



2010 CHAPTER 2

Variation of licences

Publication of notice of applications for variation in any locality affected

17.—(1) Subject to subsection (4), the Department shall refuse an application for any of the directions mentioned in subsection (2) without considering the merits unless it is satisfied that subsection (3) has been complied with in respect of each locality affected by the application.

(2) The directions referred to in subsection (1) are—

- (a) any direction under section 16(1)(a) that a maximum number specified in a licence under section 5 be increased;
- (b) any direction under section 16(1)(c) or (e);
- (c) any direction under section 16(1)(g) that a new place be specified in a licence as an operating centre of the licence-holder; and
- (d) any direction under section 16(1)(h) or (i) which might result in a material change in the use of any operating centre of the licence-holder.

(3) This subsection has been complied with in respect of a locality affected by an application if, within the period beginning 21 days before the date on which the application is made and ending 21 days after that date, notice of the application in such form and containing such information as may be prescribed has been published in one or more local newspapers circulating in the locality.

(4) The Department is not required by this section to refuse an application if—

- (a) it is satisfied as mentioned in subsection (1), except that the form or contents of the notice of application as published in any newspaper did not comply with the prescribed requirements; and

- (b) it is satisfied that no person's interests are likely to have been prejudiced by the failure to comply with those requirements.
- (5) For the purposes of this section a locality is affected by an application for the variation of an operator's licence if—
- (a) it contains any place that will be an operating centre of the licence-holder if the application is granted; or
 - (b) it contains an existing operating centre of the licence-holder and—
 - (i) the granting of the application would or could result in an increase in the number of vehicles, or the number of vehicles above a certain weight, that have that centre as their operating centre; or
 - (ii) any undertaking recorded in, or condition attached to, the licence that the application seeks to have varied or removed relates to that centre.