

A NOTE ON THE SUBMISSION BY MEMBERS OF THE PUBLIC OF OBJECTIONS TO APPLICATIONS MADE TO THE ROAD TRANSPORT LICENSING COMMITTEE

This Note was agreed by the Road Transport Licensing Committee (“the Committee”) on 29th November 2022 and supersedes any previous Note (howsoever titled) relating to the submission of objections to the Committee as provided by the Road Transport Act 2001 (“the Act”) and the Road Transport Regulations 2018 (“the Regulations”).

1. Applications in relation to which objections made by members of the public can be considered by the Committee

The Act enables the Committee only to consider objections which are made by any person in relation to the following applications:

- An application for a Goods Vehicle (“GV”) operator’s licence – section 10
- An application for the variation of a GV operator’s licence – section 17
- An application for registration as a GV operator – section 10
- An application for the variation of a registration as a GV operator – section 17
- An application for a Passenger Vehicle (“PV”) operator’s licence – section 10
- An application for the variation of a PV operator’s licence – section 17
- An application for registration as a PV operator – section 10
- An application for the variation of a registration as a PV operator – section 17
- An application for a regular service licence – sections 25 to 27
- An application for the variation of a regular service licence – section 28

Although the Committee can consider objections in relation to the applications listed above, it can do so only to the extent permitted by the Act.

2. Grounds for objections to applications for a licence or registration and to applications to vary a licence or registration

In relation to an application for a GV operator’s licence, for registration as a GV operator, for a PV operator’s licence or for registration as a PV operator, section 11(3) provides that “*any person may object to the registration or the grant of the licence on the ground that the requirement set out in section 10(4) is not satisfied in respect of the application*”.

The requirement set out in section 10(4) is as follows:

- (a) *any place specified in the application as an operating centre is suitable –*
 - (i) *for use as such an operating centre, and*
 - (ii) *for use as such an operating centre for the number of vehicles, or the number of vehicles of any specified class proposed to be used under the registration or licence; and*
- (b) *such additional requirements as may be prescribed are met.*

An objection may also be made on the same ground to a variation application where the variation sought is to change an existing operating centre or to add a further operating centre – see section 17(4).

3. Representative bodies – additional grounds for objections to applications for a licence or registration

A representative body is defined in section 63(1) as one which appears to the Committee to be representative of PV operators or GV operators, as the case may be, or of any class of such operators.

In relation to an application for a GV operator's licence, for registration as a GV operator, for a PV operator's licence or for registration as a PV operator, section 11(2) provides that a representative body may object to the registration or the grant of the licence on the ground that one or more of the requirements mentioned in section 10(1) (good repute) or 10(2) (appropriate financial standing and professionally competent) are not satisfied in relation to the application. Objections can be made on the same grounds to applications under section 17 to vary an operator's entry in the register or the licence.

The Department of the Environment, Food and Agriculture and the Chief Constable are able to make objections on the same grounds as representative bodies.

4. Grounds for objections to applications for a regular service licence or the variation of a regular service licence

Section 25(3) & (4) provide that, in determining an application for a regular service licence the Committee shall take in consideration any objections or representations may by any person with respect to any matter to be taken into account by the Committee under section 27. Those matters are set out in section 27(4) as follows:

- (a) the safety and convenience of the public;
- (b) the suitability of the routes on which, or route-limits within which, a service may be provided under the licence;
- (c) the extent, if any, to which the needs of the proposed routes or route-limits or any of them are already adequately served;
- (d) the extent to which the proposed service is necessary or desirable in the public interest;
- (e) the number of passengers likely to require to be carried on the proposed routes or within the proposed route-limits at the times which it is proposed to provide the service;
- (f) the needs of the Island as a whole in relation to traffic (including the provision of adequate, suitable and efficient services, the elimination of unnecessary services and the provision of unremunerative services);
- (g) whether the applicant or any other passenger vehicle operator provides regular services wholly or mainly at the public expense to meet a social need;
- (h) any general directions given by the Department of Environment, Food and Agriculture for the purpose of co-ordinating all forms of passenger transport, including transport by rail.

5. Submitting objections

Any objection in relation to an application for an operator's licence, for registration as an operator, for a regular service licence or for the variation of a licence or registration, must comply with the following criteria:

- (a) It must be in writing (either in a letter or an email);
- (b) It must refer to the number of the application as well as the AD&N Circular in which it was advertised;
- (c) It must include the full name and address of the person making the objection;
- (d) It must set out the grounds (*see 2, 3 & 4 above*) on which the objections are made and specify the particulars of those grounds [*This means that the correspondence must explain the basis (including any relevant evidence) on which the objector considers that the grounds for the objection are made out. It is not enough just to state, for example, that the application does not comply with the legislation or that the application should not be granted.*]; and
- (e) The written correspondence setting out the objection(s) should be received by the RTALC office within 21 days of the publication in an AD&N Circular of the application which is the subject of the objection(s).

Objections should usually be set out in an individual item of correspondence signed/sent only by its author as opposed to, for example, multiple copies of the same letter signed by different individuals, or a single item of correspondence signed by multiple individuals.

6. Process following the receipt of objections

The process following the receipt of objections, including the procedures adopted during the meetings of the Committee at which applications which are the subject of objections are heard and the provisions relating to the notification of decisions, is set out in the *Standing Orders for the Transaction and Management of Business at Meetings held in Public of the Road Transport Licensing Committee*, a copy of which can be downloaded from the RTALC's website or obtained from the RTALC office.

7. Licences to Ply for Hire

The Committee does not have the power under the Act to consider objections made by members of the public in relation to applications for the grant of licences to Ply for Hire under section 29 of the Act.

When considering whether a particular district should be specified in a licence to Ply for Hire, however, the Act provides that Committee shall take into account any representations made by the local authorities within that district with respect as to whether there are, or are likely to be, enough such licences to fulfil all reasonable needs at all times and places within that district for the services of public passenger vehicles plying for hire – see paragraph 3 to Schedule 2 to the Act.

Accordingly, any person concerned about a particular district being specified in a Ply for Hire licence, whether in relation to a specific application or generally, should contact the local authorities concerned.

8. Appeals against the Committee's decisions

The Act provides that a person who has duly made an objection to an application for, or for a variation of, a registration or operator's licence, or an objection to an application for, or a variation of, a regular service licence may appeal to the High Bailiff against the grant of the application – see sections 21(4) and 34(3).

The making of a such an appeal is governed by the provisions of section 60:

60 Appeals: general

(1) An appeal to the High Bailiff under this Act shall be by way of an application for an order.

(2) The time within which any such application may be made is 21 days from the date on which the Committee's decision was notified in writing to the person desiring to appeal.

(3) In any case where such an appeal lies, the document notifying the person concerned of the decision of the Committee shall state the right of appeal and the time within which such an appeal may be brought.

(4) Notice of any such appeal shall be given by the appellant to —

(a) the Committee;

(b) the Department; and

(c) the Chief Constable; and the Committee shall cause notice of the appeal to be given to any person by whom any representation or objection was made with respect to the decision appealed against.

(5) On an appeal under this Act the High Bailiff may reverse or vary a decision of the Committee if, and to the extent that, he considers that the Committee in reaching the decision —

(a) erred in law; or

(b) based its decision on any incorrect material fact; or

(c) exercised its discretion in an unreasonable manner.

(6) The Chief Registrar shall give notice of the High Bailiff's decision on any appeal under this Act, with his reasons, to the appellant and to the Committee, who shall cause a copy of such notice to be given to the Department, the Chief Constable and any person by whom any representation or objection was made with respect to the decision appealed against.

(7) Where on an appeal under this Act the High Bailiff reverses or varies a decision of the Committee, the Committee shall give effect to his order, and in particular shall grant or issue any necessary licence or other document and make or alter any necessary entry in any list or register.

Any person considering making an objection should contact the Clerk to the High Bailiff in the Isle of Man Courts of Justice regarding any procedural queries, including the amount of any court fee payable in respect of the appeal.

NOTE:

The Road Transport Act 2001 and the Road Transport Regulations 2018 may be downloaded free of charge from the RTALC website or www.legislation.gov.im, or obtained in hard copy form from the Tynwald Library on payment of the applicable fee.