



Goods Vehicles (Licensing of Operators) Act 1995

1995 CHAPTER 23

Miscellaneous

44 Assessors.

- (1) In considering any financial question which appears to him to arise in relation to the exercise of his functions under this Act [^{F1}or the 2009 Regulation], [^{F2}a traffic commissioner] may be assisted by an assessor drawn from a panel of persons appointed for the purpose by the Secretary of State.
- (2) The Secretary of State shall pay to any such assessor in respect of his services such remuneration as may be determined by the Secretary of State with the consent of the Treasury.

Textual Amendments

- F1** Words in s. 44(1) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 15** (with Sch. 3 Pt. 2)
- F2** Words in s. 44(1) 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)

45 Fees.

- (1) Such fees, payable at such times, and whether in one sum or by instalments, as may be prescribed shall be charged by a traffic commissioner in respect of—
 - (a) applications for, or for the variation of, operators' licences;
 - (b) the issue or variation of operators' licences;
 - (c) the continuation in force of operators' licences;
 - (d) any arrangements made with the holder of an operator's licence to treat the licence for certain administrative purposes as if it were two or more licences.

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, Cross Heading: Miscellaneous is up to date with all changes known to be in force on or before 18 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

- (2) A traffic commissioner may decline to proceed with—
- (a) any application for, or for the variation of, an operator's licence, or
 - (b) the issue or variation of any operator's licence,
- until any fee or instalment of a fee in respect of the application, issue or variation (as the case may be) is duly paid.
- (3) If, in the case of any application for, or for the variation of, an operator's licence, any fee or instalment of a fee in respect of the application or the issue or variation of the licence is not duly paid by the prescribed time—
- (a) the application shall be treated as withdrawn at that time, and
 - (b) any decision made or direction given on the application, and any licence issued or variation effected in pursuance of such a direction, ceases to have effect or terminates at that time.
- (4) If any fee or instalment of a fee in respect of the continuation in force of an operator's licence is not duly paid by the prescribed time, the licence terminates at that time.
- (5) [^{F3}A traffic commissioner] may, if he considers there to be exceptional circumstances that justify his doing so in any case where subsection (3) or (4) has applied, direct that as from the time mentioned in that subsection its effect in that case be disregarded.
- (6) Where, by virtue of such a direction, the effect of subsection (3)(a) is to be disregarded in any case, any termination—
- (a) of an interim licence under section 24(5)(b) or (6), or
 - (b) of an interim direction under section 25(4),
- by virtue of the operation of subsection (3)(a) in that case before the direction was given shall be cancelled with effect from the same time.
- (7) Where such a direction is given in respect of an operator's licence—
- (a) any condition attached to the licence under section 22 shall be treated as having been of no effect during the period beginning with the time when the licence terminated by virtue of subsection (3) or (4) above and ending with the time when the direction comes into force, and
 - (b) subject to paragraph (a), the traffic commissioner may vary any such condition as it applies in relation to events occurring before the direction comes into force.
- (8) All fees payable under this Act, other than those payable under section 49, shall be paid into the Consolidated Fund in such manner as the Treasury may direct.

Textual Amendments

F3 Words in s. 45(5) 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)

Modifications etc. (not altering text)

C1 S. 45(3) excluded (1.1.1996) by [S.I. 1995/2181](#), art. 3, [Sch. para. 14](#)

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46 Holding companies and subsidiaries.

- (1) The Secretary of State may by regulations make provision for the purpose of enabling any company or other body corporate which has one or more subsidiaries to hold an operator's licence under which the vehicles authorised to be used consist of or include vehicles belonging to or in the possession of any of its subsidiaries.
- (2) Regulations under this section may—
 - (a) modify or supplement any of the provisions of this Act, other than the excepted provisions, so far as appears to the Secretary of State to be necessary or expedient for or in connection with the purpose mentioned in subsection (1), and
 - (b) may contain such other supplementary and incidental provisions as appear to the Secretary of State to be requisite.
- (3) In this Act “the excepted provisions” means the following provisions^{F4}..., namely—
 - (a) sections 3, [^{F5}3A,] 4, 9(2) and (3)(b), [^{F6}13A], 15(5) and (6), 20, 22(2) to (5), 27 and 49;
 - (b) in section 58, in subsection (1), the definitions of “international transport operations”, “national transport operations”^{F7}... and “transport manager”, and subsection (4); and
 - (c) Schedule 3.

Textual Amendments

- F4** Words in s. 46(3) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), [Sch. 2 para. 16\(a\)](#) (with Sch. 3 Pt. 2)
- F5** Word in s. 46(3)(a) inserted (19.7.2018) by [Haulage Permits and Trailer Registration Act 2018 \(c. 19\)](#), [ss. 11\(6\)](#), 27(1)
- F6** Word in s. 46(3)(a) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), [Sch. 2 para. 16\(b\)](#) (with Sch. 3 Pt. 2)
- F7** Words in s. 46(3)(b) omitted (17.3.2022) by virtue of [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), [49](#)

47 Partnerships.

Regulations may provide for this Act to apply in relation to partnerships with such modifications as may be specified in the regulations; but nothing in any such regulations may make modifications in any of the excepted provisions (within the meaning given in section 46(3)).

48 Operators' licences not to be transferable etc.

- (1) Subject to any regulations under section 46, an operator's licence is neither transferable nor assignable.
- (2) Regulations may make provision enabling a traffic commissioner, where the holder of an operator's licence^{F8}... has died [^{F9}or become a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to use a vehicle under the licence,] to direct that the licence be treated—
 - (a) as not having terminated at the time when the licence-holder died or [^{F10}became a person who lacked capacity in that respect] but as having been

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- suspended (that is, as having remained in force but subject to the limitation that no vehicles were authorised to be used under it) from that time until the time when the direction comes into force; and
- (b) as having effect from the time when the direction comes into force for a specified period and as being held during that period (for such purposes and to such extent as may be specified) not by the person to whom it was issued but by such other person carrying on that person's business, or part of that person's business, as may be specified.
- (3) Regulations may make provision enabling a traffic commissioner in prescribed circumstances to direct that any operator's licence ^{F11}... is to be treated (for such purposes, for such period and to such extent as may be specified) as held not by the person to whom it was issued but by such other person carrying on that person's business, or part of that person's business, as may be specified.
- (4) Regulations may make provision enabling a traffic commissioner to direct, for the purpose of giving effect to or supplementing a direction given by him [^{F12}or another traffic commissioner] by virtue of subsection (2) or (3), that this Act is to apply with specified modifications in relation to the person who is to be treated under the direction as the holder of an operator's licence; but nothing in any such regulations shall permit [^{F13}a traffic commissioner] to modify the operation of any of the excepted provisions (within the meaning given in section 46(3)).
- (5) In subsection (2) references to a person becoming [^{F14}a person lacking capacity] include references to a curator bonis being appointed in respect of him in Scotland on the ground that he is incapable, by reason of mental disorder, of adequately managing and administering his property and affairs.
- (6) In this section "specified", in relation to a direction, means specified—
- (a) in the regulations under which the direction was given; or
- (b) in the direction in accordance with those regulations.

Textual Amendments

- F8** Words in s. 48(2) omitted (3.7.2013) by virtue of [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)
- F9** Words in s. 48(2) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 40(3)(a)(i)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F10** Words in s. 48(2)(a) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 40(3)(a)(ii)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)
- F11** Words in s. 48(3) omitted (3.7.2013) by virtue of [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)
- F12** Words in s. 48(4) inserted (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)
- F13** Words in s. 48(4) 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)
- F14** Words in s. 48(5) substituted (1.10.2007) by [Mental Capacity Act 2005 \(c. 9\)](#), s. 68(1), **Sch. 6 para. 40(3)(b)** (with ss. 27-29, 62); S.I. 2007/1897, art. 2(1)(d)

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49 Certificates of qualification.

- (1) On an application made to him by a person wishing to engage in [^{F15}an] undertaking [^{F16}established] in a member State [^{F17}that involves the use of goods vehicles], the appropriate person shall issue to the applicant a certificate (a “certificate of qualification”) as to such matters relating to—
- (a) the applicant’s repute,
 - (b) his professional competence, or
 - (c) (where relevant) his financial standing,
- as the appropriate person is satisfied he may properly certify and as appear to him to be of assistance to the applicant in satisfying any requirements imposed by the law of the ^{F18}... member State as regards the repute, professional competence and financial standing of persons engaged in [^{F19}such an undertaking established] in that member State.
- (2) A certificate of qualification shall—
- (a) be in such form as the Secretary of State for Transport may specify; ^{F20}...
 - ^{F20}(b)
- (3) No certificate of qualification shall be issued before a fee of £20 has been paid.
- (4) The applicant shall give to the appropriate person such information as that person may reasonably require for the discharge of his duties in relation to the application.
- (5) In this section “the appropriate person”—
- [^{F21}(a) in relation to an applicant who holds an operator’s licence, means a traffic commissioner, and
 - (b) in relation to an applicant who does not hold an operator’s licence, means the Secretary of State,]
- ^{F22} ...
- (6) All fees payable under this section shall be paid into the Consolidated Fund.

Textual Amendments

- F15** Word in s. 49(1) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **50(1)(a)(i)**
- F16** Word in s. 49(1) inserted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **50(1)(a)(ii)**
- F17** Words in s. 49(1) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **50(1)(a)(iii)**
- F18** Word in s. 49(1) omitted (17.3.2022) by virtue of The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **50(1)(b)(i)**
- F19** Words in s. 49(1) substituted (17.3.2022) by The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **50(1)(b)(ii)**
- F20** S. 49(2)(b) and preceding word omitted (17.3.2022) by virtue of The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **50(2)**
- F21** S. 49(5)(a)(b) substituted for s. 49(5)(a)-(c) (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)
- F22** Words in s. 49(5) omitted (17.3.2022) by virtue of The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **50(3)**

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Modifications etc. (not altering text)

C2 S. 49(2): Functions transferred (26.1.1998) by [S.I. 1997/2971](#), [art. 3\(3\)\(a\)](#)

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](#)