



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Environmental matters

34 Determinations as to environmental matters.

- (1) In making any determination of a description mentioned in subsection (2), a traffic commissioner shall have regard to such considerations as may be prescribed as relevant to determinations of that description.
- (2) The determinations referred to are—
 - (a) any determination with respect to the suitability of any place on environmental grounds for use as an operating centre of the holder of [^{F1}a heavy goods vehicle] licence;
 - (b) any determination with respect to attaching to [^{F2}a heavy goods vehicle] licence any condition such as is mentioned in section 23 or varying or removing any such condition attached to [^{F2}a heavy goods vehicle] licence; and
 - (c) any determination with respect to the effect on environmental conditions in any locality of the use in any particular manner of any operating centre of the holder of [^{F3}a heavy goods vehicle] licence.
- (3) In making any such determination for the purposes of exercising—
 - (a) any of his functions in relation to an application for, or for the variation of, [^{F4}a heavy goods vehicle] licence, or
 - (b) any of his functions under sections 30 to 32,a traffic commissioner may take into account any undertakings given by the applicant or licence-holder (or procured by him to be given) for the purposes of the application or the review under sections 30 to 32, and may assume that those undertakings will be fulfilled.
- (4) In making for those purposes a determination of a description mentioned in subsection (2)(a) or (c), a traffic commissioner may take into account any conditions

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, Cross Heading: Environmental matters is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

such as are mentioned in section 23 that could be attached to the licence in question, and may assume that any conditions so attached will not be contravened.

(5) Where a traffic commissioner—

- (a) grants an application for, or for the variation of, [^{F5}a heavy goods vehicle] licence, or
- (b) [^{F6}after a notice has been served] under section 30 in respect of any place specified in such a licence, exercises or determines not to exercise any of his powers under sections 31 and 32 in relation to that place,

any undertakings taken into account by the commissioner under subsection (3) that he considers to be material to the application or (as the case may be) to his decision under sections 31 and 32 shall be recorded in the licence in question.

Textual Amendments

- F1** Words in s. 34(2)(a) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **48(1)**
- F2** Words in s. 34(2)(b) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **48(1)**
- F3** Words in s. 34(2)(c) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **48(1)**
- F4** Words in s. 34(3)(a) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **48(2)**
- F5** Words in s. 34(5)(a) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **48(3)**
- F6** Words in s. 34(5)(b) substituted (3.7.2013) by The Local Transport Act 2008 (Traffic Commissioners) (Consequential Amendments) Order 2013 (S.I. 2013/1644), art. 1(1), **Sch. 1** (with arts. 1(3), 2, 7)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 5(6)(6A) substituted for s. 5(6) by [2000 c. 38 s. 263](#)