

SCHEDULES

SCHEDULE 4

AMENDMENTS OF TRANSPORT ACT 1968 RELATING TO OPERATORS' LICENCES

PART II

OTHER AMENDMENTS OF TRANSPORT ACT 1968

Amendments consequential on Part I

- 1 In section 63 of the Transport Act 1968 (objections to grant of operators' licences)—
 - (a) in subsection (1) the words " Subject to subsection (2) of this section " shall be omitted ;
 - (b) subsection (2) shall be omitted ; and
 - (c) in subsection (3), for the words from " of which " to " this section " there shall be substituted the words " for an operator's licence ".
- 2 In section 64 of that Act (grounds for objection to application for a licence under section 63 and decision of licensing authority on applications)—
 - (a) at the beginning of subsection (1) there shall be inserted the words " Subject to section 69E of this Act "; and
 - (b) in subsection (3), after the words " subsection (4) of this section " there shall be inserted the words " and section 69B of this Act ".
- 3 In section 68 of that Act (variation of operators' licences)—
 - (a) at the beginning of subsection (1) there shall be inserted the words " Subject to section 69E of this Act "; and
 - (b) in subsection (4), paragraph (a) shall be omitted, and for the words " the said section 63 " (where first occurring) there shall be substituted the words " section 63 of this Act ".
- 4 In section 70(1)(a) of that Act (right of appeal for persons aggrieved by certain directions or orders), after the words "69(1) to (7A) " there shall be inserted the words " or 69F(1) ".
- 5 In section 87(3) of that Act (inquiries by licensing authorities as to proposed exercise of powers under section 69), after " 69 " there shall be inserted the words " or 69F ".
- 6 In section 91 of that Act (regulations and orders for purposes of Part V)—
 - (a) in paragraph (a), for the words "section 69" there shall be substituted the words " sections 69 and 69F "; and
 - (b) in paragraph (d), after "69" there shall be inserted the words " or 69F ".
- 7 In section 92 of that Act—

Status: This is the original version (as it was originally enacted).

- (a) in subsection (1) (interpretation of particular expressions used in Part V), the following definition shall be inserted at the appropriate point in alphabetical order—
 - “" owner ", in relation to any land in England and Wales, means a person, other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let”; and
- (b) at the end of subsection (3) (construction of references to directing that an operator's licence be curtailed), there shall be added the following paragraph—
 - “(d) that any one or more of the places specified in the licence as operating centres be removed therefrom”.

Extension of right to object

- 8 In section 63 of that Act (objections to grant of operators' licences)—
- (a) in subsection (3) (persons entitled to object) the following paragraph shall be inserted after paragraph (c)—
 - “(d) a planning authority”; and
 - (b) in subsection (6) the following definitions shall be inserted after the definition of " local authority " —
 - “"planning authority" means any body other than a local authority which by virtue of any statutory provision for the time being in force is—
 - (a) in England and Wales, the local planning authority for any area for the purpose of determining applications for planning permission under Part III of the Town and Country Planning Act 1971 (general planning control); and
 - (b) in Scotland, the planning authority for any area for the purpose of determining applications for planning permission under Part III of the Town and Country Planning (Scotland) Act 1972 (general planning control);
 - "statutory provision" means a provision contained in an Act or in subordinate legislation within the meaning of the Interpretation Act 1978 ; and”.