



## 2010 CHAPTER 2

### *Miscellaneous*

#### **Fees**

**47.—**(1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged by the Department in respect of—

- (a) applications for, or for the variation of, operators' licences;
- (b) the issue or variation of operators' licences;
- (c) the continuation in force of operators' licences.

(2) The Department may decline to proceed with—

- (a) any application for, or for the variation of, an operator's licence, or
- (b) the issue or variation of any operator's licence,

until any fee or instalment of a fee in respect of the application, issue or variation (as the case may be) is duly paid.

(3) If, in the case of any application for, or for the variation of, an operator's licence, any fee or instalment of a fee in respect of the application or the issue or variation of the licence is not duly paid by the prescribed time—

- (a) the application shall be treated as withdrawn at that time, and
- (b) any decision made or direction given on the application, and any licence issued or variation effected in pursuance of such a direction, ceases to have effect or terminates at that time.

(4) If any fee or instalment of a fee in respect of the continuation in force of an operator's licence is not duly paid by the prescribed time, the licence terminates at that time.

(5) The Department may, if it considers there to be exceptional circumstances that justify its doing so in any case where subsection (3) or (4) has applied, direct that as from the time mentioned in that subsection its effect in that case be disregarded.

(6) Where, by virtue of such a direction, the effect of subsection (3)(a) is to be disregarded in any case, any termination—

(a) of an interim licence under section 21(5)(b) or (6), or

(b) of an interim direction under section 22(4),

by virtue of the operation of subsection (3)(a) in that case before the direction was given shall be cancelled with effect from the same time.

(7) Where such a direction is given in respect of an operator's licence—

(a) any condition attached to the licence under section 20(1)(b) shall be treated as having been of no effect during the period beginning with the time when the licence terminated by virtue of subsection (3) or (4) and ending with the time when the direction comes into force, and

(b) subject to paragraph (a), the Department may vary any such condition as it applies in relation to events occurring before the direction comes into force.

(8) Regulations under this section may provide for fees to be remitted or refunded (in whole or part) in prescribed cases.