



# Deregulation and Contracting Out Act 1994

## 1994 CHAPTER 40

### PART I

#### DEREGULATION

#### CHAPTER III

#### GOODS VEHICLE OPERATOR LICENSING

#### **48 Revocation, suspension and curtailment of licences**

(1) Section 69 of the 1968 Act (revocation, suspension and curtailment of operators' licences) shall be amended as follows.

(2) For subsections (1) and (2) there shall be substituted—

“(1) Subject to the following provisions of this section, the licensing authority by whom an operator's licence was granted may direct that it be revoked, suspended or curtailed on any of the following grounds—

- (a) that a place in the authority's area 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 five years ending with the date on which the direction is given there has been a conviction such as is mentioned in subsection (4)(a) to (fff) of this section or a prohibition such as is mentioned in subsection (4)(h) of this section;
- (d) that during those five years, on occasions appearing to the authority to be sufficiently numerous to justify the giving of a direction under

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- this subsection, there has been a conviction such as is mentioned in subsection (4)(g) of this section;
- (e) that the licence-holder made or procured to be made for the purposes of his application for the licence, an application for the variation of the licence or a request for a direction under paragraph 1 or 3 of Schedule 8A to this Act a statement of fact that (whether to his knowledge or not) was false or a statement of expectation that has not been fulfilled;
  - (f) that any undertaking recorded in the licence has not been fulfilled;
  - (g) 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 purpose of reconstruction);
  - (h) that since the licence was granted or varied there has been a material change in any of the circumstances of the licence-holder that were relevant to the grant or variation of the licence;
  - (i) that the licence is liable to revocation, suspension or curtailment by virtue of a direction under subsection (6) of this section.
- (2) Where the licensing authority has power to give a direction in respect of a licence under subsection (1) of this section, the authority also has power to direct that a condition, or additional condition, such as is mentioned in section 66 of this Act be attached to the licence.
- (2A) In this Part of this Act any reference, in relation to an operator's licence, to a condition attached to the licence under section 66 of this Act includes any condition that was attached to the licence under subsection (2) of this section.”
- (3) For subsection (5) there shall be substituted—
- “(5) Where the licensing authority directs that an operator's licence be revoked, the authority may order the person who was the holder of the licence to be disqualified, indefinitely or for such period as the authority thinks fit, from holding or obtaining an operator's licence, and so long as the disqualification is in force—
- (a) any operator's licence held by him at the date of the making of the order (other than the licence revoked) shall be suspended; and
  - (b) notwithstanding anything in section 64 or 67A of this Act, no operator's licence may be granted to him.
- (5A) If a person applies for or obtains an operator's licence while he is disqualified under subsection (5) of this section—
- (a) he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale; and
  - (b) any operator's licence granted to him on the application or (as the case may be) the operator's licence obtained by him shall be void.
- (5B) An order under subsection (5) of this section may be limited so as to apply only to the holding or obtaining of an operator's licence in respect of the area of one or more specified licensing authorities and, if the order is so limited—
- (a) paragraphs (a) and (b) of that subsection and subsection (5A) of this section shall apply only to any operator's licence to which the order applies; but

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- (b) notwithstanding section 61(2)(b) of this Act, no other operator’s licence held by the person in question shall authorise the use by him of any vehicle at a time when its operating centre is in an area in respect of which he is disqualified by virtue of the order.”
- (4) At the end of subsection (7) there shall be added “; and any reference below in this section to subsection (5) or to subsection (6) includes that subsection as it applies by virtue of this subsection.”
- (5) For subsection (8) there shall be substituted—
  - “(8) The licensing authority by whom any direction suspending or curtailing a licence under subsection (1) of this section was given may at any time—
    - (a) cancel the direction together with any order under subsection (7A) of this section 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).
  - (8A) The licensing authority by whom any order disqualifying a person was made under subsection (5) of this section may at any time—
    - (a) cancel that order together with any direction that was given under subsection (6) of this section when the order was made;
    - (b) cancel any such direction; or
    - (c) with the consent of the person disqualified, vary the order or any such direction (or both the order and any such direction).”