

SCHEDULES

SCHEDULE 1

TRANSFER OF OPERATING CENTRES

Transfers in connection with the variation of licences

3.—(1) Where in the case of an application for the variation of an operator's licence under section 16—

- (a) the only direction applied for is one under subsection (1)(g) of that section that one or more new places be specified in the licence as an operating centre of the licence-holder,
- (b) the requirements of sub-paragraphs (2) to (5) are satisfied at the time when the application is made, and
- (c) the applicant so requests

the Department may direct that paragraph 4 is to apply in relation to the application.

(2) Each new place that is proposed to be specified in the licence must already be specified in another operator's licence as an operating centre of its holder.

(3) That other licence must be the same in the case of each such place, and no such place may be specified in more than the one other operator's licence.

(4) Where any conditions under section 20(1)(a) or (c) relating to any such place are attached to that other licence, the applicant must have consented to conditions in the same terms being attached to the licence the applicant is applying to have varied.

(5) Where any undertakings relating to any such place are recorded in that other licence, undertakings in the same terms must have been given by the applicant (or have been procured by the applicant to be given) for the purposes of the application.

(6) In determining whether to give a direction under this paragraph, the Department shall take account of whether any new adverse effects on environmental conditions are likely to arise from the use as an operating centre of the applicant of any such place, and may take account of any other matters the Department considers relevant.

(7) A place is not to be regarded for the purposes of sub-paragraph (2) as being specified in an operator's licence by reason only that it forms part of a place so specified; and a place that was, at the time mentioned in sub-paragraph (1)(b), a place specified in an operator's licence as mentioned in sub-paragraph (2) shall be disregarded for the purposes of sub-paragraph (2) if, at that time—

- (a) that place was so specified by virtue of an interim direction such as is mentioned in section 22; or
 - (b) such conditions relating to—
 - (i) the exercise of the right of any person to appeal against a place being specified in an operator’s licence, or
 - (ii) the review under section 34 of any decision so to specify a place, as may be prescribed were not satisfied in relation to that place.
- (8) In this paragraph “operator’s licence” does not include an interim licence issued under section 21.