



2010 CHAPTER 2

Revocation etc of operators' licences

Revocation, suspension and curtailment of operators' licences

23.—(1) Subject to the following provisions of this section and the provisions of section 26, the Department may direct that an operator's licence be revoked, suspended or curtailed (within the meaning given in subsection (9)) for any reasonable cause including any of the following—

- (a) that a place has, at a time when it was not specified in the licence as an operating centre of the licence-holder, been used as an operating centre for vehicles authorised to be used under the licence;
- (b) that the licence-holder has contravened any condition attached to the licence;
- (c) that during the 5 years ending with the date on which the direction is given there has occurred a prescribed event affecting information required to be given to the Department under section 7 or 8;
- (d) that the licence-holder made, or procured to be made, for the purposes of—
 - (i) the licence-holder's application for the licence,
 - (ii) an application for the variation of the licence, or
 - (iii) a request for a direction under paragraph 1 or 3 of Schedule 1,a statement of fact that, whether to the licence-holder's knowledge or not, was false, or a statement of expectation that has not been fulfilled;
- (e) that any undertaking recorded in the licence has not been fulfilled;
- (f) that the licence-holder, being an individual, has been adjudged bankrupt or, being a company, has gone into liquidation, other than voluntary liquidation for the purposes of reconstruction;

- (g) that since the licence was issued or varied there has been a material change in any of the circumstances of the licence-holder that were relevant to the issue or variation or the licence;
- (h) that the licence is liable to revocation, suspension or curtailment by virtue of a direction under section 25(3).

(2) Where the Department has power to give a direction in respect of a licence under subsection (1) the Department also has power to direct that a condition or additional condition such as is mentioned in section 20(1)(b) be attached to the licence.

(3) In this Act any reference, in relation to an operator's licence, to a condition attached to the licence under section 20(1)(b) includes any condition attached to the licence under subsection (2).

(4) Where the existence of any of the grounds mentioned in subsection (1) is brought to the notice of the Department, the Department shall consider whether or not to give a direction under this section in respect of that licence.

(5) Where the Department directs that an operator's licence be suspended or curtailed, the Department may order—

- (a) in the case of a suspension, that any motor vehicle specified in the licence may not be used under any other operator's licence (notwithstanding anything in section 4(1)(a)), or
- (b) in the case of a curtailment having the effect of removing any motor vehicle from the licence, that the motor vehicle may not be used as mentioned in paragraph (a) and shall not be capable of being effectively specified in any other operator's licence.

(6) An order made under subsection (5) shall cease to have effect—

- (a) on such date, not being more than 6 months after the order is made, as may be specified in the order, or
- (b) if, before that date, the licence which is directed to be suspended or curtailed ceases to be in force, on the date on which it ceases to be in force.

(7) Where the Department has given a direction suspending or curtailing a licence under subsection (1) it may—

- (a) cancel the direction together with any order under subsection (5) that was made when the direction was given;
- (b) cancel any such order; or
- (c) with the consent of the licence-holder, vary the direction or any such order (or both the direction and any such order).

(8) Where an operator's licence is suspended under this section, the licence remains in force during the time of its suspension subject to the limitation that no vehicles are authorised to be used under it.

(9) In this Act references to directing that an operator's licence be curtailed are references to directing (with effect for the remainder of the duration of the licence or for any shorter period) all or any of the following—

- (a) that one or more of the vehicles specified in the licence be removed from it;
- (b) that a provision such as is mentioned in section 4(2) or 5(1)(b) or (2)(b) be included in the licence;
- (c) that any maximum number specified in the licence under section 5 be reduced;
- (d) that any one or more of the places specified in the licence as operating centres be removed from it.