

SCHEDULE 4

Regulation 28(3)

MODIFICATIONS IN RELATION TO HOLDING COMPANIES AND SUBSIDIARIES

1. The 2010 Act and these Regulations have effect as if any reference (except in this Schedule) to a provision which is modified by this Schedule were a reference to that provision as so modified.

2. The 2010 Act has effect as if—

- (a) goods vehicles in the lawful possession of the subsidiary were in the lawful possession of the holding company;
- (b) where a goods vehicle is used in circumstances in which, but for the provisions of regulation 28 the subsidiary would be deemed to be the user, the holding company were the user;
- (c) a trade or business carried on by the subsidiary were carried on by the holding company;
- (d) the subsidiary were an applicant for the grant or variation of the licence;
- (e) any operating centre of the subsidiary were an operating centre of the holding company;
- (f) any person who is a director of the subsidiary were a director of the holding company;
- (g) any person who is an employee of the subsidiary were an employee of the holding company;
- (h) in section 7(4)(c) the reference to an operating centre of the applicant included a reference to an operating centre of the subsidiary;
- (i) for section 9(1) there were substituted—
 - “(1) The Department may publish in the prescribed manner notice of any application for an operator’s licence made by a company or other body corporate in pursuance of regulations made under section 52”;
- (j) in section 16(4) for the words “Except in the cases mentioned in subsection (5), the Department shall publish” there were substituted “In the case of an application for a direction under subsection (1)(a) made by a company or other body corporate in pursuance of regulations made under section 52, the Department may publish”;
- (k) in section 23(1) the references in paragraphs (a), (b), (d), (f) and (g) to the licence-holder included references to the subsidiary;
- (l) in section 25—
 - (i) in subsection (1) the reference to the holder of the licence included a reference to the subsidiary;
 - (ii) in subsection (3)(a) after sub-paragraph (ii) there were inserted—
 - “(iii) a company which is a subsidiary of such a company; or”;
 - (iii) in subsection (4) for paragraph (a) there were substituted—
 - “(a) where that person is a company or other body corporate which is the licence-holder in respect of a subsidiary of that company or other body corporate in pursuance of regulations made under section 52, in relation to any director of that company or other body corporate or of that subsidiary.”.

3. These Regulations shall have effect as if in regulation 24 the reference to the licence-holder included a reference to the subsidiary.