Stat doc 0, para 27

There is new additional text in this paragraph beginning “*The position for PSV operators is slightly different from goods operators…”*

We believe that the position is *very* different for PSV operators as the legislation is completely different and there is no vehicle ‘specification’ requirement for PSVs.  We understand that it is this specification requirement which is the background to the approach that the Upper Tribunal suggests in the Connor case that has instigated these proposed changes to the Statutory Document.  Given that the legislation and case law in relation to PSVs hasn’t changed, we believe that the additional wording in this paragraph may create confusion for those who may legitimately have a fleet larger than that which is authorised under their licence. This is very normal in PSV operation, to allow for day to day operational requirements. For example an operator may have buses for use on school contracts and coaches which are used on private hire work out of school hours.  Some operators may also have older vehicles which they use very irregularly for special events or retain for preservation.  We believe it is for these reasons that the PSV O licence disc is not vehicle specific and is transferable.  The new wording risks imposing a significant regulatory burden on PSV operators (and disproportionately impacting SME operators) and impacts the principle of PSV discs being transferable, as allowed for in legislation.  We do not believe that the findings in the Connor case justify such a potentially significant change in regulatory burden for the PSV sector because the underlying legislation for our sector remains unchanged.  We believe it is important that the Statutory Documents are clear that the financial standing requirements for the PSV sector should continue to be based on the number of vehicles authorised.

Stat Doc 3, (Transport Managers) Annex 1

We note the various changes, and believe these are largely pragmatic and help clarify requirements.

Stat Doc 4 (Op centres), Para 57

We note the new text and should reiterate that because of the legislative differences between PSV and HGV, we do not believe that there is a ‘read across’ of the Upper Tribunal findings from the Connor case to the bus and coach sector.  Whilst the new wording does refer to the 1995 Act (HGV legislation), we should request that the text makes clear that this case law relates to that sector only.