



THE ROAD TRANSPORT ACT 2001

**THE ROAD TRANSPORT OPERATORS
(COMPANIES AND PARTNERSHIPS) 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 58 and 62(1) of the Road Transport Act 2001¹, and of all other enabling powers, and after consultation with the Road Transport Licensing 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 Operators (Companies and Partnerships) 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; and

“the Department” means the Department of Transport.

(3) Any reference in these Regulations to a section by number is to the section so numbered in the Act.

2. Operator Licences or Registration

(1) A company which has one or more subsidiaries may apply to the Committee for —

(a) registration, or

(b) an operator’s licence,

¹ 2001 c.27

with respect to any vehicle belonging to itself or any of its subsidiaries.

(2) In determining whether to grant such an application, the Committee shall satisfy itself that —

- (a) the subsidiaries are under effective management control of the applicant; and
 - (b) it is reasonable to treat the subsidiaries as part of the same business as the applicant.
- (3) The full registered —
- (a) names;
 - (b) addresses; and
 - (c) any trading names

of the subsidiaries shall be included in any application under sub-paragraph (1) and in any licence or registration granted by the Committee.

3. Vehicles and Operating Centres

- (1) If required by the Committee, the applicant shall specify in his application the —
- (a) relevant party, being —
 - (i) the applicant himself; or
 - (ii) a subsidiary company,
 - (b) number of vehicles; and
 - (c) class or classes of vehicles as the case may be,

that will be based at each operating centre.

(2) The Committee may make a record of the details specified in paragraph (1) on the registration or licence granted.

4. Good Repute

The Committee shall require —

- (a) the applicant; and
- (b) each subsidiary company,

to be of good repute.

5. Financial Standing

The Committee may —

- (a) consider the financial standing requirements for the applicant and its subsidiaries either jointly or separately; and
- (b) apply such criteria as appears appropriate,

having regard to the types of operation of the applicant and its subsidiaries.

6. Professional Competence

The Committee shall satisfy itself that both the applicant and each subsidiary meet the professional competence requirements required under the Act.

7. Condition of Registration or Licence (under section 16)

The Committee may impose conditions regarding —

- (a) all operations under the registration or licence ;or
- (b) any particular part of the operation of the applicant or its subsidiary or subsidiaries.

8. Revocation etc. of registration or licence

In considering whether to take any action under section 18 in respect of the registration or licence, the Committee may —

- (a) take action in respect of the licence holder or registered operator and subsidiaries jointly or separately; or
- (b) determine that the joint licensing or registration shall be revoked and separate licences or registrations held in respect of each subsidiary.

9. Service Licences

(1) Section 25 and 29 service licences shall be held in the name of the registered or licensed operator, but the Committee may require any application to specify the name of any particular subsidiary that is to operate the service in question and may make operation by a particular subsidiary a condition of the service licence.

(2) Returns to be provided by operators under section 39 of the Act may be limited to records of the particular subsidiary operating any section 25 or 29 service.

(3) Entitlement under Schedule 2(7) of the Act shall be exercisable by the registered or licensed operator or by the particular subsidiary having the entitlement.

MADE

19th February

2002



Minister for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the treatment of subsidiaries and partnerships.

In order for a company to apply to the Road Transport Licensing Committee to be a registered or licensed operator, it will have to satisfy the Committee that they and each of their subsidiary company is of good repute (reg.4); have the requisite financial standing (reg.5) and that they meet the professional competence requirements required under the Act (reg.6).

In determining whether to grant such an application, the Committee must be satisfied that the applicant has effective management over its subsidiary company or companies as the case may be and that it is reasonable to treat them as part of the same business as the applicant (reg.2(2)). The Committee may under regulation 8 take action regarding revocation against the licence holder or registered operator and its subsidiaries either jointly or separately, and determine that separate licences or registrations shall be held in respect of each subsidiary. The Committee may also impose conditions regarding service licences under regulation 9.