

SCHEDULES

SCHEDULE 2

EXISTING HEAVY GOODS VEHICLES AND PUBLIC SERVICE VEHICLES DRIVERS' LICENCES

PART I

EXISTING HEAVY GOODS VEHICLES AND PUBLIC SERVICE VEHICLES DRIVERS' LICENCES

Preliminary

Revocation or suspension of existing licences

- 4.—(1) An existing heavy goods vehicle licence or public service vehicle licence—
- (a) must be revoked—
 - (i) if its holder develops such physical disability as may be prescribed, or
 - (ii) if there come into existence, in relation to its holder, such circumstances relating to his conduct as may be prescribed;
 - (b) must be revoked or suspended if its holder's conduct or physical disability is such as to make him unfit to hold such a licence;

and where the licence is suspended under paragraph (b) it shall during the time of suspension be of no effect.

(2) Where it appears that the conduct or physical disability of the holder of an existing licence falls within both sub-paragraph (1)(a) and sub-paragraph (1)(b), proceedings shall be taken or continued under sub-paragraph (1)(a) and not sub-paragraph (1)(b) and accordingly the power to suspend the licence, rather than revoke it, shall not be available.

- (3) Regulations made for the purposes of sub-paragraph (1)(a)—
- (a) may make different provision for heavy goods vehicles and for public service vehicles and for different descriptions of persons; and
 - (b) shall provide for the determination of the cases in which, under paragraph 5, a person whose licence has been revoked is to be disqualified indefinitely or for a period and, if for a period, for the determination of the period.

(4) Where the Department determines that the holder of the licence is not fit to hold a heavy goods vehicle licence or a public service vehicle licence, as the case may be, it shall also determine whether the conduct of the holder of the licence is such as to require the revocation of his licence or only its suspension; and, if the former, whether the holder of the licence should be disqualified under paragraph 5(2)(a) (and, if so, for what period) or under paragraph 5(2)(b).

(5) The Department may require the holder of the licence to furnish it with such information as it may require and may, by notice to the holder, require him to attend before it at the time and place

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specified by the Department to furnish the information and to answer such questions (if any) relating to the subject matter of the reference as the Department may put to him.

(6) If the holder of the licence fails without reasonable excuse to furnish information to or to attend before or answer questions properly put by the Department when required to do so under subparagraph (5), the Department may, if it thinks fit, revoke the licence or suspend it for such period as it thinks fit.

(7) The Department shall notify the holder of the licence of its determination.