
STATUTORY INSTRUMENTS

2010 No. 464

**The Goods Vehicles (Licensing of Operators)
(Fees) (Amendment) Regulations 2010**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Goods Vehicles (Licensing of Operators) (Fees) (Amendment) Regulations 2010 and come into force on 1st April 2010.

(2) In these Regulations, “the principal Regulations” means the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995(1).

Amendments to the Goods Vehicles (Licensing of Operators) (Fees) Regulations 1995

2.—(1) The principal Regulations are amended as follows.

(2) In regulation 2(2), the definitions of “election”, “five yearly anniversary” and “one yearly anniversary” are omitted.

(3) In regulation 3, paragraph (7A) is omitted.

(4) Regulations 4 and 5 are omitted.

Refunds

3.—(1) For the purposes of these Regulations—

(a) a licence has “ceased to be in force” where it has been revoked under sections 26(1) or 27(1) or has been surrendered or otherwise terminated under the Goods Vehicles (Licensing of Operators) Act 1995 or any other enactment;

(b) “an earlier refund” is a refund payment made, before 1st April 2010, under regulation 4 of the principal Regulations as they had effect before the coming into force of these Regulations;

(c) the “effective date” of an earlier refund is to be determined in accordance with section A of Part 3 of the Schedule;

(d) subject to paragraph (4), “the monthly rate” is $F \div N$, where F is the relevant fee payment and N is the number of months in the relevant fee period;

(e) a “relevant fee payment” is a payment made at the rate applicable before 20th April 2009 in respect of fee numbers (v) or (vi) in the Schedule to the principal Regulations as they had effect before that date;

(f) the “relevant fee period” is the period for which a relevant fee payment was payable in accordance with regulation 3(5) of the principal Regulations as they had effect before 20th April 2009.

(2) Subject to paragraphs (4), (5) and (6), a refund, calculated in accordance with the formula set out in Part 1 of the Schedule, is to be paid in respect of that part of any relevant fee payment which relates to any part of a relevant fee period occurring after 31st March 2010.

(1) [S.I. 1995/3000](#), to which relevant amendments have been made by [S.I. 2007/687](#), [S.I. 2008/1474](#) and [S.I. 2009/804](#).

(3) Subject to paragraphs (4), (5) and (7), a refund, calculated in accordance with the formula set out in Part 2 of the Schedule, is to be paid in respect of that part of any relevant fee payment which relates to any part of a relevant fee period occurring after 31st March 2009 and before 1st April 2010.

(4) Where there has been an earlier refund, the monthly rate is to be adjusted, for the purpose of calculating the refund due under paragraph (2) or (3), as follows —

- (a) the monthly rate is to be applied in full only to that part of the relevant fee period occurring before the effective date of the first or only earlier refund; and
- (b) a deduction, or successive deductions, calculated in accordance with section B of Part 3 of the Schedule, is to be made to the monthly rate, for the period beginning on the effective date of each earlier refund and ending on the last day of the relevant fee period.

(5) Where there was an entitlement in respect of a relevant fee payment to a refund under regulation 4 of the principal Regulations, as they had effect before the coming into force of these Regulations, but none was made, before 1st April 2010, any refund paid in respect of that relevant fee payment under paragraph (2) or (3) is to discharge an equivalent amount of that earlier entitlement.

(6) Paragraph (2) does not apply where a licence has ceased to be in force before the coming into force of these Regulations.

(7) Where a licence has ceased to be in force before the coming into force of these Regulations payment of a refund under paragraph (3) is to be made only —

- (a) if an application in writing for that refund has been made to a traffic commissioner (2); and
- (b) in respect of complete months in the period before the licence ceases to be in force or before the effective date of an earlier refund (if earlier).

Signed by authority of the Secretary of State

23rd February 2010

Paul Clark
Parliamentary Under Secretary of State
Department of Transport

(2) Traffic commissioners are appointed under section 4 of the Public Passenger Vehicles Act 1981 (c.14) as substituted by section 3(2) of the [Transport Act 1985\(c.67\)](#); section 4 is amended by section 2 of the [Local Transport Act 2008 \(c.26\)](#) from a day to be appointed.