



## 2010 CHAPTER 2

### *Revocation etc of operators' licences*

#### **Disqualification**

**25.—**(1) Where, under section 23(1) or 24(1), the Department directs that an operator's licence be revoked, the Department may order the person who was the holder of the licence to be disqualified (either indefinitely or for such period as the Department thinks fit) from holding or obtaining an operator's licence; and so long as the disqualification is in force, notwithstanding anything in section 12 or 21, no operator's licence may be issued to that person.

(2) If a person applies for or obtains an operator's licence while disqualified under subsection (1)—

- (a) the person is guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale, and
- (b) any operator's licence issued on the application, or (as the case may be) the operator's licence obtained by that person, shall be void.

(3) Where the Department makes an order under subsection (1) in respect of any person, the Department may direct that if that person, at any time or during such period as the Department specify—

- (a) is a director of, or holds a controlling interest in—
  - (i) a company which holds a licence of the kind to which the order in question applies, or
  - (ii) a company of which such a company is a subsidiary, or
- (b) operates any goods vehicles in partnership with a person who holds such a licence,

that licence of that company or, as the case may be, of that person, shall be liable to revocation, suspension or curtailment under section 23.

(4) The powers conferred by subsections (1) and (3) in relation to the person who was the holder of a licence shall be exercisable also—

(a) where that person was a company, in relation to any director of that company, and

(b) where that person operated vehicles under the licence in partnership with other persons, in relation to any of those other persons;

and any reference in this section or in section 23 or 26 to subsection (1) or (3) includes a reference to that subsection as it applies by virtue of this subsection.

(5) Where the Department makes any order disqualifying a person under subsection (1), it may at any time—

(a) cancel that order together with any direction that was given under subsection (4) when the order was made;

(b) cancel any such direction; or

(c) with the consent of the person disqualified, vary the order or any such direction (or both the order and any such direction).

(6) Where an operator's licence is suspended under this section, the licence remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.

(7) For the purposes of this section a person holds a controlling interest in a company if the person is the beneficial owner of more than half its equity share capital (as defined in section 548 of the Companies Act [2006 \(c. 46\)](#)).