



Deregulation and Contracting Out Act 1994

1994 CHAPTER 40

PART I

DEREGULATION

CHAPTER III

GOODS VEHICLE OPERATOR LICENSING

47 Variation of licences

(1) For section 68 of the 1968 Act there shall be substituted—

“68 Variation of operators' licences

- (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 vary the licence by directing—
- (a) that additional motor vehicles be specified in the licence or that any maximum number specified in it under section 61A of this Act be increased;
 - (b) that any vehicle cease to be specified in the licence or that any maximum number specified in it under section 61A of this Act be reduced;
 - (c) that any provision in the licence such as is mentioned in section 61(1A) of this Act cease to have effect;
 - (d) that a provision such as is mentioned in section 61(1A) of this Act be included in the licence;
 - (e) that any provision in the licence such as is mentioned in section 61A(1)(b) or (2)(b) of this Act cease to have effect;

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- (f) that a provision such as is mentioned in section 61A(1)(b) or (2)(b) of this Act be included in the licence;
- (g) that a new place in the licensing authority's area be specified in the licence as an operating centre of the licence-holder, or that any place cease to be so specified;
- (h) that any undertaking recorded in the licence be varied or removed;
- (i) that any condition attached to the licence be varied or removed;
- (j) in the case of a restricted licence, that it be converted into a standard licence or, in the case of a standard licence, that it be converted into a restricted licence;
- (k) in the case of a standard licence, that it cover both international and national transport operations instead of national transport operations only, or vice versa.

(In subsection (1) of this section “restricted licence” and “standard licence” mean the same as in the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984.

- (3) A person applying for the variation of an operator's licence under this section shall give to the licensing authority, in such form as he may require, such information as he may reasonably require for disposing of the application.
- (4) Except in the cases mentioned in subsection (5) of this section, the licensing authority shall publish notice of any application for the variation of an operator's licence under this section in the manner prescribed for the publication of notices under section 63(1) of this Act.
- (5) The excepted cases are—
 - (a) where the application is for a direction under subsection (1)(a) of this section that additional motor vehicles be specified in a licence;
 - (b) where the application is for a direction under subsection (1)(b), (d) or (f) of this section;
 - (c) where the application is for a direction under subsection (1)(g) of this section that a place cease to be specified in a licence as an operating centre of the licence-holder;
 - (d) where the application is for a direction under subsection (1)(j) of this section that a standard licence be converted into a restricted licence;
 - (e) where the application is for a direction under subsection (1)(k) of this section that a licence cover national transport operations only instead of both international and national transport operations;
 - (f) 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 or making representations against it.
- (6) Where notice of an application is published under subsection (4) of this section, sections 63, 64 and 64A of this Act shall, with any necessary modifications and subject to section 69D of this Act, apply in relation to that application as they apply in relation to an application for an operator's licence of which notice is published under section 63(1) of this Act.

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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.”
- (2) For section 69D of the 1968 Act there shall be substituted—

“69D Objection to, and refusal of, applications for variation of operators' licences on environmental grounds

- (1) This section applies where notice of an application for the variation of an operator's licence has been published under section 68(4) of this Act.
- (2) Where the application relates to an existing operating centre of the licence-holder in the licensing authority's area—
 - (a) any of the persons mentioned in section 63(3) of this Act may object to the grant of the application on the ground that the use of that operating centre in any manner which would be permitted if the application were granted would cause adverse effects on environmental conditions in the vicinity of that centre;
 - (b) subject to subsection (5) of this section, any person who is the owner or occupier of any land in the vicinity of that operating centre may make representations on that ground against the grant of the application; and
 - (c) (whether or not anyone objects or makes representations under paragraph (a) or (b) of this subsection) the authority may refuse the application on that ground.

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- (3) For the purposes of subsection (2) of this section, an application shall be taken to relate to an operating centre if—
- (a) granting it would or could result in an increase in the number of vehicles, or the number of vehicles above a certain weight, that have that centre as their operating centre; or
 - (b) any undertaking recorded in or condition attached to the licence that the application seeks to have varied or removed relates to that centre.
- (4) Where the application is for a place in the licensing authority's area to be specified in the licence as an operating centre of the licence-holder—
- (a) any of the persons mentioned in section 63(3) of this Act may object to the grant of the application on the ground that that place will be unsuitable on environmental grounds for use as an operating centre of the licence-holder; and
 - (b) subject to subsection (5) of this section, any person who is the owner or occupier of any land in the vicinity of that place may make representations against the grant of the application on that ground.
- (5) A person may not make representations under subsection (2)(b) or (4)(b) of this section unless any adverse effects on environmental conditions arising from the use of the operating centre or place in question would be capable of prejudicially affecting the use or enjoyment of the land there mentioned.
- (6) If any person duly objects or makes representations under subsection (4) of this section against an application for a place in the licensing authority's area to be specified in the licence as an operating centre of the licence-holder, the authority may refuse the application—
- (a) on the ground that the parking of vehicles used under the licence at or in the vicinity of that place would cause adverse effects on environmental conditions in the vicinity of that place;
 - (b) subject to subsection (7) of this section, on the ground that that place would be unsuitable on environmental grounds other than the ground mentioned in paragraph (a) of this subsection for use as an operating centre of the licence-holder.
- (7) The authority may not refuse the application on the ground mentioned in subsection (6)(b) of this section if—
- (a) on the date the application was made, the place in question was already specified in an operator's licence granted by the authority as an operating centre of the holder of that licence; or
 - (b) the applicant has produced to the authority a certificate in force in respect of that place under section 191 or 192 of the Town and Country Planning Act 1990 or section 90 or 90A of the Town and Country Planning (Scotland) Act 1972, stating that its use as an operating centre for vehicles used under any operator's licence is or would be lawful.
- (8) Subsection (7) of this section does not apply in relation to any place that, at the time the application is determined by the licensing authority, is specified in an operator's licence as an operating centre of the holder of that licence.
- (9) In paragraph (a) of subsection (7) of this section "operator's licence" does not include a licence granted under section 67A of this Act, and the reference

in that paragraph to a place being specified in an operator's licence does not include a place being so specified—

- (a) by virtue of an interim direction such as is mentioned in section 68A of this Act;
- (b) if such conditions as may be prescribed in relation to the exercise of the right of any person to appeal against that place being so specified are not satisfied;
- (c) if such conditions as may be prescribed in relation to the review under section 69J of this Act of the decision so to specify that place are not satisfied; or
- (d) by reason of being situated within a place that is so specified.”