
1995 CHAPTER 23

Revocation etc. of operators’ licences

26 Revocation, suspension and curtailment of operators’ licences

(1) Subject to the following provisions of this section and the provisions of section 29, the traffic commissioner by whom an operator’s licence was issued may direct that it be revoked, suspended or curtailed (within the meaning given in subsection (11)) on any of the following grounds—

(a) that a place in the commissioner’s area has, at a time when it was not specified in the licence as an operating centre of the licence-holder, been used as an operating centre for vehicles authorised to be used under the licence;

(b) that the licence-holder has contravened any condition attached to the licence;

(c) that during the five years ending with the date on which the direction is given there has been—

(i) a conviction of the licence-holder of an offence such as is mentioned in any of sub-paragraphs (a) to (i) of paragraph 5 of Schedule 2;

(ii) a conviction of a servant or agent of the licence-holder of any such offence, other than an offence such as is mentioned in sub-paragraph (c), (e) or (h) of that paragraph; or

(iii) a prohibition under section 69 or 70 of the Road Traffic Act 1988 (power to prohibit driving of unfit or overloaded vehicles) of the driving of a vehicle of which the licence-holder was the owner when the prohibition was imposed;

(d) that during those five years, on occasions appearing to the commissioner to be sufficiently numerous to justify the giving of a direction under this subsection, there has been a conviction of the licence-holder or a servant or agent of his of an offence such as is mentioned in paragraph 5(j) of Schedule 2;

(e) that the licence-holder made, or procured to be made, for the purposes of—

(i) his application for the licence,
(ii) an application for the variation of the licence, or
(iii) a request for a direction under paragraph 1 or 3 of Schedule 4,
a statement of fact that, whether to his knowledge or not, was false, or a
statement of expectation that has not been fulfilled;
(f) that any undertaking recorded in the licence has not been fulfilled;
(g) that the licence-holder, being an individual, has been adjudged bankrupt or,
being a company, has gone into liquidation, other than voluntary liquidation
for the purpose of reconstruction;
(h) that since the licence was issued or varied there has been a material change in
any of the circumstances of the licence-holder that were relevant to the issue
or variation of the licence;
(i) that the licence is liable to revocation, suspension or curtailment by virtue of
a direction under section 28(4).

(2) Where the traffic commissioner has power to give a direction in respect of a licence
under subsection (1), the commissioner also has power to direct that a condition, or
additional condition, such as is mentioned in section 22(1) be attached to the licence.

(3) In this Act any reference, in relation to an operator’s licence, to a condition attached
to the licence under section 22(1) includes any condition attached to the licence under
subsection (2) above.

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

(5) Where, in a case falling within subsection (1)(c)(i)—
(a) the conviction in question is a conviction of the licence-holder of an offence
under section 3(6) or of the corresponding offence under regulation 33(2)
of the Goods Vehicles (Operators’ Licences, Qualifications and Fees)
Regulations 1984, and
(b) there has been, within the 5 years preceding that conviction, a previous
conviction of the licence-holder of an offence under either of those provisions,
the traffic commissioner shall give a direction under subsection (1) to revoke the
licence.

(6) Where the traffic commissioner directs that an operator’s licence be suspended or
curtailed, the commissioner may order—
(a) in the case of a suspension, that any motor vehicle specified in the licence may
not be used under any other operator’s licence (notwithstanding anything in
section 5(1)(a)), or
(b) in the case of a curtailment having the effect of removing any motor vehicle
from the licence, that the motor vehicle may not be used as mentioned in
paragraph (a) and shall not be capable of being effectively specified in any
other operator’s licence.

(7) An order made under subsection (6) shall cease to have effect—
(a) on such date, not being more than 6 months after the order is made, as may
be specified in the order, or
(b) if, before that date, the licence which is directed to be suspended or curtailed
ceases to be in force, on the date on which it ceases to be in force.
(8) The traffic commissioner by whom any direction suspending or curtailing a licence under subsection (1) was given may at any time—
   (a) cancel the direction together with any order under subsection (6) that was made when the direction was given;
   (b) cancel any such order; or
   (c) with the consent of the licence-holder, vary the direction or any such order (or both the direction and any such order).

(9) Where an operator’s licence is suspended under this section, the licence remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.

(10) In subsection (1)(g) the reference to an individual having been adjudged bankrupt shall, as respects Scotland, be construed as a reference to an award of sequestration having been made of his estate.

(11) In 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 one or more of the vehicles specified in the licence be removed from it;
   (b) that a provision such as is mentioned in section 5(2) or 6(1)(b) or (2)(b) be included in the licence;
   (c) that any maximum number specified in the licence under section 6 be reduced;
   (d) that any one or more of the places specified in the licence as operating centres be removed from it.