

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, Cross Heading: Return or disposal of vehicle is up to date with all changes known to be in force on or before 11 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

SCHEDULES

[^{F2}SCHEDULE 1A

DETENTION OF VEHICLES USED WITHOUT OPERATOR'S LICENCE

Textual Amendments

F2 Sch. 1A inserted (1.2.2001) by 2000 c. 38, s. 262(2), **Sch. 30**; S.I. 2001/57, art. 3 **Sch. 2 Pt. I**

^{F1} Return or disposal of vehicle

Textual Amendments

F1 Sch. 1A inserted (1.2.2001) by 2000 c. 38, s. 262(2), **Sch. 30**; S.I. 2001/57, art. 3(1), **Sch. 2 Pt. I**

[^{F3}8 Regulations may make provision authorising a vehicle detained by virtue of paragraph 2 to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 9.]

Textual Amendments

F3 Sch. 1A para. 8 substituted (26.11.2008 for specified purposes, 9.2.2009 in so far as not already in force) by Local Transport Act 2008 (c. 26), ss. 126(2), 134(1)(c), (4); S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

- ^{F4}9 (1) Regulations shall make provision enabling the owner of a goods vehicle detained by virtue of paragraph 2 to apply to [^{F5}a traffic commissioner] for the return of the vehicle.
- (2) Regulations may, in particular—
- (a) require notice of an application to be given to [^{F6}a traffic commissioner] within such period as may be determined in accordance with the regulations, and
 - (b) require notice of an application to be made in such form as may be prescribed.
- (3) Regulations shall make provision as to the grounds upon which the owner may apply for the return of the vehicle.
- (4) Those grounds may include the following grounds—
- (a) that at the time the vehicle was detained the person using the vehicle held an operator's licence (whether or not authorising the use of the vehicle),
 - (b) that at the time the vehicle was detained the vehicle was not being, and had not been, used in contravention of section 2, or

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- (c) that, although at the time the vehicle was detained it was being, or had been, used in contravention of section 2, the owner did not know that it was being, or had been, so used.

Textual Amendments

- F4** Sch. 1A inserted (1.2.2001) by 2000 c. 38, s. 262(2), **Sch. 30**; S.I. 2001/57, art. 3, **Sch. 2 Pt. 1** as amended by S.I. 2001/115, art. 2
- F5** Words in Sch. 1A para. 9(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)
- F6** Words in Sch. 1A para. 9(2)(a) 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)

- ^{F7}10 (1) Regulations shall make provision—
- (a) enabling [^{F8}a traffic commissioner] to hold a hearing before determining an application by virtue of paragraph 9,
 - (b) requiring [^{F9}a traffic commissioner] to hold a hearing if requested by a person who claims to be the owner,
 - (c) as to the time within which the hearing must be held, and
 - (d) subject to such provision as may be made by the regulations, for the hearing to be held in public.
- (2) Regulations shall also provide that, if no hearing is held, [^{F10}the application must be determined by a traffic commissioner within a prescribed time after notice of the application is received] .
- (3) Regulations shall provide that—
- (a) if [^{F11}a traffic commissioner] determines that one of the grounds prescribed by virtue of paragraph 9(3) is made out, he must order the person specified in a direction by virtue of paragraph 6(1) to return the goods vehicle to the owner;
 - (b) if [^{F11}a traffic commissioner] determines that none of those grounds is made out, the vehicle may be sold or destroyed by the person specified, in such manner as may be prescribed.

Textual Amendments

- F7** Sch. 1A inserted (1.2.2001) by 2000 c. 38, s. 262(2), **Sch. 30**; S.I. 2001/57, art. 3, **Sch. 2 Pt. 1** as amended by S.I. 2001/115, art. 2
- F8** Words in [Sch. 1A para. 10\(1\)\(a\)](#) 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)
- F9** Words in [Sch. 1A para. 10\(1\)\(b\)](#) 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)
- F10** Words in [Sch. 1A para. 10\(2\)](#) 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)

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F11 Words in [Sch. 1A para. 10\(3\)\(a\)\(b\)](#) 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)

[^{F12}11 (1) Regulations shall provide for an appeal to the [^{F13}Upper Tribunal] against the determination of the traffic commissioner.

^{F14}(2)]

Textual Amendments

F12 Sch. 1A inserted (1.2.2001) by [2000 c. 38](#), s. 262(2), 275(1), [Sch. 30](#); [S.I. 2001/57](#), art. 3, [Sch. 2 Pt. I](#) (as amended by [S.I. 2001/115](#), art. 2)

F13 Words in [Sch. 1A para. 11\(1\)](#) substituted (1.9.2009) by [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), [Sch. 1 para. 23\(a\)](#)

F14 [Sch. 1A para. 11\(2\)](#) omitted (1.9.2009) by virtue of [Transfer of Functions \(Transport Tribunal and Appeal Panel\) Order 2009 \(S.I. 2009/1885\)](#), art. 1(1), [Sch. 1 para. 23\(b\)](#)

^{F15}12 Regulations may provide that, if no application is made to [^{F16}a traffic commissioner] in accordance with regulations made by virtue of paragraph 9, any goods vehicle detained by virtue of paragraph 2 may be sold or destroyed in such manner as may be prescribed.]

Textual Amendments

F15 Sch. 1A inserted (1.2.2001) by [2000 c. 38](#), s. 262(2), [Sch. 30](#); [S.I. 2001/57](#), art. 3, [Sch. 2 Pt. I](#) as amended by [S.I. 2001/115](#), art. 2

F16 Words in [Sch. 1A para. 12](#) 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)

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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](#)