Transport Act 1968

1968 CHAPTER 73

PART V

REGULATION OF CARRIAGE OF GOODS BY ROAD

Modifications etc. (not altering text)

C1 Pt. V extended by International Road Haulage Permits Act 1975 (c. 46, SIF 126), **s. 1(8)**; modified by S.I. 1980/637, reg. 34(1), **Sch. 5** and S.I. 1984/176 regs. 7(2), 32(3), Sch. 4 amended by S.I. 1984/176 reg. 36(7)

C2 Part. V (ss. 59–94) modified by S.I. 1984/176, **reg. 9(4)** (as substituted by S.I. 1987/841, **reg. 5**)

C3 Part. V (ss. 59–94) modified by Companies Act 1989 (c. 40, SIF 27), s. 144(4), **Sch. 18 para. 7**

The licensing authority

59 The licensing authority for Part V.

[[F1](1) The traffic commissioner for any traffic area constituted for the purposes of the Public Passenger Vehicles Act 1981 shall exercise the functions conferred on him by this Part of this Act and is in this Part of this Act referred to as "the licensing authority."**]**

(2) In the exercise of his functions under this Part of this Act. . . [F2] the licensing authority shall act under the general directions of the Minister.

(3) . . . . . [F3]

(4) . . . . . [F4]

Textual Amendments

F1 S. 59(1) substituted by Transport Act 1985 (c. 67, SIF 126), **s. 3(4)**

F2 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F3 S. 59(3) repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

F4 S. 59(4) repealed by Transport (London) Act 1969 (c. 35, SIF 126), **Sch. 6**

O perators' licences

60 Users of certain goods vehicles to hold operators' licences.

(1) Subject to subsection (2) of this section and to the other provisions of this Part of this Act, no person shall, after the appointed day for the purposes of this section, use a goods vehicle on a road for the carriage of goods—

(a) for hire or reward; or

(b) for or in connection with any trade or business carried on by him,

except under a licence granted under this Part of this Act (hereafter in this Part of this Act referred to as an "operator's licence").

(2) Subsection (1) of this section shall not apply—

(a) to the use of a small goods vehicle as defined in subsection (4) of this section; or

(b) to the use of a vehicle of any class specified in regulations **[**[F5]; or

(c) to the use of a goods vehicle for international carriage by a haulier established in a member State other than the United Kingdom and not established in the United Kingdom; or

(d) to the use of a goods vehicle for international carriage by a haulier established in Northern Ireland and not established in Great Britain.**]**

(3) It is hereby declared that, for the purposes of this Part of this Act, the performance by a local or public authority of their functions constitutes the carrying on of a business.

(4) For the purposes of subsection (2)(a) of this section a small goods vehicle is a goods vehicle which—

(a) does not form part of a vehicle combination and has a relevant plated weight not exceeding **[**[F6]3.5 tonnes**]** or (not having a relevant plated weight) has an unladen weight not exceeding **[**[F6]1525 kilograms**]**; or

(b) forms part of a vehicle combination (not being an articulated combination) which is such that—

(i) if all the vehicles comprised in the combination (or all of them except any small trailer) have relevant plated weights, the aggregate of the relevant plated weights of the vehicles comprised in the combination (exclusive of any such trailer) does not exceed **[**[F6]3.5 tonnes**]**;

(ii) in any other case, the aggregate of the unladen weights of those vehicles (exclusive of any such trailer) does not exceed **[**[F6]1525 kilograms**]**; or

(c) forms part of an articulated combination which is such that—

(i) if the trailer comprised in the combination has a relevant plated weight, the aggregate of the unladen weight of the motor vehicle comprised in the combination and the relevant plated weight of that trailer does not exceed **[**[F6]3.5 tonnes**]**;

(ii) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination does not exceed **[**[F6]1525 kilograms**]**.

In any provision of this subsection "relevant plated weight" means a plated weight of the description specified in relation to that provision by regulations; and in paragraph (b) of this subsection "small trailer" means a trailer having an unladen weight not exceeding **[**[F7]1020 kilograms**]**.

[[F8](4A) In subsection (2)(c) and (d) of this section "established," "haulier" and "international carriage" have the same meaning as in Council Regulation (EEC) No. 881/92 of 26th March 1992 on access to the market in the carriage of goods by road within the Community to or from the territory of a member State or passing across the territory of one or more member States;**]**

(5) A person who uses a vehicle in contravention of this section shall be liable on summary conviction to a fine not exceeding **[**[F9]level 4 on the standard scale**]**.

Textual Amendments

F5 S. 60(2)(c)(d) and word "or" preceding them added (1.1.1993) by S.I. 1992/3077, **reg. 14(2)**.

F6 Words substituted by S.I. 1981/1373, **Sch. Pt. III**A (as amended by S.I. 1984/177, **reg. 2**)

F7 Words substituted by S.I. 1981/1373, **Sch. Pt. III**A

F8 S. 60(4A) inserted (1.1.1993) by S.I. 1992/3077, **reg. 14(3)**.

F9 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

Modifications etc. (not altering text)

C4 S. 60(1) excluded by S.I. 1980/637, regs. 4-33, **Schs. 2-4**

C5 S. 60(1) excluded by S.I. 1984/176, **reg. 34A**, (as inserted by S.I. 1990/1849, **reg. 6**)

61 Authorised vehicles.

(1) Subject to subsection (2) of this section, the vehicles authorised to be used under an operator's licence shall be—

(a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, as are specified in the licence;

(b) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence;

(c) unless the licence does not permit the addition of authorised vehicles under this paragraph and subject to subsection (3) of this section, motor vehicles not exceeding such maximum number as is specified in the licence, being vehicles belonging to the holder of the licence or in his possession under an agreement for hire-purchase, hire or loan, but acquired by him, or coming into his possession under such an agreement, only after the grant of the licence.

For the purposes of paragraphs (b) and (c) of this subsection different types of trailers or different types of motor vehicles, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for trailers or vehicles of each type.

(2) An operator's licence shall not authorise the use of any vehicle unless the place which is for the time being its operating centre—

Status: *Point in time view as at 03/01/1995.*
Changes to legislation: *There are currently no known outstanding effects for the Transport Act 1968, Part V. (See end of Document for details)*

(a) is in the area of the licensing authority by whom the licence was granted; or
(b) is outside that area and has not been the operating centre of that vehicle for a period of more than three months.

For the purposes of paragraph (b) of this subsection, two or more successive periods which are not separated from each other by an interval of at least three months shall be treated as a single period having a duration equal to the total duration of those periods.

(3) A motor vehicle which, after the grant of an operator's licence, is acquired by the holder of the licence, or comes into his possession under an agreement for hire-purchase, hire or loan, and thereupon becomes an authorised vehicle by virtue of subsection (1)(c) of this section, shall cease to be an authorised vehicle on the expiration of one month from the date on which it was acquired by him or came into his possession unless before the expiration of that period he delivers to the licensing authority a notice in such form as the authority may require to the effect that the vehicle has been acquired by him, or has come into his possession, as the case may be.

(4) Where the licensing authority by whom a licence was granted receives a notice under subsection (3) of this section to the effect that the holder of the licence has acquired, or come into possession of, a vehicle as mentioned in that subsection, he shall, if the vehicle has become an authorised vehicle by virtue of subsection (1)(c) of this section, vary the licence by directing that the vehicle be specified therein.

(5) A motor vehicle specified in an operator's licence shall not, while it remains so specified, be capable of being effectively specified in any other operator's licence.

(6) Where it comes to the knowledge of the licensing authority by whom an operator's licence was granted that a vehicle specified therein—
(a) has ceased to be used under the licence (otherwise than because of a fluctuation in business or because it is undergoing repair or maintenance); or
(b) is specified in another operator's licence,

he may vary the licence by directing that the vehicle be removed therefrom.

[F10 61A Maximum numbers of vehicles.

(1) An operator's licence—
(a) shall specify a maximum number for motor vehicles; and
(b) may specify a maximum number for motor vehicles the relevant weight of which exceeds a weight specified in the licence.

(2) An operator's licence that does not contain a provision such as is mentioned in section 61(1A)(c) of this Act—
(a) shall specify a maximum number for trailers; and
(b) may specify a maximum number for trailers the relevant weight of which exceeds a weight specified in the licence.

(3) The number of vehicles being used under an operator's licence by virtue of section 61(1)(c) of this Act at any one time may not exceed the maximum number specified in the licence under subsection (1)(a) of this section, less however many motor vehicles are specified in the licence.

(4) Where under subsection (1)(b) of this section an operator's licence specifies a maximum number for motor vehicles the relevant weight of which exceeds a specified weight—

(a) the number of such vehicles being used under the licence by virtue of section 61(1)(c) of this Act at any one time may not exceed that maximum number, less however many motor vehicles the relevant weight of which exceeds the specified weight are specified in the licence; and

(b) the number of such vehicles that are specified in the licence and being used under it at any one time may not exceed that maximum number.

(5) The number of trailers being used under an operator's licence at any one time may not exceed the maximum number specified in the licence under subsection (2)(a) of this section.

(6) Where under subsection (2)(b) of this section an operator's licence specifies a maximum number for trailers the relevant weight of which exceeds a specified weight, the number of such trailers being used under the licence at any one time may not exceed that maximum number.

(7) The definition of "relevant weight" in section 61(1B) of this Act applies for the purposes of this section as it applies for the purposes of section 61(1A).

(8) If subsection (3), (4)(a) or (b), (5) or (6) of this section is contravened, the licence-holder shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.**]**

Textual Amendments

F10 S. 61A inserted (*prosp.*) by 1994 c. 40, **s. 42(3)**, 82(4)

62 Applications for operators' licences.

(1) A person may apply for an operator's licence to the licensing authority for each area in which, if the licence is granted, the applicant will have an operating centre or operating centres; and a person may hold separate operators' licences in respect of different areas but shall not at any time hold more than one such licence in respect of the same area.

(2) A person applying for an operator's licence shall give to the licensing authority a statement giving such particulars as the authority may require of the motor vehicles proposed to be used under the licence which—

(a) belong to the applicant, or

(b) are in his possession under an agreement for hire-purchase, hire or loan, or

(c) he intends, if the application is granted, to acquire, or to obtain possession of under such an agreement,

and also stating the number and type of any trailers proposed to be so used.

(3) **F11**

(4) A person applying for an operator's licence shall give to the licensing authority any further information which he may reasonably require for the discharge of his duties in relation to the application, and in particular shall, if he is required by the licensing authority so to do, give to him—

(a) such particulars as he may require with respect to the purposes for which the vehicles referred to in the statement under subsection (2) of this section are proposed to be used;

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Changes to legislation: *There are currently no known outstanding effects for the Transport Act 1968, Part V. (See end of Document for details)*

(b) particulars of the arrangements for securing that Part VI of this Act (or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960) will be complied with in the case of those vehicles, and for securing that those vehicles are not overloaded;

(c) particulars of the facilities and arrangements for securing that those vehicles will be maintained in a fit and serviceable condition;

(d) particulars of any activities carried on, at any time before the making of the application, by—

(i) the applicant,

(ii) any company of which the applicant is or has been a director;

(iii) where the applicant is a company, any person who is a director of the company;

(iv) where the applicant proposes to operate the said vehicles in partnership with other persons, any of those other persons;

(v) any company of which any such person as is mentioned in sub-paragraph (iii) or (iv) of this paragraph is or has been a director;

(vi) any company of which the applicant is a subsidiary,

being activities in carrying on any trade or business in the course of which vehicles of any description are operated, or as a person employed for the purposes of any such trade or business, or as a director of a company carrying on any such trade or business;

(e) particulars of any convictions during the five years preceding the making of the application—

(i) of the applicant; and

(ii) of any other person as to whose activities particulars may be required to be given under paragraph (d) of this subsection,

being convictions such as are mentioned in subsection (4) of section 69 of this Act (taking references in that subsection to the holder of the licence as references to the applicant or, as the case may be, to that other person);

(f) particulars of the financial resources which are or are likely to be available to the applicant;

(g) where the applicant is a company, the names of the directors and officers of the company, and of any company of which the first-mentioned company is a subsidiary, and where the authorised vehicles are proposed to be operated by the applicant in partnership with other persons, the names of those other persons.

[F12(4A) A person who has applied for an operator's licence shall forthwith notify the licensing authority if, in the interval between the making of the application and the date on which it is disposed of, a conviction occurs which, if the period of five years specified in paragraph (e) of subsection (4) of this section had not expired, would be a conviction falling within that paragraph; and for the purposes of this subsection an application shall be taken to be disposed of,—

(a) if the licensing authority is required, by virtue of regulations under section 91 of this Act, to cause a statement containing his decision on the application to be issued, on the date on which that statement is issued, and

(b) in any other case, on the date on which the applicant receives notice from the licensing authority of his decision on the application.

(4B) A person who knowingly fails to comply with subsection (4A) of this section shall be liable on summary conviction to a fine not exceeding **[**[F13]level 4 on the standard scale**]**, and **[**[F14]section 6 of the Road Traffic Offenders Act 1988**]** (time for bringing summary proceedings for certain offences) shall apply in relation to an offence under this subsection as it applies in relation to the offences **[**[F15]under the Road Traffic Act 1988 or the Road Traffic Offenders Act 1988**]** to which it is applied by virtue of **[**[F16]Schedule 1 to the Road Traffic Offenders Act 1988**].]**

(5) Any statement or information to be given to a licensing authority under this section shall be given in such form as the authority may require.

Textual Amendments

F11 Ss. 62(3), 63(2), 65 repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F12 S. 62(4A)(4B) inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 1**

F13 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

F14 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(1)(a)**

F15 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c.54, SIF 107:1), s. 4, **Sch. 3 para. 6(1)(b)**

F16 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(1)(c)**

Modifications etc. (not altering text)

C6 S. 62(4)(*b*) extended by Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3, SIF 107:1), **s. 2(2)**

C7 S. 61(4)(*d*)(*e*) extended by S.I. 1984/176, **reg. 10(8)**

C8 S. 62(4B) extended by S.I. 1984/176, **reg. 5(5)**

63 Objections to grant of operators' licences.

(1) . . . . . [F17]

(2) . . . . . [F18]

(3) Any of the following persons, that is to say—

(a) a prescribed trade union or association, being a trade union or association whose members consist of or include—

(i) persons holding operators' licences or carriers' licences; or

(ii) employees of any such persons;

(b) a chief officer of police;

(c) a local authority,

[[F19](d) a planning authority**]**

may object to the grant of any application **[**[F20]for an operator's licence**]** on the ground that any of the requirements mentioned in section 64(2) of this Act are not satisfied in the case of the application.

(4) Any objection under this section shall be made within the prescribed time and in the prescribed manner (which shall be stated in the notice published under subsection (1) of this section) and shall contain particulars of the ground on which it is made.

(5) The onus of proof of the existence of the ground on which an objection is made shall lie on the objector.

(6) In this section—

"local authority" means—

(a) as respects England and Wales, the council of a county,. . . [F21], **[**[F22]district**]** or London borough,. . . [F23] and the Common Council of the City of London;

(b) as respects Scotland, a **[**[F24]regional, islands or district**]** council;

[[F25]"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 **[**[F26]Part III of the Town and Country Planning Act 1990**]** (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**]**

"trade union" has the same meaning as in the **[**[F27]the Trade Union and Labour Relations (Consolidation) Act 1992**]**.

Textual Amendments

F17 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F18 Ss. 62(3), 63(2), 65 repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F19 S. 63(3)(*d*) inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 8**(*a*)

F20 Words substituted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 1**(*c*)

F21 Words repealed by Local Government Act 1972 (c. 70, SIF 81:1), **Sch. 30**

F22 Word substituted by virtue of Local Government Act 1972 (c. 70, SIF 81:1), **s. 179(3)**

F23 Words repealed by Local Government Act 1985 (c. 51, SIF 81:1), s. 102, **Sch. 17**

F24 Words substituted by Local Government (Scotland) Act 1973 (c. 65), **Sch. 18 para. 18**

F25 Definitions inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 8**(*b*)

F26 Words substituted by Planning (Consequential Provisions) Act 1990 (c. 11, SIF 123:1, 2), s. 4, **Sch. 2 para. 22(1)**

F27 Words in s. 63(6) substituted (16.10.1992) by Trade Union and Labour Relations (Consolidation) Act 1992 (c. 52), ss. 300(2), 302, **Sch. 2 para.2**.

Modifications etc. (not altering text)

C9 S. 63 modified by S.I. 1984/176, **reg. 32(5)**

64 Decision on applications for operators' licences.

(1) **[**[F28]Subject to section 69E of this Act**]**On an application for an operator's licence, the licensing authority shall in every case consider whether the requirements mentioned in paragraphs (a) to (d) of subsection (2) of this section, and, if the licensing authority

in any case thinks fit, paragraph (e) of that subsection, are satisfied, and in doing so shall have regard to any objection duly made under section 63 of this Act.

(2) The said requirements are as follows—

(a) that the applicant is a fit person to hold an operator's licence, having regard to the matters of which particulars may be required to be given under section 62(4)(d) and (e) of this Act **[**[F29]and to any conviction required to be notified in accordance with section 62(4A) thereof**]**;

(b) . . . . . [F30]

(c) that there will be satisfactory arrangements for securing that Part VI of this Act (or, so long as those sections remain in force, sections 73 and 186 of the Act of 1960) will be complied with in the case of the authorised vehicles, and for securing that those vehicles are not overloaded;

(d) that there will be satisfactory facilities and arrangements for maintaining the authorised vehicles in a fit and serviceable condition **[**[F31]and that the place which is to be the operating centre for those vehicles is suitable for that purpose**]**;

(e) that the provision of such facilities and arrangements as are mentioned in paragraph (d) of this subsection **[**[F32]and of a suitable operating centre**]** will not be prejudiced by reason of the applicant's having insufficient financial resources for that purpose.

(3) If the licensing authority determines that any requirement which he has taken into consideration in accordance with subsection (1) of this section is not satisfied, he shall refuse the application but, in any other case, he shall, subject to subsection (4) of this section **[**[F33]and section 69B of this Act**]**, grant the application.

(4) In any case in which the licensing authority grants an application for an operator's licence, the licensing authority may issue that licence in the terms applied for or, if the authority thinks fit, subject to either or both of the following modifications or limitations, that is to say—

(a) so that the licence is in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers greater or less in number than, or differing in type from, those for the use of which authorisation was applied for;

(b) so that the licence does not permit the addition of authorised vehicles under section 61(1)(c) of this Act.

(5) In exercising his functions under this section in relation to the requirement mentioned in subsection (2)(e) thereof, a licensing authority may be assisted by an assessor drawn from a panel of persons appointed by the Minister for that purpose; and there shall be paid by the licensing authority to any such assessor in respect of his services remuneration on a scale prescribed by the Minister with the approval of the Treasury.

Textual Amendments

F28 Words inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 2**(*a*)

F29 Words added by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 2**(*a*)

F30 S. 64(2)(*b*) repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F31 Words added by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 2**(*b*)

F32 Words inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 2**(*c*)

F33 Words inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 2**(*b*)

Modifications etc. (not altering text)

C10 S. 64(2) modified by S.I. 1984/176, **reg. 36(1)**

C11 S. 64(2)(*c*) extended by Road Traffic (Drivers' Ages and Hours of Work) Act 1976 (c. 3, SIF 107:1), **s. 2(2)**

C12 S. 64(2)(*c*)–(*e*) extended by S.I. 1984/176, **reg. 10(8)**

C13 S. 64(3) extended by S.I. 1984/176, **reg. 5(1)**

[F34]64A Issue of operators' licences.

(1) Subject to subsection (2) of this section and to sections 64B, 66, 69B, 69C and 89(2) of this Act, on granting an application for an operator's licence, the licensing authority shall issue that licence in the terms applied for.

(2) If the authority has determined that any of the requirements of section 64(3) or (4) of this Act that he has taken into consideration in accordance with section 64(1) of this Act would not be satisfied unless he exercised any of his powers under subsection (3) of this section, he shall exercise those powers accordingly.

(3) The authority may issue the licence in terms that differ from the terms applied for in any of the following respects—

(a) more or fewer motor vehicles are specified in the licence;

(b) different motor vehicles are specified in it;

(c) it includes a provision such as is mentioned in section 61(1A) of this Act;

(d) it includes a provision such as is mentioned in section 61A(1)(b) or (2)(b) of this Act;

(e) higher or lower maximum numbers are specified in it under section 61A of this Act;

(f) fewer places are specified in it as operating centres of the licence-holder.

(4) Any undertakings taken into account by the authority under section 64(6) of this Act that he considers to be material to the granting of the application shall be recorded in the licence issued.

Textual Amendments

F34 Ss. 64, 64A substituted (*prosp.*) for s. 64 by 1994 c. 40, **ss. 44(1)**, 82(4)

[F35]64B Conditions for securing road safety.

(1) A licensing authority, on granting an operator's licence or on varying such a licence under section 68 of this Act, may attach to it such conditions as he thinks fit for preventing vehicles that are authorised to be used under the licence from causing danger to the public—

(a) at any point where vehicles first join a public road on their way from an operating centre of the licence-holder (or last leave a public road on their way to such an operating centre); and

(b) on any road (other than a public road) along which vehicles are driven between such a point and the operating centre.

(2) On varying an operator's licence under section 68 of this Act, the licensing authority may vary or remove any condition attached to the licence under this section.

(3) The licensing authority shall not—

(a) attach to an operator's licence any condition such as is mentioned in this section; or

(b) vary in such manner as imposes new or further restrictions or requirements any condition attached to an operator's licence under this section,

without first giving the applicant for the licence or (as the case may be) the licence-holder an opportunity of making representations to the authority with respect to the effect on his business of the proposed condition or variation.

(4) The licensing authority shall give special consideration to any representations made under subsection (3) of this section in determining whether to attach the proposed condition or make the proposed variation.

(5) In this section as it applies in relation to England and Wales, "public road" means a highway maintainable at the public expense for the purposes of [M1] the Highways Act 1980.

(6) Any person who contravenes any condition attached under this section to a licence of which he is the holder shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.**]**

Textual Amendments

F35 S. 64B inserted (*prosp.*) by 1994 c. 40, **ss. 45**, 82(4)

Marginal Citations

M1 1980 c. 66.

65 Conditions as to transport managers.

. . . . . [F36]

Textual Amendments

F36 Ss. 62(3), 63(2), 65 repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

66 Conditions as to matters required to be notified to licensing authority.

(1) A licensing authority, in granting an operator's licence, may attach thereto such conditions as he thinks fit for requiring the holder to inform him—

(a) of any change, of a kind specified in the conditions, in the organisation, management or ownership of the trade or business in the course of which the authorised vehicles are used;

(b) where the holder of the licence is a company, of any change, or of any change of a kind so specified, in the persons holding shares in the company;

(c) of any other event of a kind so specified affecting the holder of the licence which is relevant to the exercise of any powers of the authority in relation to the licence.

(2) Any person who contravenes any condition attached under this section to a licence of which he is the holder shall be liable on summary conviction to a fine not exceeding **[**[F37]level 4 on the standard scale**]**.

Textual Amendments

F37 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

67 Duration of operators' licences and grant of interim licences.

(1) There shall be specified in every operator's licence the date on which the licence is to come into force.

(2) Regulations may specify the dates in the year on which operators' licences shall expire, and, subject to subsections (4) and (5) of this section, an operator's licence shall, unless previously revoked, **[**[F38]or prematurely terminated under section 69 of this Act**]** continue in force up till and including that one of the specified dates which occurs next before the expiration of the period of five years beginning with the date on which the licence came into force, or of such other period beginning with that date as the licensing authority may in accordance with the next following subsection direct.

(3) The licensing authority may, on granting an operator's licence, direct that in the case of that licence the period relevant for the purposes of subsection (2) of this section—

(a) shall be a period shorter than five years **[**[F39]if it appears to the licensing authority to be appropriate in the case of any applicant**]**;

(b) shall be a period longer or shorter than five years if the licensing authority is of opinion that it is desirable so to direct in order to arrange a suitable and convenient programme of work for the licensing authority.

(4) If, at the date on which an operator's licence is due to expire, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution therefor, the existing licence shall continue in force until—

(a) the application; and

(b) any appeal under section 70 of this Act arising out of the application,

are disposed of, without prejudice, however, to the exercise in the meantime of the powers conferred by section 69 of this Act.

(5) If an applicant for an operator's licence so requests, a licensing authority may, if the applicant does not hold an operator's licence granted by that authority, grant to him, pending the determination of the application, an operator's licence expressed to continue in force until the date on which any licence granted on the application or on an appeal arising out of it is expressed to come into force or, if no licence is granted as aforesaid, until the application is refused; and a request for the grant of a licence under this subsection shall not for the purposes of section 63 or **[**[F40]subsections (1) to (3) of section**]** 64 of this Act be treated as an application for an operator's licence **[**[F40]but shall be so treated for the purposes of section 64(4) of this Act**]**,. . . [F41]

Textual Amendments

F38 Words inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 3(1)**

F39 Words substituted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 3(2)**

F40 Words inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 3(3)**

F41 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

[F42]67A Interim licences.

(1) Where on any application for an operator's licence (a "full" licence) the applicant so requests, the licensing authority may grant to him an interim licence.

(2) An interim licence is an operator's licence that (subject to its revocation or other termination under any provision of this Act or another statutory provision) will continue in force until it terminates under subsection (3), (4) or (5) of this section.

(3) If the licensing authority grants the application and issues to the applicant a full licence—

(a) that is in the terms applied for; or

(b) that is in those terms, subject only to the attachment under section 64B, 66 or 69C of this Act of any conditions that are also attached to the interim licence,

the interim licence shall terminate on the date on which the full licence comes into force.

(4) If, on an appeal arising out of the application, the Transport Tribunal orders the licensing authority to issue a full licence to the applicant, the interim licence shall terminate—

(a) on the date on which the full licence issued in pursuance of the order comes into force; or

(b) at the time at which the application is withdrawn or treated as withdrawn under section 89(3) of this Act.

(5) If neither subsection (3) nor subsection (4) of this section applies, the interim licence shall terminate on the date on which the application is finally disposed of or such earlier date as the applicant may specify in a written request to the licensing authority.

(6) In a case within subsection (5) of this section where the application is granted, the full licence issued to the applicant shall (notwithstanding any statement in it to the contrary) be of no effect before the interim licence terminates.

(7) A request for the grant of an interim licence shall not for the purposes of section 63, 64, 64A, 69B, 69E, 69J or 70 of, or Schedule 8A to, this Act be treated as an application for an operator's licence, but shall be treated as such an application for any other purposes of this Part of this Act.

(8) The licensing authority may issue an interim licence in the same terms as those applied for in relation to the full licence or in terms that differ from those terms in any of the respects mentioned in section 64A(3) of this Act.

Textual Amendments

F42 Ss. 67, 67A substituted (*prosp.*) for s. 67 by 1994 c. 40, **ss. 46**, 82(4)

68 Variation of operators' licences.

(1) **[**[F43]Subject to section 69E of this Act**]**On the application of the holder of an operator's licence, the licensing authority by whom the licence was granted may at any time while it is in force vary the licence by directing—

(a) that additional vehicles be specified therein, that the maximum number of trailers or of motor vehicles specified therein under paragraph (b) or (c) of section 61(1) of this Act be increased, or, if the licence does not permit the addition of authorised vehicles under the said paragraph (c), that it shall so permit and that a maximum be specified under that paragraph accordingly; or

(b) that vehicles specified therein be removed therefrom or that any such maximum as is mentioned in paragraph (a) of this subsection be reduced; or

[[F44](c) that an alteration or addition be made in or to any of the matters specified for the purposes of the [M2]Goods Vehicles (Operators Licences, Qualifications and Fees) Regulations 1984 in a standard licence as defined in Regulations 3(2) of those Regulations**]**

(d) that an alteration be made in any condition attached to the licence under section 66 of this Act or that any such condition be removed;

[[F45]or

(e) that a restricted licence as defined in Regulation 3(2) of the said Regulations of 1984 be converted into a standard licence as defined in that Regulation, or vice versa.**]**

(2) A person applying for a direction under this section shall give to the licensing authority such information as he may reasonably require for the discharge of his duties in relation to the application.

(3) Any information or particulars to be given to a licensing authority under subsection (2) of this section shall be given in such form as the authority may require.

(4) Except in the following cases, that is to say—

(a) . . . . . [F46]

(b) where the application is for a direction under subsection (1)(b) of this section; or

[[F47](bb) where an application is for a direction as referred to in subsection (1)(*c*) or (*e*) of this section; or**]**

(c) where the licensing authority is satisfied that the application is of so trivial a nature that it is not necessary that an opportunity should be given for objecting to it,

the licensing authority shall publish notice of any application under this section in the manner provided for the publication of notices under subsection (1) of **[**[F48]section 63 of this Act**]**; and where notice of the application is published in pursuance of this subsection the other provisions of the said section 63 and the provisions of section 64 of this Act shall, so far as applicable and subject to any necessary modifications, apply to that application as they apply to an application for the grant of an operator's licence of which notice is published under subsection (1) of the said section 63.

(5) If an applicant under this section so requests, the licensing authority may, pending the determination of the application, give an interim direction under this section, that is to say, a direction expressed to continue in force only until the application, and any appeal arising out of it, have been disposed of; and a request for such a direction shall

not for the purposes of subsection (4) of this section be treated as an application under this section.

Textual Amendments

F43 Words inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 3**(*a*)

F44 S. 68(1)(c) inserted by S.I. 1984/176. reg. 36(2)(*a*) as amended by S.I. 1986/666 reg. 8(*a*)

F45 Word "or" and s. 68(1)(*e*) added by S.I. 1984/176, **reg. 36(2)**(*b*)

F46 S. 68(4)(*a*) repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F47 S. 68(4)(*bb*) inserted by S.I. 1984/176, **reg. 36(2A)** (as inserted by S.I. 1986/666, **reg. 8**(*b*))

F48 Words substituted by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

Marginal Citations

M2 S.I. 1984/76.

[F49]68A Interim variations.

(1) Where an applicant for the variation of an operator's licence under section 68 of this Act so requests, the licensing authority may, before he has determined the application, vary the licence by giving an interim direction in respect of it.

(2) An interim direction is a direction under section 68(1) of this Act that is expressed to continue in force until it ceases to have effect under subsection (3) or (4) of this section.

(3) If on determining the application the licensing authority varies the licence by giving a direction in the terms applied for (and does not also under section 64B(1) or (2) or 69C(1) or (3) of this Act attach or vary any conditions), the interim direction shall cease to have effect on the date on which the direction given on the application comes into force.

(4) If subsection (3) of this section does not apply, the interim direction shall cease to have effect on the date on which the application is finally disposed of or such earlier date as the applicant may specify in a written request to the licensing authority.

(5) In a case within subsection (4) of this section where on determining the application the licensing authority gives a direction varying the licence, that direction shall be of no effect before the interim direction ceases to have effect.

(6) A request for an interim direction to be given shall not for the purposes of section 68(4) or 70 of, or Schedule 8A to, this Act be treated as an application for the variation of an operator's licence, but shall be treated as such an application for any other purposes of this Part of this Act.

Textual Amendments

F49 Ss. 68, 68A substituted (*prosp.*) by 1994 c. 40, **ss. 47(1)**, 82(4)

69 Revocation, suspension and curtailment of operators' licences.

(1) Subject to the provisions of this section, the licensing authority by whom an operator's licence was granted may direct that it be revoked, suspended, **[**[F50]terminated on a date

Status: *Point in time view as at 03/01/1995.*
Changes to legislation: *There are currently no known outstanding effects for the Transport Act 1968, Part V. (See end of Document for details)*

earlier than that on which it would otherwise expire under section 67 of this Act**]** or curtailed on any of the following grounds—

(a) that the holder of the licence has contravened. . . [F51] or any condition attached to his licence under section 66 of this Act;

(b) that during the five years ending with the date on which the direction is given there has been (whether before or after the day on which this section comes into force)—

(i) any such conviction as is mentioned in **[**[F52]paragraphs (*a*) to (*ffff*)**]** of subsection (4) of this section or any such prohibition as is mentioned in paragraph (h) of that subsection; or

(ii) any such conviction as is mentioned in paragraph (g) of that subsection on occasions appearing to the licensing authority to be sufficiently numerous to justify the giving of a direction under this subsection;

(c) that the holder of the licence made or procured to be made for the purposes of his application for the licence, or for the purposes of an application for the variation of the licence, a statement of fact which (whether to his knowledge or not) was false, or a statement of intention or expectation which has not been fulfilled;

(d) that the holder of the licence has been adjudicated bankrupt or, where the holder is a company, has gone into liquidation (not being a voluntary liquidation for the purpose of reconstruction);

(e) that there has been since the licence was granted or varied a material change in any of the circumstances of the holder of the licence which were relevant to the grant or variation of his licence;

(f) that the licence is liable to revocation, suspension, **[**[F50]premature termination**]** or curtailment by virtue of a direction under subsection (6) of this section;

and during any time of suspension the licence shall be of no effect.

(2) In any case in which a licensing authority has power to give a direction under the foregoing subsection in respect of any licence, the authority shall also have power to direct that there be attached to the licence any, or any additional, condition such as is mentioned in section 66 of this Act.

(3) Where the existence of any of the grounds mentioned in subsection (1) of this section is brought to the notice of the licensing authority in the case of the holder of any licence granted by him, the authority shall consider whether or not to give a direction under this section in respect of that licence.

[[F53](3A) Where the ground mentioned in subsection (1) of this section consists of a conviction mentioned in paragraph (ff) of subsection (4) of this section and there has been, within the 5 years preceding that conviction a previous conviction of the holder of the licence of the offence referred to in that paragraph, the licensing authority shall give a direction under this section to revoke the licence.**]**

(4) The convictions and prohibitions mentioned in subsection (1)(b) of this section are as follows—

(a) a conviction, in relation to a goods vehicle, of the holder of the licence, or a servant or agent of his **[**[F54]of an offence under section 46 of the Road Traffic Act 1972 **[**[F55]or section 53 of the Road Traffic Act 1988**]** (plating certificates and goods vehicle test certificates) or**]**, of contravening

any provision (however expressed) contained in or having effect under any enactment (including any enactment passed after this Act) relating to—

(i) the maintenance of vehicles in a fit and serviceable condition;

(ii) limits of speed and weight laden and unladen, and the loading of goods vehicles;

(iii) the licensing of drivers;

(b) a conviction of the holder of the licence under—

(i) this Part of this Act. . . [F56];

(ii) section 233 or 235 of the Act of 1960 so far as applicable (by virtue of Schedule 10 to this Act) to licences, authorisations or means of identification under this Part of this Act. . . [F56];

(iii) any regulation made under this Act which is prescribed for the purposes of this subsection;

(c) a conviction, in relation to a goods vehicle, of the holder of the licence or a servant or agent of his under, or of conspiracy to contravene, Part VI of this Act or section 73 or 186 of the Act of 1960;

(d) . . . . . [F57]

(e) a conviction, in relation to a goods vehicle, of the holder of the licence under, or of conspiracy to contravene, section 200 of the [M3]Customs and Excise Act 1952, **[**[F58]section 11 of the [M4]Hydrocarbon Oil (Customs and Excise) Act 1971 or section 13 of the [M5]Hydrocarbon Oil Duties Act 1979**]** (unlawful use of rebated fuel oil);

[[F59](ee) a conviction of the holder of the licence or a servant or agent of his of a contravention, in relation to an international road haulage permit, within the meaning of **[**[F60]the Road Traffic Act 1988, of section 169 or 170 of the Road Traffic Act 1972 or of section 173 or 174 of the Road Traffic Act 1988**]**;

(eee) a conviction of the holder of the licence or a servant or agent of his under section 2 of the [M6]International Road Haulage Permits Act 1975**]**.

(f) a conviction of the holder of the licence under section 18 of the [M7]Royal Safety Act 1967 **[**[F61]or section 59 of the Road Traffic Act 1972**][**[F62]or section 74 of the Road Traffic Act 1988**]** (operator's duty to inspect, and keep records of inspection of, goods vehicles);

[[F63](ff) a conviction of the holder of a licence of an offence under Regulation 33(2) of the Goods Vehicles (Operators' Licences Qualifications and Fees) Regulations 1984;

(fff) a conviction of the holder of the licence of an offence under Regulation 33(3) of the said Regulations of 1984;**]**

[[F64](ffff) a conviction of the holder of the licence or a servant or agent of his under—

(i) section 3 of the Control of Pollution Act 1974;

(ii) section 2 of the Refuse Disposal (Amenity) Act 1978;

(iii) section 1 of the Control of Pollution (Amendment) Act 1989; and

(iv) section 33 of the Environmental Protection Act 1990.**]**

(g) a conviction, in relation to a goods vehicle, of the holder of the licence, or a servant or agent of his, of contravening

[[F65](i)**]** any provision (however expressed) which prohibits or restricts the waiting of vehicles, being a provision contained in an order made under section 1, 6, 9 or **[**[F66]12 of the [M8]Road Traffic Regulation Act 1984 (including any such order made by virtue of paragraph 3 of Schedule 9 to that Act) or under any enactment repealed by that Act

and re-enacted by any of those sections(including any such order made by virtue of section 84A(2) of the Road Traffic Regulation Act 1976);**]**

[[F67]or

(ii) any provision included in a traffic regulation order, within the meaning of section 1 of that Act, by virtue of **[**[F68]section 2(4) of the Road Traffic Regulation Act 1984 (lorry routes) or section 1(3AA) of the Road Traffic Regulation Act 1967**]]**.

(h) a prohibition of the use of a vehicle under section 184 of the Act of 1960 or of the driving of a vehicle under section 16 of the [M9]Road Safety Act 1967 **[**[F61]or section 57 of the [M10]Road Traffic Act 1972**][**[F69]or section 69 or 70 of the Road Traffic Act 1988**]**, being a vehicle of which the holder of the licence was the owner when the prohibition was imposed.

(5) Where the licensing authority directs that an operator's licence be revoked, the authority may order the person who was the holder thereof to be disqualified, indefinitely or for such period as the authority thinks fit, from holding or obtaining an operator's licence, and so long as the disqualification is in force—

(a) notwithstanding anything in section 64 of this Act, no operator's licence shall be granted to him and any operator's licence obtained by him shall be of no effect; and

(b) if he applies for or obtains an operator's licence he shall be liable on summary conviction to a fine not exceeding **[**[F70]level 4 on the standard scale**]**.

An order under this subsection may be limited so as to apply only to the holding or obtaining of an operator's licence in respect of the area of one or more specified licensing authorities and, if the order is so limited, paragraphs (a) and (b) of this subsection shall apply only to any operator's licence to which the order applies; but, notwithstanding section 61(2)(b) of this Act, no other operator's licence held by the person in question shall authorise the use by him of any vehicle at a time when its operating centre is in an area in respect of which he is disqualified by virtue of the order.

(6) Where the licensing authority makes an order under subsection (5) of this section in respect of any person, the authority may direct that if that person, at any time or during such period as the authority may 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 as aforesaid 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 **[**[F71], premature termination**]** or curtailment under this section.

(7) The powers conferred by subsections (5) and (6) of this section in relation to the person who was the holder of a licence shall be exercisable also, where that person was a company, in relation to any director of that company, and, where that person operated the authorised vehicles in partnership with other persons, in relation to any of those other persons.

[[F72](7A) Where a licensing authority directs that an operator's licence be suspended or curtailed, the authority may order that—

(a) in the case of a suspension, any motor vehicle specified in the licence may not be used under any other operator's licence, notwithstanding any authorisation under section 61(1)(c) of this Act, or

(b) in the case of a curtailment having the effect of removing any motor vehicle from the licence, the motor vehicle may not be used as mentioned in paragraph (a) above and shall not be capable of being effectively specified in any other operator's licence,

and an order made under this subsection shall cease to have effect on such date, not being more than 6 months after the order is made, as may be specified therein or, if it is earlier, on the date on which the licence which is directed to be suspended or curtailed ceases to be in force.**]**

(8) A licensing authority who has made an order or given a direction under subsection (5), (6) **[**[F73](7) or (7A)**]** of this section may, in such circumstances as may be prescribed, cancel that order or direction.

(9) A licensing authority shall not—

(a) give a direction under subsection (1) or (2) of this section in respect of any licence; or

(b) make an order or give a direction under subsection (5), (6) or (7) of this section in respect of any person,

[[F74]or

(c) make an order under subsection (7A) of this section in respect of any vehicle**]**without first holding an inquiry if the holder of the licence or that person, as the case may be, requests him to do so.

(10) The licensing authority may direct that any direction or order given or made by him under subsection (1), (2), (5), (6) **[**[F75](7) or (7A)**]** of this section shall not take effect until the expiration of the time within which an appeal may be made to the Transport Tribunal against the direction or order and, if such an appeal is made, until the appeal has been disposed of; and if the licensing authority refuses to give a direction under this subsection the holder of the licence, or, as the case may be, the person in respect of whom the direction or order was given or made under any of those subsections, may apply to the tribunal for such a direction, and the tribunal shall give its decision on the application within fourteen days.

(11) For the purposes of this section a person holds a controlling interest in a company if he is the beneficial owner of more than half its equity share capital as defined in **[**[F76]section 744 of the Companies Act 1985**]**.

Textual Amendments

F50 Words inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(1)**

F51 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F52 Words in s. 69(1)(b)(i) substituted (01.04.1992) by Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15**, para. 10(2)(a); S.I. 1991/2829,art. 4.

F53 S. 69(3A) inserted by S.I. 1984/176, **reg. 36(3)**(*b*)

F54 Words inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(2)**

F55 Words inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(2)(a)**

F56 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F57 S. 69(4)(*d*) repealed by Employment Act 1980 (c. 42, SIF 43:5), **Sch. 2**

F58 Words inserted by Hydrocarbon Oil Duties Act 1979 (c. 5, SIF 40:1), **Sch. 6 para. 2**

F59 S. 69(4)(*ee*)(*eee*) inserted by International Road Haulage Permits Act 1975 (c. 46, SIF 126), **s. 3(1)**
F60 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(2)(b)**
F61 Words inserted by Road Traffic Act 1972 (c. 20, SIF 107:1), **Sch. 7**
F62 Words inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(2)(c)**
F63 S. 69(4)(*ff*)(*fff*) inserted by S.I. 1984/176, **reg. 36(3)**(*c*)
F64 S. 69(4)(ffff) inserted (01.04.1992)by virtue of Environmental Protection Act 1990 (c. 43, SIF 46:4), s. 162(1), **Sch. 15**, para. 10(2)(b); S.I.1991/2829,art. 4.
F65 Word inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(2)**
F66 Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 144, **Sch. 13 para. 6**(*a*)
F67 Words added by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(2)**
F68 Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 144, **Sch. 13 para. 6**(*b*)
F69 Words inserted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(2)(d)**
F70 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)
F71 Words inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(3)**
F72 S. 69(7A) inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(4)**
F73 Words substituted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(5)**
F74 Words inserted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(6)**
F75 Words substituted by Road Traffic Act 1974 (c. 50, SIF 107:1), **Sch. 4 para. 4(7)**
F76 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27) s. 30, Sch. 2

Marginal Citations

M3 1952 c. 44.
M4 1971 c. 12.
M5 1979 c. 5.**(40:1).**
M6 1975 c. 46.**(126).**
M7 1967 c. 30.
M8 1984 c. 27.**(107:1).**
M9 1967 c. 30.
M10 1972 c. 20.**(107:1).**

[F77 69A Operating centres for authorised vehicles to be specified in operators' licences.

(1) A person may not use a place in the area of any licensing authority as an operating centre for authorised vehicles under any operator's licence granted to him by that authority unless it is specified in that licence.

(2) A person applying for an operator's licence shall give to the licensing authority a statement giving such particulars as the authority may require of each place in the area of the authority which will an operating centre of the applicant if the licence is granted.

(3) Without prejudice to section 62(4) of this Act, a person applying for an operator's licence shall also, if he is required by the licensing authority so to do, give to him such particulars as he may require with respect to the use which the applicant proposes to make, for authorised vehicles under the licence, of any place referred to in the statement under subsection (2) of this section.

(4) Any person who contravenes subsection (1) of this section shall be liable on summary conviction to a fine not exceeding **[**[F78]level 4 on the standard scale**].]**

Textual Amendments

F77 Ss. 69A–69G inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. I**

F78 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

[[F79]69B Objection to, or refusal or modification of, applications for operators' licences on environmental grounds.

(1) Any person entitled by virtue of section 63(3) of this Act to object to the grant of any application for an operators' licence on the ground there mentioned may also object to the grant of any such application on the ground that any place which, if the licence is granted, will be an operating centre of the holder of the licence is unsuitable on environmental grounds for use as such.

(2) In the case of any such application, any person who is the owner or occupier of land in the vicinity of any place which, if the licence is granted, will be an operating centre of the holder of the licence may make representations against the grant of the application on the ground that the place is unsuitable on environmental grounds for use as such, provided that any adverse effects on environmental conditions arising from that use would be capable of prejudicially affecting the use or enjoyment of the land.

(3) Where any objection or representations are duly made under this section in respect of any application for an operators' licence, the licensing authority may in any case refuse the application on the ground that the parking of authorised vehicles under the licence at or in the vicinity of any place which, if the licence were granted, would be an operating centre of the holder of the licence would cause adverse effects on environmental conditions in the vicinity of that place.

(4) Where any objection or representations are duly so made in respect of any such application, the licensing authority may refuse the application, subject to subsection (5) of this section, on the ground that any place which, if the licence is unsuitable for use as such on environmental grounds other than the ground mentioned in subsection (3) of this section.

(5) A licensing authority may not refuse an application for an operator's licence under subsection (4) of this section if the applicant satisfies the authority that the grant of the application will not result in any material change as regards—

(a) the places in the area of the authority used or to be used as operating centres for authorised vehicles under any operator's licence previously granted by the authority or under the licence applied for; or

(b) the use of any such place already in the use as an operating centre under an existing licence so granted.

(6) Without prejudice to the power of a licencing authority to issue an operator's licence subject to either or both of the modifications of limitations mentioned in section 64(4) of this Act, in case where—

(a) the authority has power to refuse an application for any such licence under subsection (3) or (4) of this section; and

(b) any place other than a place unsuitable for use as an operating centre is referred to in the statement under section 69A(2) of this Act as a proposed operating centre of the applicant;

the authority may, instead of refusing the application, issue the licence specifying in it only such place or places referred to in that statement as are not unsuitable for use as an operating centre.

For the purposes of this subsection, a place referred to in any such statement given to a licensing authority has power to refuse the application under subsection (3) or (4) of this section in consequence of the proposed use of that place as an operating centre.

(7) A request for the grant of a licence under section 67(5) of this Act pending the determination of a current application for an application for an operator's licence for the purposes of this section, but in granting a licence under section 67(5) a licensing authority may specify in the licence such place or places referred to in the statement given to the authority given to the authority by the applicant under section 69A(2) of this Act as the authority thinks fit.**]**

Textual Amendments

F79 Ss. 69A–69G inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. I**

[F80 69C Conditions as to the use of operating centres.

(1) Subject to the following provisions of this section, a licensing authority may attach such conditions to an operator's licence as appear to him to be appropriate for the purpose of preventing or minimising any adverse effects on environmental conditions arising from the use for authorised vehicles under the licence in the area of the authority.

(2) The conditions which may be attached to a licence under this section shall be of such description as may be prescribed; and, without prejudice to the generality of the preceding provision, the descriptions which may be prescribed include conditions regulating—

(a) the number, type and size of motor vehicles or trailers which may at any operating centre of the holder of the licence in the area of the authority for any prescribed purpose;

(b) the parking arrangements to be provided at or in the vicinity of any such centre; and

(c) the hours at which operations of any prescribed description may be carried on at any such centre.

(3) Subject to subsection (4) of this section, the licensing authority by whom an operator's licence was granted may at any time vary or remove any condition attached to the licence under this section.

(4) The power to attach a condition to an operator's licence under this section shall be exercisable by a licensing authority on granting the licence; and that power, and the power to vary or remove any condition so attached, shall also be exersisable in

accordance with section 69D of this Act on an application by the holder for variation of the licence.

(5) Where a licensing authority is precluded by section 69B(5) of this Act from refusing an application for an operator's licence, the authority may not attach any condition to the licence under this section without first giving the applicant for the licence an opportunity to make representations to the authority with respect to the effect on his business of any condition the authority proposes to attach; and where the applicant makes any such representations the authority shall give special consideration to those representations in determining whether to attach the proposed condition on granting the licence.

(6) Any person who contravenes any condition attached under this section to a licence of which he is the holder shall be liable on summary conviction to a fine not exceeding **[**[F81]level 4 on the standard scale**].]**

Textual Amendments

F80 Ss. 69A–69G inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. I**

F81 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

[[F82]69D Variation of operators' licences with respect to operating centres and conditions affecting their use, etc.

(1) Subject to section 69E of this Act, on the application of the holder of an operator's licence, the licensing authority by whom the licence was granted may at any time while it is in force vary the licence by directing—

(a) that a new place shall be specified in the licence as an operating centre of the holder of the licence, or that any place so specified shall cease to be so specified; or

(b) that any condition attached to the licence under section 69C of this Act shall be varied or removed.

(2) A person applying for the variation of an operator's licence under this section shall give to the licensing authority such information as he may reasonably require for the discharge of his duties in relation to the application.

(3) The licensing authority shall publish in the prescribed manner notice of any application for a variation under this section, unless the licensing authority is satisfied that the application is of so trivial a nature that it is not necessary that an opportunity should be given for objecting to it or making representations against it.

(4) Any person entitled to object to the grant of any application for a variation of which notice has been published under section 68(4) of this Act may object to the grant of any application for a variation of which notice has been published under section 68(4) or under subsection (3) of this section on either of the following grounds, that is to say—

(a) that any place which, if the application for variation is granted, will be an operating centre of the holder of the licence is unsuitable on environmental conditions in the vicinity of that centre.

(5) Subject to subsection (6) of this section, any person who is the owner or occupier of land in the vicinity of—

(a) any place which, if the application for variation is granted, will be an operating centre of the holder of the licence; or

(b) any existing operating of the holder of the licence to which the application relates;

may make representations against the grant of any application for a variation of which notice has been published under section 68(4) of this Act or under subsection (3) of this section on either of the grounds mentioned in subsection (4) of this section, but so far as relates to that place or operating centre.

(6) A person may not be virtue of subsection (5) of this section make representations against the grant of an application for variation of an operator's licence unless any adverse effects on environmental conditions arising from the use of the place or operating centre in question would be capable of prejudicially affecting the use or enjoyment of the land there mentioned.

(7) Where any objection or representations are duly made under this section in respect of any application for a variation of an operator's licence, the licensing authority may refuse the application in any case where it appears to him that the application ought to be refused on either of the grounds mentioned in subsection (4) of this section.

(8) In any case in which the licensing authority grants an application for a variation of an operator's licence of which notice has been published under section 68(4) of this Act or under subsection (3) of this section, the licensing authority may direct that any condition attached to the licence under section 69C of this Act shall be varied or removed or that a condition shall be attached to the licence under that section.

(9) If an applicant under this section so requests, the licensing authority may, pending the determination of the application, give an interim direction under subsection (1) or (8) of this section, that is to say, a direction expressed to continue in force only until the application, and any appeal arising out of it, have been disposed of; and a request for such a direction shall not for the purposes of subsection (3) to (7) of this section be treated as an application for a variation under this section.**]**

Textual Amendments

F82 Ss. 69A–69G inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. I**

[[F83]69E Publication of notice of applications for licences and variations in localities affected.

(1) The licensing authority for any area shall refuse—

(a) any application to the authority for an opportunity for an operator's licence; and

(b) any application to the authority for the variation of an operator's licence of which notice has been published under section 68(4) or 69D(3) of this Act;

without considering the merits of the application unless he is satisfied that notice of the application in such form and containing such information as may be prescribed has been published within the period mentioned in subsection (2) of this section in a local newspaper or newspapers circulating in each locality affected by the application.

(2) The period referred to in subsection (1) of this section is the period beginning twenty-one days before the date on which the application is made and ending twenty-one days after that date.

(3) For the purposes of this section a locality shall be taken to be affected by an application to a licensing authority for, or for the variation of, an operator's licence if it contains any place in the area of the authority which will be an operating centre of the holder of the licence if the application is granted, or (in the case of an application for variation) any existing operating centre of the holder of the licence to which the application relates.**]**

Textual Amendments
F83 Ss. 69A–69G inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. I**

[F84 Further provisions about operating centres]

Textual Amendments
F84 Crossheading inserted (*prosp.*) by 1994 c. 40, **ss. 50(1)**, 82(4)

F85 69EA Periods of review for operating centres.

(1) Within such time after any period of review as may be prescribed, the licensing authority by whom an operator's licence was granted may serve a notice on the licence-holder stating that the authority is considering whether to exercise any of his powers under sections 69EB and 69EC of this Act in relation to a place specified in the licence as an operating centre of the licence-holder.

(2) The periods of review in relation to an operator's licence are—
   (a) the period of five years beginning with the date specified in the licence as the date on which it came into force; and
   (b) each consecutive period of five years.

(3) Regulations may amend subsection (2) of this section by substituting a higher or lower number (but not a number lower than five) for the number of years currently mentioned in paragraphs (a) and (b).

(4) Regulations may make provision as to the manner in which notices under this section are to be or may be served, including provision as to the circumstances in which and time at which any such notice is to be treated as having been duly served (whether or not it has in fact been served).

Textual Amendments
F85 S. 69EA inserted (*prosp.*) by 1994 c. 40, **ss. 50(1)**, 82(4)

Status: *Point in time view as at 03/01/1995.*
Changes to legislation: *There are currently no known outstanding effects for the Transport Act 1968, Part V. (See end of Document for details)*

[F86]69EBPower to remove operating centres on review.

(1) If, having served notice under section 69EA of this Act in respect of a place specified in an operator's licence, the licensing authority determines that the place is unsuitable—
   (a) on grounds other than environmental grounds; or
   (b) on the ground mentioned in subsection (2) of this section,

for use as an operating centre of the licence-holder, he may (subject to subsection (3) of this section) direct that it cease to be specified in the licence.

(2) The ground referred to in subsection (1)(b) of this section is that the parking of vehicles used under the licence at or in the vicinity of the place causes adverse effects on environmental conditions in that vicinity.

(3) Where the only ground for giving a direction under subsection (1) of this section is the ground mentioned in subsection (2) of this section, the authority may not give such a direction unless during the period of review in question representations were made to him—
   (a) by a person such as is mentioned in section 63(3) of this Act; or
   (b) by a person who is the owner or occupier of any land in the vicinity of the place in question,

as to the place's unsuitability on environmental grounds for continued use as an operating centre for vehicles used under any operator's licence.

(4) Representations made by a person such as is mentioned in subsection (3)(b) of this section shall be disregarded for the purposes of this section if, when they were made, any adverse effects on environmental conditions arising from the continued use of the place in question would not have been capable of prejudicially affecting the use or enjoyment of the land mentioned in subsection (3)(b).

Textual Amendments

F86 S. 69EB inserted (*prosp.*) by 1994 c. 40, **ss. 50(1)**, 82(4)

[F87]69ECPowers to attach conditions etc. on review.

(1) If, having served notice under section 69EA of this Act in respect of a place specified in an operator's licence, the licensing authority does not give a direction in respect of the place under section 69EB of this Act, he may direct—
   (a) that conditions (or additional conditions) such as are mentioned in section 64B, 66(1)(c) or 69C of this Act be attached to the licence;
   (b) that any conditions already attached to the licence under section 64B, 66(1)(c) or 69C be varied.

(2) Any conditions attached to the licence under subsection (1)(a) of this section shall relate (or in the case of conditions such as are mentioned in section 66(1)(c) of this Act, only require the authority to be informed of events that relate) only to the place referred to in subsection (1) of this section (or only to that place and any other places in respect of which the authority has power to attach conditions under that subsection).

(3) Any variation under subsection (1)(b) of this section shall be such as imposes new or further restrictions or requirements in relation to that place, and only that place (or only that place and any other such places).

(4) Where the licensing authority gives a direction in respect of an operator's licence under section 69EB of this Act or subsection (1)(a) of this section, he may also vary the licence by directing—

(a) that any vehicle cease to be specified in the licence;

(b) that any maximum number specified in the licence under section 61A of this Act be reduced;

(c) that a provision such as is mentioned in section 61(1A) of this Act be included in the licence;

(d) that a provision such as is mentioned in section 61A(1)(b) or (2)(b) of this Act be included in the licence.

(5) In this Part of this Act any reference, in relation to an operator's licence, to a condition attached to the licence under section 64B, 66, or 69C of this Act includes any condition such as is mentioned in section 64B, 66 or (as the case may be) 69C that was attached to the licence under subsection (1)(a) of this section.

Textual Amendments

F87 S. 69EC inserted (*prosp.*) by 1994 c. 40, **ss. 50(1)**, 82(4)

[F88]69ED Transfer of operating centres.

Schedule 8A to this Act (which makes provision in relation to certain applications for, or for the variation of, operators' licences where the proposed operating centres of the applicant are already specified in an operator's licence) shall have effect.

Textual Amendments

F88 S. 69ED inserted (*prosp.*) by 1994 c. 40, **ss. 50(1)**, 82(4)

[[F89]69F Revocation, etc. of operators' licences for breach of provisions controlling use of operating centres.

(1) Subject to subsection (2) of this section, the licensing authority by whom an operator's licence was granted may direct that it be revoked, suspended, terminated on a date earlier than that on which it would otherwise expire under section 67 of this Act, or curtailed on the ground that the holder of the licence has contraved section 69A of this Act or any condition attached to his licence under section 69C of this Act; and during any time of suspension the licence shall be of no effect.

(2) Section 69 of this Act shall apply as if the power to give a direction under subsection (1) of this section and the ground there mentioned were respectively conferred by and mentioned in subsection (1) of that section.**]**

Textual Amendments

F89 Ss. 69A–69G inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. I**

[F90 69G Provisions supplementary to sections 69A to 69F.

(1) Any objection or representations under section 69B or 69D of this Act shall contain particulars of any matters alleged by the person making the objection or representations to be relevant to the determination of the licensing authority to which the objections or representations relate; and the onus of proof of any matters so alleged shall lie on the person making the objection or representations.

(2) Any objection or representation under either of those sections with respect to any application for, or for the variation of, an operator's licence shall be made within the prescribed time and in the prescribed manner, which—

(a) may differ for representations from that prescribed for objections; and

(b) shall in either case be stated in the notice of the application published under section 63(1) of this Act or (as the case may be) under section 68(4) of this Act.

(3) In making any of the following determinations, that is to say—

(a) any determination with respect to the suitability of any place on environmental grounds for use as an operating centre for authorised vehicles under an operator's licence;

the licensing authority shall have regard to such considerations as may be prescribed as relevant to determinations of that description.

(4) In making any such determination for the purposes of exercising any of his powers under sections 69B to 69D of this Act in relation to an application for or for the variation of, an operator's license, the licensing authority shall also have regard to—

(a) any information supplied by the applicant in accordance with section 68, 69A or 69D of this Act; and

(b) any objections or representations duly made under section 69B or 69D.

(5) Any statement or information to be given to a licensing authority under section 69A or 69D of this Act shall be given in such form as the authority may require.

(6) For the purposes of sections 69D(5)(*b*) and 69(3) of this Act an application for a variation of an operator's licence shall be taken to relate to an operating centre of the holder of the licence if any**]**

Textual Amendments

F90 Ss. 69A–69G inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. I**

F91 69H Determinations as to environmental matters: supplementary provisions.

(1) In making any determination of a description mentioned in subsection (2) of this section, the licensing authority shall have regard to such considerations as may be prescribed as relevant to determinations of that description.

(2) The determinations referred to are—

(a) any determination with respect to the suitability of any place on environmental grounds for use as an operating centre of the holder of an operator's licence;

(b) any determination with respect to attaching any condition such as is mentioned in section 69C of this Act to an operator's licence or varying or removing any such condition attached to an operator's licence; and

(c) any determination with respect to the effect on environmental conditions in any locality of the use in any particular manner of any operating centre of the holder of an operator's licence.

(3) In making any such determination for the purposes of exercising—

(a) any of his functions in relation to an application for, or for the variation of, an operator's licence; or

(b) any of his functions under sections 69EA to 69EC of this Act,

the licensing authority may take into account any undertakings given by the applicant or licence-holder (or procured by him to be given) for the purposes of the application or the review under sections 69EA to 69EC, and may assume that those undertakings will be fulfilled.

(4) In making for those purposes a determination of a description mentioned in subsection (2)(a) or (c) of this section, the licensing authority may take into account any conditions such as are mentioned in section 69C of this Act that could be attached to the licence in question, and may assume that any conditions so attached will not be contravened.

(5) Where the licensing authority—

(a) grants an application for, or for the variation of, an operator's licence; or

(b) having served notice under section 69EA of this Act in respect of any place specified in such a licence, exercises or determines not to exercise any of his powers under sections 69EB and 69EC of this Act in relation to that place,

any undertakings taken into account by the authority under subsection (4) of this section that the authority considers to be material to the application or (as the case may be) to his decision under sections 69EB and 69EC shall be recorded in the licence in question.

Textual Amendments

F91 Ss. 69G, 69H substituted (*prosp.*) for s. 69G by 1994 c. 40, ss. 57, 82(4), **Sch. 13 Pt. I para. 9**

[F92 Operators' licences: supplementary provisions]

Textual Amendments

F92 Crossheading inserted (3.1.1995) by 1994 c. 40, **s. 51**; S.I. 1994/3188, **arts. 2**, 3(g)

F93 69I Assessors.

(1) In considering any financial question which appears to him to arise in relation to the exercise of his functions under this Part of this Act or M11 the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984, the licensing authority may be assisted by an assessor drawn from a panel of persons appointed for that purpose by the Secretary of State.

(2) The Secretary of State shall pay to any such assessor in respect of his services such remuneration as may be determined by the Secretary of State with the consent of the Treasury.

Status: *Point in time view as at 03/01/1995.*
Changes to legislation: *There are currently no known outstanding effects for the Transport Act 1968, Part V. (See end of Document for details)*

Textual Amendments

F93 S. 69I inserted (3.1.1995) by 1994 c. 40, **s. 51**; S.I. 1994/3188, **arts. 2**, 3(g)

Marginal Citations

M11 S.I. 1984/176.

[F94 69J Review of decisions.

(1) Subject to subsection (2) of this section, the licensing authority may review and, if he thinks fit, vary or revoke any decision of his to grant or refuse—

(a) an application for an operator's licence; or

(b) an application for the variation of such a licence in a case where section 68(4) of this Act required notice of the application to be published,

if he is satisfied that a procedural requirement imposed by or under any enactment has not been complied with in relation to the decision.

(2) The licensing authority may only review a decision under subsection (1) of this section—

(a) if, within such period after taking the decision as may be prescribed, he has given notice to the applicant or (as the case may be) the licence-holder that he intends to review the decision;

(b) if, within that period, a person who appears to him to have an interest in the decision has requested him to review it; or

(c) where neither paragraph (a) nor paragraph (b) of this subsection applies, if he considers there to be exceptional circumstances that justify the review.

(3) Regulations may make provision as to the manner in which notices under subsection (2)(a) of this section are to be or may be served, including provision as to the circumstances in which and time at which any such notice is to be treated as having been duly served (whether or not it has in fact been served).

(4) The variation or revocation of a decision under this section shall not make unlawful anything done in reliance on the decision before the variation or revocation takes effect.**]**

Textual Amendments

F94 S. 69J inserted (*prosp.*) by 1994 c. 40, **ss. 52**, 82(4)

70 Rights of appeal in connection with operators' licences.

(1) Subject to subsection (2) of this section, a person who—

(a) being an applicant for, or for the variation of, an operator's licence, is aggrieved by the refusal of the application or, as the case may be, by the terms or conditions of the licence or of the variation; or

(b) being the holder of an operator's licence in respect of which, or a person in respect of whom, **[**F95or the holder of an operator's licence which specifies a motor vehicle in respect of which **]**a direction or order has been given or made

under section 61(6) or 69(1) to **[**[F96](7A)**]**[F97]or 69F(1)**]** of this Act, is aggrieved by that direction or order, or

(c) having duly made an objection to an application for, or for the variation of, an operator's licence, is aggrieved by the grant of the application,

may appeal to the Transport Tribunal.

(2) No appeal shall lie under the foregoing subsection on the ground that a direction has been given under subsection (3) of section 67 of this Act if it has been given by virtue of paragraph (b) of the said subsection (3).

Textual Amendments

F95 Words inserted by Road Traffic Act 1974 (c. 50), **Sch. 4 para. 5**

F96 Word substituted by Road Traffic Act 1974 (c. 50), **Sch. 4 para. 5**

F97 Words inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 4**

Special authorisations for use of large goods vehicles

71 Control of the use of large goods vehicles.

(1) . . . . . [F98]

(6) For the purposes of. . . [F99] the subsequent provisions of this Part of this Act, a large goods vehicle is a goods vehicle (other than a hauling vehicle) which—

(a) has a relevant plated weight exceeding **[**[F100]16260 kilograms**]** or (not having a relevant plated weight) has an unladen weight exceeding **[**[F100]5080**]**; or

(b) forms part of a vehicle combination (not being an articulated combination) which is such that—

(i) if all the vehicles comprised in the combination (or all of them except any small trailer) have relevant plated weights, the aggregate of the relevant plated weights of the vehicles comprised in the combination (exclusive of any such trailer) exceeds **[**[F100]16260 kilograms**]**;

(ii) in any other case, the aggregate of the unladen weights of those vehicles (exclusive of any such trailer) exceeds **[**[F100]5080**]**; or

(c) forms part of an articulated combination which is such that—

(i) if the trailer comprised in the combination has a relevant plated weight, the aggregate of the unladen weight of the motor vehicle comprised in the combination and the relevant plated weight of that trailer exceeds **[**[F100]16260 kilograms**]**;

(ii) in any other case, the aggregate of the unladen weights of the motor vehicle and the trailer comprised in the combination exceeds **[**[F100]5080**]**.

In any provision of this subsection "relevant plated weight" means a plated weight of the description specified in relation to that provision by regulations; and in paragraph (b) of this subsection "small trailer" means a trailer having an unladen weight not exceeding **[**[F100]1020 kilograms**]**.

(7) . . . . . [F98]

(8) In this section—

"hauling vehicle" means a motor tractor, a light locomotive, a heavy locomotive or the motor vehicle comprised in an articulated combination;

[F101](9) . . . . . [F98]

Textual Amendments

F98 Ss. 71(1)–(5)(7)(9)(10), 72–80, 87(2), 94(4)–(6) repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F99 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F100 Words substituted by S.I. 1981/1373, **Sch. Pt. III**A.

F101 Definition repealed by Transport Act 1980 (c. 34), **Sch. 9 Pt. II**

72—80. [F102]. . . . . .

Textual Amendments

F102 Ss. 71(1)–(5)(7)(9)(10), 72–80, 87(2), 94(4)–(6) repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

Enforcement

81 Consignment notes.

(1) Subject to subsection (2) of this section, no goods shall be carried on a large goods vehicle unless a document (in this section referred to as a "consignment note") in the prescribed form and containing the prescribed particulars has been completed and signed in the prescribed manner and is carried by the driver of the vehicle.

(2) Subsection (1) of this section shall not apply—

(a) to the carriage of goods on any journey or in a vehicle of any class exempted from that subsection by regulations; or

(b) to any carriage of goods which is lawful without the authority of an operator's licence;

and, subject to the provisions of regulations, a licensing authority may dispense with the observance, as respects the carriage of goods under an operator's licence granted by him, of any requirement of that subsection, and may grant such a dispensation either generally, or as respects a particular vehicle, or as respects the use of vehicles for a particular purpose, but he shall not grant such a dispensation unless satisfied that it is not reasonably practicable for the requirement dispensed with to be observed.

(3) The consignment note relating to the goods carried by a vehicle on any journey shall, at the conclusion of that journey, be preserved for the prescribed period by the person who used the vehicle. . . [F103] for carrying the goods on that journey.

(4) Any person who uses or drives a vehicle in contravention of subsection (1) of this section or who fails to comply with subsection (3) thereof shall be liable on summary conviction to a fine not exceeding **[**[F104]level 4 on the standard scale**]**.

Textual Amendments

F103 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F104 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

82 Powers of entry and inspection.

(1) An officer may, on production if so required of his authority, require any person to produce and permit him to inspect and copy—

(a) any. . . [F105] document which is required by or under section. . . [F105] 81 of this Act to be carried by that person as driver of a vehicle;

(b) any. . . [F105] document which that person is required by or under **[**[F106]that section**]** to preserve;

and that. . . [F105] document shall, if the officer so requires by notice in writing served on that person, be produced at the office of the licensing authority specified in the notice within such time (not being less than ten days) from the service of the notice as may be so specified.

(2) An officer may, on production if so required of his authority—

(a) at any time, enter any large goods vehicle and inspect that vehicle and any goods carried by it;

(b) at any time which is reasonable having regard to the circumstances of the case, enter any premises on which he has reason to believe that such a vehicle is kept or that any such. . . [F105] documents as are mentioned in subsection (1) of this section are to be found, and inspect any such vehicle, and inspect and copy any such. . . [F105] document, which he finds there.

(3) For the purpose of exercising his powers under subsection (1)(a) or (2)(a) of this section, an officer may detain the vehicle in question during such time as is required for the exercise of that power.

(4) An officer may, at any time which is reasonable having regard to the circumstances of the case, enter any premises of an applicant for an operator's licence or of the holder of such a licence and inspect any facilities on those premises for maintaining the authorised vehicles in a fit and serviceable condition.

(5) Any person who—

(a) fails to comply with any requirement under subsection (1) of this section; or

(b) obstructs an officer in the exercise of his powers under subsection (2), (3) or (4) of this section,

shall be liable on summary conviction to a fine not exceeding **[**[F107]level 3 on the standard scale**]**.

(6) If an officer has reason to believe that a document or article carried on or by the driver of a vehicle, or a document produced to him in pursuance of this Part of this Act or Schedule 9 thereto, is a document or article in relation to which an offence has been committed under—

(a) section 83 of this Act; or

(b) section 233 or 235 of the Act of 1960 as amended by Schedule 10 to this Act,

he may seize that document or article; and where a document or article is seized as aforesaid and within six months of the date on which it was seized no person has been charged since that date with an offence in relation to that document or article under any of those sections and that document or article is still detained, a magistrates' court shall, on an application made for the purpose by the driver or owner of the vehicle, by the person from whom the document was seized or by an officer, make such order respecting the disposal of the document or article and award such costs as the justice of the case may require.

(7) Any proceedings in Scotland under the last foregoing subsection shall be taken by way of summary application in the sheriff court; and in the application of that subsection to Scotland references to costs shall be construed as references to expenses.

(8) In this section "officer" means an examiner appointed under **[**[F108]section 66A of the Road Traffic Act 1988**]** and any person authorised for the purposes of this section by the licensing authority for any area.

(9) The powers conferred by this section on an officer as defined in subsection (8) of this section shall be exercisable also by a police constable who shall not, if wearing uniform, be required to produce any authority.

Textual Amendments

F105 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F106 Words substituted by Transport Act 1980 (c. 34), **s. 66(2)(a)**

F107 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

F108 Words in s. 82(8) substituted (1.7.1992) by virtue of Road Traffic Act 1991 (c. 40), s. 48, **Sch. 4 para.1**; S.I. 1992/1286, **art. 2**,Sch.

83 Falsification of consignment notes and records.

Any person who makes, or causes to be made, any. . . [F109] document required to be made under section. . . [F109] 81 of this Act which he knows to be false or, with intent to deceive, alters or causes to be altered any such. . . [F109] document shall be liable—

(a) on summary conviction, to a fine not exceeding £200;

(b) on conviction on indictment, to imprisonment for a term not exceeding two years.

Textual Amendments

F109 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

84 Evidence by certificate.

In any proceedings for an offence under this Part of this Act or Schedule 9 thereto a certificate signed by or on behalf of a licensing authority and stating—

(a) that, on any date, a person was or was not the holder of an operator's licence,. . . [F110] . . . [F111] granted by the authority;

(b) the dates of the coming into force and expiration of any such licence. . . [F110] granted by the authority;

(c) the terms and conditions of any operator's licence. . . [F110] granted by the authority;

(d) that a person is by virtue of an order of the authority disqualified from holding or obtaining an operator's licence,. . . [F110]. . . [F111] licence indefinitely or for a specified period;

(e) that a direction, having effect indefinitely or for a specified period, has been given by the licensing authority under section 69(6) of this Act in relation to any person;

(f) that, on any date or during any specified period, any such licence. . . [F110] granted by the authority was of no effect by reason of a direction that it be suspended,

shall be evidence, and in Scotland sufficient evidence, of the facts stated; and a certificate stating any of the matters aforesaid and purporting to be signed by or on behalf of a licensing authority shall be deemed to be so signed unless the contrary is proved.

Textual Amendments

F110 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F111 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

Modifications etc. (not altering text)

C14 S. 84 extended by S.I. 1977/1462, **reg. 11(1)**

Supplementary

85 Holding companies and subsidiaries.

(1) The Minister may by regulations make provision for the purpose of enabling any company, or other body corporate, which has one or more subsidiaries to hold—

(a) an operator's licence under which the authorised vehicles consist of or include vehicles belonging to or in the possession of any of its subsidiaries;

(b) . . . . . [F112]

(2) Regulations under this section may modify or supplement any of the provisions of this Part of this Act or **[**[F113]Schedule 10**]** thereto so far as appears to the Minister to be necessary or expedient for the purpose mentioned in subsection (1) of this section or in connection therewith, and may contain such other supplementary and incidental provisions as appear to the Minister to be requisite.

Textual Amendments

F112 S. 85(1)(b) repealed by Transport Act 1980 (c. 34), **Sch. 9 Pt. II**

F113 Words substituted by Transport Act 1982 (c. 49, SIF 126), **Sch. 5 para. 6**

[F114 85A Partnerships.

Regulations may provide for this Part of this Act to apply in relation to partnerships with such modifications as may be specified in the regulations.]

Textual Amendments

F114 S. 85A inserted (3.11.1994) by 1994 c. 40, **ss. 54**, 82(3)(e)

[F115 86 Operators' licences not to be transferable etc.

(1) Subject to any regulations under section 85 of this Act, an operator's licence is not transferable or assignable.

(2) Regulations may make provision enabling the licensing authority, where the holder of an operator's licence granted by him has died or become a patient within the meaning of Part VII of [M12] the Mental Health Act 1983, to direct that the licence be treated—

(a) as not having terminated at the time the licence-holder died or became such a patient but as having been suspended (that is, as having remained in force subject to the limitation that no vehicles were authorised to be used under it) from that time until the time the direction comes into force; and

(b) as having effect from the time the direction comes into force for a specified period and as being held during that period (for such purposes and to such extent as may be specified) not by the person to whom it was granted but by such other person carrying on that person's business, or part of that person's business, as may be specified.

(3) Regulations may make provision enabling the licensing authority in prescribed circumstances to direct that any operator's licence granted by him be treated (for such purposes, for such period and to such extent as may be specified) as held not by the person to whom it was granted but by such other person carrying on that person's business, or part of that person's business, as may be specified.

(4) Regulations may make provision enabling the licensing authority to direct, for the purpose of giving effect to or supplementing a direction given by him by virtue of subsection (2) or (3) of this section, that this Part of this Act apply with specified modifications in relation to the person who is to be treated under the direction as the holder of an operator's licence.

(5) In this section "specified", in relation to a direction, means specified—

(a) in the regulations under which the direction was given; or

(b) in the direction in accordance with those regulations.]

Textual Amendments

F115 S. 86 substituted (3.11.1994) by 1994 c. 40, **ss. 55**, 82(3)(e)

Marginal Citations

M12 1983 c. 20.

87 Inquiries.

(1) A licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this Part of this Act. . . [F116]

(2) . . . . . [F117]

(3) Where, as respects the proposed exercise of his powers on any occasion under section 69. . . [F118]**[**[F119]or 69F**]** of this Act, a licensing authority receives a request for an inquiry from two or more persons he may hold a single inquiry in response to both or all of those requests.

(4) Subject to any provision made by regulations, any inquiry held by a licensing authority for the purposes of this Part of this Act. . . [F116] shall be held in public.

(5) Information with respect to any particular trade or business which is given at any such inquiry while admission to the inquiry is restricted in accordance with regulations shall not, so long as that trade or business continues to be carried on, be disclosed except—

(a) with the consent of the person for the time being carrying on that trade or business; or

(b) for the purpose of the discharge by any person of his functions under this Part of this Act. . . [F116]; or

(c) with a view to the institution of, or otherwise for the purposes of, any legal proceedings pursuant to or arising out of this Part of this Act. . . [F116] (including proceedings before the Transport Tribunal);

and any person who discloses any information in contravention of this subsection shall be liable on summary conviction to a fine not exceeding **[**[F120]level 4 on the standard scale**]**.

Textual Amendments

F116 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F117 Ss. 71(1)–(5)(7)(9)(10), 72–80, 87(2), 94(4)–(6) repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F118 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F119 Words inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 5**

F120 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

Modifications etc. (not altering text)

C15 S. 87 amended by S.I. 1977/1462, **reg. 11(1)**

88 Provisions relating to Transport Tribunal.

. . . . . [F121]

Textual Amendments

F121 Ss. 88, 90 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C16 S. 88 amended by S.I. 1977/1462, **reg. 11(1)**

89 Fees.

(1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged by the licensing authority in respect of the grant or variation of operators' licences. . . [F122] . . . [F123]

(2) All fees payable under this Part of this Act. . . [F123] shall be paid into the Consolidated Fund in such manner as the Treasury may direct.

Textual Amendments

F122 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F123 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

90 Appointment and remuneration of officers and servants.

. . . . . [F124]

Textual Amendments

F124 Ss. 88, 90 repealed by Transport Act 1985 (c. 67, SIF 126), s. 139(3), **Sch. 8**

Modifications etc. (not altering text)

C17 S. 90 amended by S.I. 1977/1462, **reg. 11(1)**

91 Regulations and orders for purposes of Part V.

(1) The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect and, in particular, but without prejudice to the generality of the foregoing provisions of this subsection, may make regulations with respect to the following matters—

(a) the procedure on applications for, and the determination of questions in connection with, the grant and variation of operators' licences. . . [F125], and the procedure under, and the determination of questions for the purposes of, **[**[F126]sections 69 and 69F**]** of this Act;

(b) the issue of operators' licences. . . [F125] and the issue on payment of the prescribed fee of copies of such licences. . . [F125] in the case of licences. . . [F125] lost or defaced;

(c) the means by which vehicles may be identified, whether by plates, marks or otherwise, as being authorised vehicles. . . [F125];

[[F127](d) the custody, production, return and cancellation of operators' licences and of documents, plates and any other means of identification prescribed under paragraph (c) of this subsection;

[F127](dd) the payment of a prescribed fee in respect of any document, plate or such other means of identification that has been lost, defaced or broken;**]**

(e) the notification to the licensing authority of vehicles which have ceased to be used under an operator's licence. . . [F125];

(f) the repayment **[**[F128](or partial repayment)**]** in the prescribed circumstances of fees paid under this Part of this Act;

(g) the circumstances in which goods are to be treated for the purposes of this Part of this Act as carried for hire or reward and the circumstances in which goods are to be treated for those purposes as carried by any person for or in connection with a trade or business carried on by him;

and different regulations may be made as respects different classes of vehicles.

(2) The power conferred by subsection (1) of this section to make regulations with respect to the means by which vehicles are to be identified as being authorised vehicles. . . [F125] shall include power to require that any such means of identification prescribed for a vehicle shall be carried notwithstanding that for the time being the vehicle is not being used for a purpose for which an operator's licence. . . [F125] is required.

(3) The Minister may by regulations substitute for any weight, distance, volume or area specified by or under this Part of this Act a weight, distance, volume or area expressed in terms of the metric system, being a weight, distance, volume or area which is equivalent to that for which it is substituted or does not differ from it by more than five per cent. thereof.

(4) The Minister may make regulations—

(a) for providing that any provision of this Part of this Act shall, in relation to vehicles brought temporarily into Great Britain, have effect subject to such modifications as may be prescribed;

(b) . . . [F129]

and different provision may be made by the regulations for different classes of case.

(5) A definition or description of a class of vehicles for the purposes of any regulation under this Part of this Act may be framed by reference to any characteristic of the vehicles or to any other circumstances whatsoever.

(6) Any person who contravenes a provision of regulations under this section, a contravention of which is declared by the regulations to be an offence, shall be liable on summary conviction to a fine not exceeding **[**[F130]level 1 on the standard scale**]**.

(7) Any order or regulations made by the Minister under this Part of this Act. . . [F131] shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(8) Before making any regulations under this Part of this Act. . . [F131] the Minister shall consult with such representative organisations as he thinks fit.

Textual Amendments

F125 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F126 Words substituted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 6**(*a*)

F127 S. 91(1)(d)(dd) substituted (3.11.1994) for s. 91(1)(d) by 1994 c. 40, ss. 57, 82(3)(f), **Sch. 13 Pt. I para. 14(1)(c)**

F128 Words in s. 91(1)(f) inserted (3.11.1994) by 1994 c. 40, ss. 57, 82(3)(f), **Sch. 13 Pt. I para. 14(1)(d)**

F129 S. 91(4)(b) repealed by Transport Act 1980 (c. 34), **Sch. 9 Pt. II**

F130 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **ss. 38**, 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **ss. 289F**, 289G (as inserted by Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 54**)

F131 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

Modifications etc. (not altering text)

C18 S. 91 amended by S.I. 1977/1462, **regs. 3(5)**, 11(1)(2)

92 Interpretation of Part V.

(1) In this Part of this Act. . . [F132], unless the context otherwise requires—

"articulated combination" means a combination made up of—

(a) a motor vehicle which is so constructed that a trailer may by partial superimposition be attached to the vehicle in such a manner as to cause a substantial part of the weight of the trailer to be borne by the vehicle, and

(b) a trailer attached to it as aforesaid:

"authorised vehicle" means, in relation to an operator's licence, a vehicle authorised to be used thereunder, whether or not it is for the time being in use for a purpose for which an operator's licence is required and whether it is specified therein as so authorised or, being of a type so authorised subject to a maximum number, belongs to the holder of the licence or is in his possession under an agreement for hire-purchase, hire or loan;

"carriage of goods" includes haulage of goods;

"carrier's licence" means a licence granted under Part IV of the Act of 1960;

"contravention", in relation to any condition or provision, includes a failure to comply with the condition or provision, and "contravenes" shall be construed accordingly;

"driver" means, in relation to a trailer, the driver of the vehicles by which the trailer is drawn and "drive" shall be construed accordingly;

"goods" includes goods or burden of any description;

"goods vehicle" means, subject to subsection (5) of this section, a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted;

"large goods vehicle" shall be construed in accordance with section 71 of this Act;

[[F133]"operating centre", in relation to any vehicle, means the base or centre at which the vehicle is normally kept, and references to an operating centre of the holder of an operator's licence are references to any place which is an operating centre for authorised vehicles under the licence**]**;

[[F134]"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, would be so entitled it it were so let**]**;

"prescribed" means prescribed by regulations;

"regulations" means regulations made by the Minister under this Part of this Act;

"subsidiary" means a subsidiary as defined by **[**[F135]section 736 of the Companies Act 1985**]**;

"vehicle combination" means a combination of goods vehicles made up of one or more motor vehicles and one or more trailers all of which are linked together when travelling;

and any expression not defined above which is also used in the Act of 1960 has the same meaning as in that Act.

(2) For the purposes of this Part of this Act, the driver of a vehicle, if it belongs to him or is in his possession under an agreement for hire, hire-purchase or loan, and in any other case the person whose servant or agent the driver is, shall be deemed to be the person using the vehicle; and references to using a vehicle shall be construed accordingly.

(3) In this Part of this Act references to directing that an operator's licence be curtailed are references to directing (with effect for the remainder of the duration of the licence or for any shorter period) all or any of the following, that is to say—

(a) that any one or more of the vehicles specified in the licence be removed therefrom;

(b) that the maximum number of trailers or of motor vehicles specified in the licence in pursuance of section 61(1)(b) or (c) of this Act be reduced;

(c) that the addition of authorised vehicles under the said section 61(1)(c) be no longer permitted.

[[F136](d) that any one or more of the places specified in the licence as operating centres be removed therefrom**]**.

(4) In this Part of this Act, references to the bankruptcy of a person shall, as respects Scotland, be construed as references to an award of sequestration having been made of his estate.

(5) In this Part of this Act. . . [F132] references to goods vehicles do not include references to tramcars or trolley vehicles operated under statutory powers within the meaning of **[**[F137]Schedule 4 to the Road Traffic Act 1988**]**.

(6) Anything required or authorised by this Part of this Act to be done to or by a licensing authority by whom a licence. . . [F138] was granted may be done to or by any person for the time being acting as licensing authority for the area for which the first-mentioned authority was acting at the time of the granting of the licence. . . [F138].

Textual Amendments

F132 Words repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F133 Definition substituted by Transport Act 1982 (c. 49, SIF 126), **s. 52(1)**

F134 Definition inserted by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 7**(*a*)

F135 Words substituted by Companies Consolidation (Consequential Provisions) Act 1985 (c. 9, SIF 27), s. 30, **Sch. 2**

F136 S. 92(3)(*d*) added by Transport Act 1982 (c. 49, SIF 126), **Sch. 4 Pt. II para. 7**(*b*)

F137 Words substituted by Road Traffic (Consequential Provisions) Act 1988 (c. 54, SIF 107:1), s. 4, **Sch. 3 para. 6(4)**

F138 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

Modifications etc. (not altering text)

C19 S. 92 amended by S.I. 1977/1462, **reg. 11(1)**

Abolition of carriers' licensing for certain vehicles

93 Carriers' licences not to be required for small vehicles or for medium vehicles covered by operators' licences.

(1) Section 164 of the Act of 1960 (users of goods vehicles to hold carriers' licences) shall cease to apply to the use of any vehicle the unladen weight of which does not exceed [F139], and any carrier's licence so far as it authorises the use of such a vehicle shall cease to have effect.

(2) The said section 164 shall not apply to the use of any vehicle for the use of which an operator's licence is required, unless that vehicle is a large goods vehicle.

Textual Amendments

F139 Words substituted by S.I. 1981/1373, **Sch. Pt. III**A.

Transitional provisions and amendments

94 Transitional provisions and amendments.

(1) Where, before the day on which section 60 of this Act comes into force in relation to any vehicles, an application for an operator's licence is made in respect of those vehicles by a person who is the holder of a carrier's licence in respect of all or any of those vehicles, section 63 of this Act shall not apply to the application and section 64 of this Act shall apply to it with the omission of subsection (2)(b), (c) and (e).

(2) Notwithstanding section 171(3) of the Act of 1960 (which requires an application for a C licence under Part IV of that Act to be made to the licensing authority for the area in which the principal place of business of the applicant or his head office is situated), any application for such a licence in respect of vehicles which consist of or include vehicles in relation to which section 60 of this Act has come into force shall be made to the licensing authority (within the meaning of the said Part IV) for the area containing the operating centre or operating centres of the vehicles proposed to be used under the licence.

(3) . . . . . [F140]

(4) . . . . . [F141]

(7) The enactments specified in Part I of Schedule 10 to this Act shall have effect subject to the amendments there specified.

(8) On the appointed day for the purposes of this subsection—

(a) the enactments specified in Part II of Schedule 10 to this Act shall have effect subject to the amendments there specified;. . . [F142]

(b) . . . [F142]

. . . [F143]

(9) Regulations may provide for the repayment in the prescribed circumstances of fees paid under section 182 of the Act of 1960 in respect of carriers' licences which are in force on the appointed day for the purpose of the last foregoing subsection.

[F144](10) . . . . . .

Textual Amendments

F140 S. 94(3) repealed by Transport Act 1982 (c. 49, SIF 126), **Sch. 6**

F141 Ss. 71(1)–(5)(7)(9)(10), 72–80, 87(2), 94(4)–(6) repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F142 Word and s. 94(8)(b) repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. VI**

F143 Words repealed by Transport Act 1980 (c. 34, SIF 126), **Sch. 9 Pt. II**

F144 S. 94(10) repealed (30.8.1993) by 1993 c. 19, s. 51, **Sch.10**; S.I. 1993/1908, art. 2(1), **Sch.1**

Modifications etc. (not altering text)

C20 The text of ss. 38(1), 41(8)(9), 44(4), 46(5), 50(10), 51(3), 52(4), 94(7) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Status:
Point in time view as at 03/01/1995.

Changes to legislation:
There are currently no known outstanding effects for the Transport Act 1968, Part V.