



THE ROAD TRANSPORT ACT 2001

**THE ROAD TRANSPORT (CONTINUANCE OF REGISTRATION OR LICENCE
ON DEATH ETC.) 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 sections 55(2), (3) and (4) and 62(1) of the Road Transport Act 2001¹, and of all other enabling powers, and after consultation with the Committee and such representative bodies as the Department thinks fit, the following Regulations are hereby made: —

1. Citation, commencement and interpretation

(1) These Regulations may be cited as the Road Transport (Continuance of Registration or Licence on Death etc.) 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 Committee” means the Road Transport Licensing Committee;

“original operator” means the person to whom a passenger vehicle operator’s licence, goods vehicle operator’s licence or a service licence was originally issued or who was originally registered as a passenger vehicle operator or goods vehicle operator; and

“the requirement of professional competence” has the meaning given in paragraph 7(1) of Schedule 1 to the Act.

2. Continuance of licence on death, bankruptcy etc.

(1) This regulation applies where —

(a) the original operator has died;

¹ 2001 c.27

- (b) a receiver is appointed for the original operator under section 103 of the Mental Health Act 1998²;
- (c) a receiving order or order of adjudication is made on the bankruptcy of the original operator;
- (d) the original operator (being a company) goes into liquidation; or
- (e) a receiver or manager of the trade or business of the original operator is appointed.

(2) After the happening of an event mentioned in paragraph (1)(a) or (b) the Committee may direct that the registration or licence shall not be treated as terminated when the original operator died or the receiver was appointed but suspended until the date when a direction under paragraph (3) comes into force.

(3) After the happening of any of the events mentioned in paragraph (1) the Committee may direct that a person carrying on the trade or business of the original operator is to be treated for the purposes of the Act as if he were the holder of the registration or licence in question for such purpose and to such extent as is specified in the direction for a period not exceeding —

- (a) if it appears to the Committee that there are special circumstances, 18 months;
- (b) in any other case, 12 months,

from the date of the coming into force of that direction.

(4) The powers under paragraph (3) shall be exercisable whether or not the person carrying on the trade or business of the original operator satisfies the requirement of professional competence.

(5) Where a person is treated as if he were the holder of a registration or licence by virtue of a direction under this regulation —

- (a) any vehicle which had been in the lawful possession of the original operator shall for the purposes of the Act be treated as if it was in the lawful possession of that person; and
- (b) nothing in the Act shall oblige the Committee to revoke the registration or licence by reason only of that person not satisfying the requirement of professional competence.

3. Transfer by sale upon planned retirement or take over

- (1) On receipt of notification from —

² 1998 c.3

- (a) the original operator, and
- (b) a parallel application from the purchaser in accordance with the requirements under section 9,

the Committee may direct that until the purchaser's application is disposed of, the registration or licence shall be treated as being held not by the original operator but by the applicant in respect of the business or that part of the business intended to be transferred.

(2) Where the business, or part of the business being transferred includes operation of a section 25 (regular service) or section 29 (plying for hire) service licence, the purchaser's application under regulation 3(1)(b) shall be accompanied by the relevant service licence application.

(3) The Committee may further direct that the service licence or licences as the case may be, shall pending determination of the application, continue to be operated by the purchaser. Determination of such application is to be made as a separate determination from paragraph (1) above, even if considered and determined at the same time.

(4) Any directions given by the Committee pending determination of the purchaser's application for registration or licence shall lapse if—

- (a) the Committee has determined the application; or
- (b) an appeal to the High Bailiff is not made within a period of 28 days,

but the operator can inform the Committee by notice in writing that he will not be appealing under paragraph (4)(b) and will be abiding by the Committee's decision from the date stated.

(5) The provisions in this regulation shall apply to temporary transfers of operations just as to permanent transfers, and in such case any new registration or licence may be granted for such limited period as the Committee may determine.

4. Applications and fees

(1) Any application for operator registration or licence or for a service licence shall be in the forms prescribed by the Committee in accordance with sections 9, 26 and 30 of the Act.

(2) The Committee may specify the forms of other applications or notices required by these Regulations.

(3) Any application under these Regulations shall be accompanied by the appropriate fee prescribed in accordance with the provisions of section 56 of the Act.

MADE

19th February

2002



Minister for Transport

EXPLANATORY NOTE

(This note is not part of the regulations)

These Regulations enable the Road Transport Licensing Committee to suspend the registration or operator's licence of a passenger vehicle or goods vehicle operator, or a service licence, on the death of the operator or the appointment of a receiver under the Mental Health Act 1998, and to direct that the transferee of the operator's business be deemed to be the holder of the registration or licence on the happening of those events, or on bankruptcy, winding up or the appointment of a receiver or manager. They also make provisions requiring the appropriate fee to be made for applications for registration or licensing as an operator or for a service licence.