

1987 No. 841

ROAD TRAFFIC

The Goods Vehicles (Operators' Licences, Qualifications and Fees) (Amendment) Regulations 1987

Made - - - - - 8th May 1987

Laid before Parliament 13th May 1987

Coming into force 1st July 1987

The Secretary of State for Transport—

- (a) in exercise of the powers conferred by sections 60(2), 85(1) and (2), 89(1) and 91(1) of the Transport Act 1968(a), now vested in him(b), and of all other enabling powers; and
- (b) being a Minister designated(c) for the purposes of section 2(2) of the European Communities Act 1972(d) in relation to the regulation and supervision of qualifications of persons engaged in road transport, in exercise of the powers conferred by that section, after consultation with representative organisations in accordance with section 91(8) of the Transport Act 1968(e), and with the Council on Tribunals in accordance with section 10 of the Tribunals and Inquiries Act 1971(f), hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Goods Vehicles (Operators' Licences, Qualifications and Fees) (Amendment) Regulations 1987 and shall come into force on 1st July 1987.

2. In these Regulations, "the principal Regulations" means the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984(g).

Amendment of regulations

3. The principal Regulations are hereby further amended in accordance with the following provisions of these Regulations.

4.—(1) In paragraph (2) of regulation 3—

- (a) in the definition of "company", "holding company" and "subsidiary", for the words "section 154 of the Companies Act 1948" there shall be substituted the words "respectively sections 735 and 736 of the Companies Act 1985(h)";
- (b) in the definition of "dual purpose vehicle", for the words "Regulation 3(1) of

(a) 1968 c.73; sections 85(1), 89(1) and 91(1) were amended by the Transport Act 1980 (c.34), Schedule 9, Part II.
(b) S.I. 1970/1681, 1979/571 and 1981/238.
(c) S.I. 1975/1707.
(d) 1972 c.68.
(e) Section 91(8) was amended by the Transport Act 1982 (c.49), Schedule 6.
(f) 1971 c.62.
(g) S.I. 1984/176, as amended by S.I. 1986/666 and 1391.
(h) 1985 c.6.

the Motor Vehicles (Construction and Use) Regulations 1978” there shall be substituted the words “column 2 of the Table in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986(a)”;

- (c) in the definition of “tower wagon”, for the words “Schedule 4 to” there shall be substituted the words “section 4(2) of”(b); and
- (d) the definitions of “hackney carriage” and “public service vehicle” shall be omitted.

(2) In paragraph (5) of regulation 3—

- (a) for the words “Regulation 3(1) of the Motor Vehicles (Construction and Use) Regulations 1978” there shall be substituted the words “column 2 of the Table in regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986”; and
- (b) for the words “Regulation 42 of the said Regulations of 1978” there shall be substituted the words “regulation 66 of those Regulations”.

5. In regulation 9, for paragraph (4) there shall be substituted the following paragraph—

“(4) A direction given by a licensing authority under paragraph (1) shall, for the purposes of Part V, be regarded as having been given under section 69(1), but subsection (3) of that section shall not apply in relation to any such direction.”.

6.—(1) In paragraph (5) of regulation 10, for sub-paragraph (b) there shall be substituted the following sub-paragraph—

- “(b) where a licence is held, or an application is made, by a body corporate—
 - (i) the making of a winding up order;
 - (ii) the passing of a resolution for voluntary winding up; or
 - (iii) the requirement of professional competence ceases to be satisfied,so, however, that parts (i) and (ii) of this sub-paragraph do not apply in the case of a voluntary liquidation for the purpose of reconstruction.”.

(2) In paragraphs (2) and (4) of regulation 10, for the words “(i) to (iv)” in both places where they occur there shall be substituted the words “(i) and (ii)”.

7. In regulation 18, for paragraph (b)(c) there shall be substituted the following paragraph—

- “(b) be signed—
 - (i) if made by an individual, by that person;
 - (ii) if made by persons in partnership, by all of the partners or by one of them with the authority of the others;
 - (iii) if made by any other body or group of persons, by one or more individual persons authorised for that purpose by the body or group;or, in any of the above cases, by a solicitor acting on behalf of (as the case may be) the person, body or group; and”.

8. In paragraph (3) of regulation 30—

- (a) after the word “revoked” there shall be inserted the word “surrendered”; and
- (b) for the words “within 7 days after a notice to that effect has been” there shall be substituted the words “on or before the date specified in a notice to that effect”.

9. In paragraph (1) of regulation 32, for the word “or” where it appears after the word “granted” there shall be substituted the word “of ”.

10. For paragraph (2) of regulation 35(d), there shall be substituted the following paragraphs—

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- (a) S.I. 1986/1078, to which there are no relevant amending instruments.
 - (b) Section 4(2) of the Vehicles (Excise) Act 1971 (c.10) was amended by the Finance Act 1986 (c.41), Schedule 2, Part I, paragraph 2.
 - (c) Paragraph (b) was substituted by regulation 5 of the Goods Vehicles (Operators’ Licences, Qualifications and Fees) (Amendment) Regulations 1986 (S.I. 1986/666).
 - (d) Paragraphs (1) and (2) of regulation 35 were substituted by regulation 7 of S.I. 1986/666.

“(2) If a licence is suspended, revoked, surrendered, terminated prematurely or curtailed the licensing authority shall refund to the person to whom the licence was granted or (if appropriate) who is the last person to have been deemed, pursuant to regulation 10(6)(a), to be the holder of the licence any fee paid pursuant to paragraph (1A)(b) or (1B)(a) above—

- (a) in the case of a suspended licence, in respect of each period of 12 months during which the licence is suspended;
- (b) in the case of a revoked, surrendered or prematurely terminated licence, in respect of each period of 12 months during which the licence would, but for the revocation, surrender or termination, have remained in force; or
- (c) in the case of a curtailed licence, only when the curtailment involves a reduction in the number of authorised vehicles and then only in respect of the number of such vehicles by which the licence is curtailed and further only in respect of each period of 12 months during which the licence (assuming it is not revoked, surrendered or prematurely terminated) will remain in force.

(3) Any period of less than 12 months shall be disregarded for the purpose of any refund under paragraph (2) above.”.

11. In Schedule 5—

(a) for paragraphs 4, 5 and 6 there shall be substituted the following paragraph—

“4. A motor vehicle constructed or adapted primarily for the carriage of passengers and their effects, and any trailer drawn by it, while being so used.”;

(b) for paragraph 13 there shall be substituted the following paragraph—

“13. A vehicle used by or under the control of Her Majesty’s United Kingdom forces.”; and

(c) for paragraph 21 there shall be substituted the following paragraph—

“21. A tower wagon or trailer drawn thereby, provided that the only goods carried on the trailer are goods required for use in connection with the work on which the tower wagon is ordinarily used as such.”.

Modification of Part V of Transport Act 1968

12. In subsection (6) of section 69 of the Transport Act 1968(a), as having effect subject to the modifications specified in Schedule 4 to the principal Regulations in accordance with regulation 32(3), for sub-paragraph (iii)(b) there shall be substituted the following sub-paragraph—

“(iii) a company which is a subsidiary of such a company; or”.

Signed by authority of the Secretary of State.

Peter Bottomley

8th May 1987

Parliamentary Under Secretary of State, Department of Transport

(a) 1968 c.73.

(b) Sub-paragraph (iii) was inserted by paragraph 2(p) of Schedule 4 to the principal Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulations 1984, as follows—

- (a) regulation 4 amends a number of definitions, to reflect changes in other legislation;
- (b) regulation 5 substitutes a new paragraph (4) in regulation 9, so that a decision of a licensing authority under regulation 9 to revoke a licence is treated for the purposes of Part V of the Transport Act 1968 as having been given under section 69(1) of that Act;
- (c) regulation 6 amends regulation 10(5), so that a licence will not automatically cease to have effect on the appointment of a receiver or manager of the holder, or on a debenture-holder taking possession of any of the property of that holder;
- (d) regulation 7 amends regulation 18, so that environmental representations may be signed by a solicitor on behalf of (as well as by) the representor or representors. Also, the requirement for sealing when such representations are made by a body or group with a common seal is removed;
- (e) regulation 8 amends regulation 30, to ensure that vehicle discs are returned when a licence is surrendered, and to enable the licensing authority to state in a notice when such discs are to be returned;
- (f) regulation 10 substitutes a new paragraph (2) in regulation 35, and provides for a partial refund of fees when a licence is suspended, revoked, terminated prematurely or curtailed (as well as when it is surrendered); and
- (g) regulation 11 amends Schedule 5 (cases in which a licence is not required) to reflect changes in other legislation.

Regulations 9 and 12 correct errors in the 1984 Regulations.

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