

(1) An application for a licence to which regulation 2 applies which was made before the 1st April 2002 and has not been determined before that date shall be treated as an application —

- (a) for registration in Part A of the register of passenger vehicle operators, if the applicant is the holder of a current public service vehicle licence under section 4 of the 1964 Act;
- (b) for registration in Part B of that register, in any other case.

(2) An application for a road service licence under section 10 of the 1964 Act which was made before the 1st April 2002 and has not been determined before that date shall be treated as an application for a licence under section 25 of the Act authorising the applicant to provide the regular services to which the application relates.

(3) An application for —

- (a) a licence to drive a hackney carriage under section 290 of the 1916 Act, or
- (b) a licence to drive a public service vehicle under section 16 of the 1964 Act, which was made before the 1st April 2002 and has not been determined before that date shall be treated as an application for a licence under section 40 of the Act —
 - (i) if the application is for a licence is limited to any specified type or types of vehicle, authorising the applicant to drive public passenger vehicles of that type or those types;
 - (ii) otherwise, authorising him to drive public passenger vehicles of any description;

except that, where the application is for a licence mentioned in sub-paragraph (a), it shall in any event be limited to vehicles constructed or adapted to carry not more than 8 passengers in addition to the driver.

(4) Where particulars of an application to which this regulation applies have been published pursuant to regulations under section 28 of the 1964 Act, notice of it need not to be published pursuant to regulation 2 of the Road Transport Licensing Committee Regulations 2002⁴.

5. Pending appeals

(1) An appeal to the Department under section 15 or 17 of the 1964 Act which was made but has not been determined before the 1st April 2002 shall be determined by the Department as if the Act had not been passed, except that, before making an order under section 15(7) or 17(2) of the 1964 Act, the Department shall consult the Committee.

(2) Where the appeal relates to the refusal of a public service vehicle licence under section 4 of the 1964 Act and is allowed, the appellant shall be deemed for the purposes of Parts 2 and 3 of the Act to be registered in Part A of the register of passenger vehicle operators until the date on which, but for the repeal of the 1964 Act, the licence would have expired.

(3) Where the appeal relates to the refusal of a road service licence under section 10 of the 1964 Act and is allowed, the appellant shall be deemed for the purposes of section 25 of the Act to be the holder of a licence under the said section 25 authorising him to provide the regular services specified in the road service licence until the date on which, but for the repeal of the 1964 Act, the licence would have expired.

(4) Where the appeal relates to the refusal of a licence to drive a public service vehicle under section 16 of the 1964 Act and is allowed, the appellant shall be deemed for the purposes of section 40 of the Act to be the holder of a licence —

- (a) if the application was for a licence is limited to any specified type or types of vehicle, authorising the appellant to drive public passenger vehicles of that type or those types;
- (b) otherwise, authorising him to drive public passenger vehicles of any description;

until the date on which, but for the repeal of the 1964 Act, the licence would have expired

(5) Where the appeal relates to —

- (a) a condition attached to a public service vehicle licence under section 4 of the 1964 Act,

⁴ SD 43/02

- (b) a condition attached to a road service licence under section 10 of that Act, or
- (c) a limitation attached to a licence to drive a public service vehicle licence under section 16 of that Act,

regulation 2 or 3, as the case may be, shall apply thereafter as if the appeal had been determined immediately before the 1st April 2002.

(6) Paragraphs (1) to (5) apply, with any necessary modifications, to any appeal to the Department under byelaws made under section 315(30) of the 1916 Act as they apply to an appeal relating to a corresponding matter under the 1964 Act.

MADE *20th February* 2002



Minister for Transport

EXPLANATORY NOTE
(This note is not part of the Regulations)

These Regulations make transitional provisions with respect to licences in force, and applications and appeals pending, on the coming into operation of the passenger transport registration and licensing provisions of the Road Transport Act 2001 on 1st April 2001.

Holders of current hackney carriage licences and public service vehicle licences will be deemed to be registered passenger vehicle operators until the expiry of the current licence, or until an application made before 1st July 2002 for registration or an operator's licence is disposed of, if later (regulation 2). Current road service licences for bus services, and current hackney carriage and PSV drivers' licences, will continue in force until expiry, or until an application made before 1st July 2002 for a replacement licence under the 2001 Act is disposed of, if later (regulation 3). Pending applications will be treated as applications for the corresponding registration or licence under the 2001 Act (regulation 4). Pending appeals to the Department of Transport will be disposed of by the Department (regulation 5).