

SCHEDULE 2

Amendments to the Goods Vehicles (Licensing of Operators) Act 1995

5. For section 13 substitute—

“Determination of applications for operators’ licences

- 13.**—(1) On an application for a standard licence a traffic commissioner must consider—
- (a) whether the requirements of sections 13A and 13C are satisfied, and
 - (b) if the commissioner thinks fit, whether the requirement of section 13D is satisfied.
- (2) On an application for a restricted licence a traffic commissioner must consider—
- (a) whether the requirements of sections 13B and 13C are satisfied, and
 - (b) if the commissioner thinks fit, whether the requirement of section 13D is satisfied.
- (3) Subsections (1) and (2) are subject to sections 11 (publication of application) and 45(2) (payment of application fee).
- (4) In considering whether any of the requirements of sections 13A to 13D are satisfied, the traffic commissioner must have regard to any objection duly made under section 12(1) (a) in respect of the application.
- (5) If the traffic commissioner determines that any of the requirements that the commissioner has taken into consideration in accordance with subsection (1) or (2) are not satisfied, the commissioner must refuse the application.
- (6) In any other case the commissioner must grant the application, unless either of the following provisions applies—
- (a) section 14(2) (power to refuse application on environmental grounds);
 - (b) section 45(2) (power to refuse to proceed until fee is paid).

Requirements for standard licences

- 13A.**—(1) The requirements of this section are set out in subsections (2) and (3).
- (2) The first requirement is that the traffic commissioner is satisfied that the applicant—
- (a) has an effective and stable establishment in Great Britain (as determined in accordance with Article 5 of the 2009 Regulation),
 - (b) is of good repute (as determined in accordance with paragraphs 1 to 5 of Schedule 3),
 - (c) has appropriate financial standing (as determined in accordance with Article 7 of the 2009 Regulation), and
 - (d) is professionally competent (as determined in accordance with paragraphs 8 to 13 of Schedule 3).
- (3) The second requirement is that the traffic commissioner is satisfied that the applicant has designated a transport manager in accordance with Article 4 of the 2009 Regulation who—
- (a) is of good repute (as determined in accordance with paragraphs 1 to 5 of Schedule 3),
 - (b) is professionally competent (as determined in accordance with paragraph 13 of Schedule 3), and

- (c) in the case of a transport manager designated under Article 4.2 of the 2009 Regulation—
 - (i) is not prohibited from being so designated by the traffic commissioner, and
 - (ii) is not designated to act as transport manager for a greater number of road transport undertakings or in respect of a greater number of vehicles than the traffic commissioner considers appropriate, having regard to the upper limits in Article 4.2(c) of the 2009 Regulation, or such smaller number as the commissioner considers appropriate (see Article 4.3 of the Regulation).

Requirements for restricted licences

13B. The requirement of this section is that the applicant is not unfit to hold an operator's licence by reason of—

- (a) any activities or convictions of which particulars may be required to be given under section 8(4) by virtue of paragraph 1(e) or (f) of Schedule 2;
- (b) any conviction required to be notified in accordance with section 9(1) (convictions etc required to be notified subsequent to the making of an application).

Requirements for standard and restricted licences

13C.—(1) The requirements of this section are that it must be possible (taking into account the traffic commissioner's powers under section 15(3) to issue a licence in terms that differ from those applied for) to issue a licence in relation to which subsections (2) to (6) will apply.

(2) There must be satisfactory arrangements for securing that the following are complied with in the case of vehicles used under the licence—

- (a) Part 6 of the Transport Act 1968 (drivers' hours);
- (b) the applicable Community rules, within the meaning of that Part.

(3) There must be satisfactory arrangements for securing that vehicles used under the licence are not overloaded.

(4) There must be satisfactory facilities and arrangements for maintaining the vehicles used under the licence in a fit and serviceable condition.

(5) The licence must specify at least one place in the traffic commissioner's area as an operating centre of the licence-holder, and each place so specified must be available and suitable for use as an operating centre of the licence-holder (disregarding any respect in which it may be unsuitable on environmental grounds).

(6) The capacity of the place specified as an operating centre (if there is only one) or both or all of the places so specified taken together (if there are more than one) must be sufficient to provide an operating centre for all the vehicles used under the licence.

(7) In considering whether the requirements of subsections (2) to (6) are satisfied, the traffic commissioner may take into account any undertakings given by the applicant (or procured by the applicant to be given) for the purposes of the application, and may assume that those undertakings will be fulfilled.

(8) In considering whether subsection (5) will apply in relation to a licence, the traffic commissioner may take into account any conditions that could be attached to the licence under section 21 (conditions for securing road safety) and may assume that any conditions so attached will not be contravened.

(9) In considering whether subsection (5) or (6) will apply in relation to a licence, the traffic commissioner may take into account (if this is the case) that any proposed operating centre of the applicant would be used—

- (a) as an operating centre of the holders of other operators' licences as well as an operating centre of the applicant; or
- (b) by the applicant or by other persons for purposes other than keeping vehicles used under the licence.

Further requirement for standard and restricted licences

13D. The requirement of this section is that the provision of the facilities and arrangements for maintaining the vehicles in a fit and serviceable condition (see section 13C(4)) is not prejudiced by reason of the applicant's having insufficient financial resources for that purpose”.

Commencement Information

II [Sch. 2 para. 5](#) in force at 4.12.2011, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Road Transport Operator Regulations 2011, Paragraph 5.