



## 2010 CHAPTER 2

### *Interim licences and interim variations*

#### **Interim operators' licences**

**21.—**(1) On an application for an operator's licence (a "full" licence), the Department may, if the applicant so requests, issue an interim licence.

(2) An interim licence is an operator's licence that (subject to its revocation or other termination under any provision of this Act or any other statutory provision) will continue in force until it terminates under subsection (4), (5) or (6).

(3) The Department may issue an interim licence in the same terms as those applied for in relation to the full licence or in terms that differ from those terms in any of the respects mentioned in section 14(3).

(4) If the Department grants the application and issues to the applicant a full licence that—

- (a) is in the terms applied for, or
- (b) is in those terms subject only to the attachment under section 20 of any conditions that are also attached to the interim licence,

the interim licence shall terminate on the date on which the full licence comes into force.

(5) If, on an appeal under section 35 arising out of the application, the Upper Tribunal orders the Department to issue a full licence to the applicant, the interim licence shall terminate—

- (a) on the date on which the full licence issued in pursuance of the order comes into force, or

- (b) at the time at which the application is withdrawn or treated as withdrawn by virtue of section 47(3).
- (6) If neither subsection (4) nor subsection (5) applies, the interim licence shall terminate on the date on which the application is finally disposed of or such earlier date as the applicant may specify in a written request to the Department.
- (7) Where, in a case within subsection (6), the application is granted, the full licence issued to the applicant shall be of no effect before the interim licence terminates (notwithstanding any statement in it to the contrary).
- (8) A request for the issuing of an interim licence—
  - (a) shall not be treated as an application for an operator’s licence for the purposes of sections 9 to 13, 14(1) to (4), 34 or 35 or Schedule 1, but
  - (b) shall be treated as such an application for the purposes of any other provision of this Act.
- (9) In this section and section 22 references to the date on which an application is finally disposed of are references—
  - (a) subject to paragraph (b), to the earliest date by which the application and any appeal to the Upper Tribunal arising out of the application have been determined and any time for bringing such an appeal has expired, or
  - (b) if the application is withdrawn or any such appeal is abandoned, to the date of the withdrawal or abandonment.

### **Interim variations**

**22.—**(1) On an application for the variation of an operator’s licence under section 16, if the applicant so requests the Department may, before it has determined the application, vary the licence by giving an interim direction in respect of it.

(2) An interim direction is a direction under section 16(1) that is expressed to continue in force until it ceases to have effect under subsection (3) or (4).

(3) If on determining the application the Department varies the licence by giving a direction in the terms applied for and does not also under section 20(1) (a) or (c) or 20(2) attach or vary any conditions, the interim direction shall cease to have effect on the date on which the direction given on the application comes into force.

(4) If subsection (3) does not apply, the interim direction shall cease to have effect on the date on which the application is finally disposed of or such earlier date as the applicant may specify in a written request to the Department.

(5) Where, in a case within subsection (4), on determining the application the Department gives a direction varying the licence, that direction shall be of no effect before the interim direction ceases to have effect.

(6) A request for an interim direction to be given—

- (a) shall not be treated as an application for the variation of an operator's licence for the purposes of section 16(4) or 35 or Schedule 1, but
  - (b) shall be treated as such an application for the purposes of any other provision of this Act.
- (7) The reference in subsection (4) to the date on which an application is finally disposed of is to be construed in accordance with section 21(9).