



# Deregulation and Contracting Out Act 1994

## 1994 CHAPTER 40

### PART I

#### DEREGULATION

#### CHAPTER IV

##### PUBLIC SERVICE VEHICLE OPERATOR LICENSING ETC.

#### **59 Undertakings given on applications.**

- (1) The 1981 Act shall be amended as follows.
- (2) After section 14(3) (which provides that an application for a PSV operator's licence shall not be granted unless there will be adequate facilities or arrangements for maintaining the vehicles proposed to be used under the licence etc.) there shall be inserted—
  - “(3A) In considering on an application for a PSV operator's licence whether the requirements mentioned in subsection (3) above are satisfied, the traffic commissioner may take into account any undertakings given by the applicant (or procured by him to be given) for the purposes of the application and may assume that those undertakings will be fulfilled.”
- (3) After section 14(4) there shall be inserted—
  - “(5) In any case where the traffic commissioner grants an application for a PSV operator's licence, any undertakings taken into account by him under subsection (3A) above that he considers to be material to the granting of the application shall be recorded in the licence issued to the applicant.”

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**Changes to legislation:** *Deregulation and Contracting Out Act 1994, Section 59 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) In section 16(6) (which provides that, on the application of the holder of a PSV operator’s licence, a traffic commissioner may vary or remove conditions attached to the licence) after paragraph (b) there shall be inserted—

“or

(c) vary or remove any undertaking recorded in the licence;”

- (5) After section 16(6) there shall be inserted—

“(6A) In considering whether to grant an application under subsection (6) above, the traffic commissioner may take into account any undertakings given by the applicant (or procured by him to be given) for the purposes of the application, and may assume that those undertakings will be fulfilled.

(6B) In any case where the traffic commissioner grants an application under subsection (6) above, any undertakings taken into account by him under subsection (6A) above that he considers to be material to the granting of the application shall be recorded in the licence as varied.”

- (6) In section 17(3) (which sets out the grounds on which a licence may be revoked, suspended or varied under section 17(2)) after paragraph (a) there shall be inserted—

“(aa) that any undertaking recorded in the licence has not been fulfilled;”

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 71(3)(ha) inserted by [2023 c. 55 Sch. 12 para. 4](#)