

SCHEDULE 2

GOODS VEHICLE OPERATORS' LICENCES AND PSV OPERATORS' LICENCES

PART II

Existing PSV Operators' Licences

4.—(1) The traffic commissioner who has granted a PSV operator's licence may, at any time before reorganisation date and after consulting the holder of the licence, give a direction under this paragraph.

(2) A direction under sub-paragraph (1) above is a direction—

- (a) assigning the maximum number of vehicles specified in the licence to a traffic area other than that of the traffic commissioner giving the direction, or
- (b) assigning that number to two or more areas (whether or not including the area of the traffic commissioner giving the direction) in such proportions as the traffic commissioner giving the direction thinks fit.

(3) A traffic commissioner shall not give a direction under this paragraph assigning a number of vehicles to a traffic area unless it appears to him that there is a place within the limits of that area as specified in Schedule 1 to this Order which—

- (a) the holder of the licence is using and on and after reorganisation date intends to use as an operating centre; and
- (b) is within the old area.

(4) A traffic commissioner may, after consulting the holder of the licence who would be affected and any time before reorganisation date, give a direction varying any direction given by him under sub-paragraph (1) above.

(5) Where a direction has been given under sub-paragraph (1) above, the licence to which it relates shall—

- (a) be valid notwithstanding the prohibition in section 12(3) of the 1981 Act on a person holding more than one *PSV operator's licence in respect of the same traffic area, and
- (b) so far as is required for continuing its effect on and after reorganisation date in respect of each traffic area to which a number of vehicles has been assigned under the direction, have effect (if not granted by the traffic commissioner giving the direction) as if it had been granted by the traffic commissioner for the traffic area in question and as if the maximum number of vehicles specified in the licence were the number so assigned to that area.

(6) If—

- (a) a traffic commissioner (other than the Traffic Commissioner for the Metropolitan Traffic Area), as respects a licence, fails to give a direction under sub-paragraph (1) above before reorganisation date, the functions under that sub-paragraph as respects that licence shall nevertheless be exercisable by that traffic commissioner on or after that date, and
- (b) the Traffic Commissioner for the Metropolitan Traffic Area, as respects a licence, fails to give a direction under sub-paragraph (1) above before reorganisation date, the functions under that sub-paragraph as respects that licence shall, on and after that date, be exercisable by the Traffic Commissioner for the South-Eastern and Metropolitan Traffic Area.

(7) A traffic commissioner shall not give a direction under sub-paragraph (6) above assigning a number of vehicles to a new area unless he is satisfied that there is a place within the new area which—

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- (a) the holder of the licence had, before reorganisation date, been using as an operating centre, and
- (b) is within the old area.

(8) Where—

- (a) by virtue of the foregoing sub-paragraphs, a person is treated as holding more than one PSV operator's licence in respect of a traffic area, and
- (b) on the date on which one of those licences ("the expiring licence") is due to expire proceedings are pending before the traffic commissioner for that area on an application by the person for a variation of another of those licences ("the continuing licence"), and
- (c) the application is such that if it were granted the person would be able to do under the continuing licence everything which he had been able to do under the expiring licence,

the expiring licence shall continue in force until—

- (i) the application; and
- (ii) any appeal under section 50 of the 1981 Act,

are disposed of, but without prejudice to the exercise in the meantime of the powers conferred by section 17 of the 1981 Act.

(9) In this paragraph a reference to the maximum number of vehicles specified in a PSV operator's licence is a reference to the maximum number of vehicles (having their operating centre in the area to which the licence relates) which the holder of the licence may at any one time use under the licence in consequence of any condition attached to the licence under section 16(1) of the 1981 Act.

(10) Nothing in this paragraph shall be construed as enabling a person to be granted an operator's licence in respect of a traffic area if he already holds or is treated as already holding such a licence in respect of that area.

(11) In this paragraph "old area", in relation to a traffic commissioner, is the area which comprises the traffic area of that traffic commissioner immediately before reorganisation date.