

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 23 May 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

SCHEDULE 3 **E+W+S**

Sections ^[F1]3A, 8, ^[F2]13A and 27.

QUALIFICATIONS FOR STANDARD LICENCE

Textual Amendments

- F1** Words in Sch. 3 inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(1)**
- F2** Words in Sch. 3 substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(8)** (with Sch. 3 Pt. 2)

Modifications etc. (not altering text)

- C1** Sch. 3 modified by S.I. 1995/2869, reg. 29(12) (as amended (5.10.2017) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2017 \(S.I. 2017/874\)](#), regs. 1(1), **6(e)**)

^[F3]Effective and stable establishment

Textual Amendments

- F3** [Sch. 3 para. A1](#) and cross-heading inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(2)**

- A1. (1) A person has an effective and stable establishment in Great Britain under section 13A(2)(a) if the person satisfies, or will satisfy on the issuing of an operator's licence, the requirements set out in sub-paragraph (2).
- (2) The requirements are that the person—
- (a) has premises in Great Britain at which the person—
 - (i) is able to access, in electronic or any other form, the originals of the person's core business documents, and
 - (ii) carries out effectively and continuously, with appropriate equipment and facilities, the administration of the person's transport service,
 - (b) has access to one or more goods vehicles that are authorised to be used under the person's operator's licence,
 - (c) has at a place or places in Great Britain—
 - (i) a number of goods vehicles referred to in paragraph (b) that is proportionate to the national or international transport operations carried out from each place, and
 - (ii) a number of drivers that is proportionate to the number of goods vehicles operating from that place,
 - (d) has, if required under the Value Added Tax Act 1994 to charge value added tax on the supply of the person's transport service, a VAT registration number,

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- (e) is within the charge to income tax or corporation tax under the Tax Acts on income generated through the person's transport service, and
- (f) is, if a company, a company within the meaning given in section 1(1) of the Companies Act 2006.

(3) In sub-paragraph (2)—

“core business documents” includes—

- (a) contracts relating to the transport service;
- (b) documents relating to the goods vehicles authorised to be used under the person's operator's licence;
- (c) accounting documents;
- (d) personnel management documents;
- (e) employment contracts;
- (f) national insurance documents;
- (g) documents containing data—
 - (i) on the dispatching and posting of drivers, and
 - (ii) relating to journeys, driving time and rest periods;
- (h) any other document that a traffic commissioner may require to verify a person's compliance with any requirement or obligation imposed by or under this Act;

“VAT registration number” means the number allocated by the Commissioners for Her Majesty's Revenue and Customs to a person registered under the Value Added Tax Act 1994.]

Good repute

- 1 (1) In determining whether an individual is of good repute, a traffic commissioner may have regard to any matter but shall, in particular, have regard to—
- (a) any relevant convictions of the individual or of his servants or agents; and
 - (b) any other information in his possession which appears to him to relate to the individual's fitness to hold a licence.
- (2) In determining whether a company is of good repute, a traffic commissioner shall have regard to all the material evidence including, in particular—
- (a) any relevant convictions of the company or of any of its officers, servants or agents; and
 - (b) any other information in his possession as to the previous conduct of—
 - (i) any of the company's officers, servants or agents, or
 - (ii) any of its directors, in whatever capacity,
 if that conduct appears to him to relate to the company's fitness to hold a licence.
- (3) For the purposes of this paragraph, the relevant convictions of any person are—
- (a) any conviction of that person of an offence such as is mentioned in paragraph 5 of Schedule 2;
 - (b) any conviction of that person of an offence under the law of Northern Ireland or of the law of any country or territory outside the United Kingdom corresponding to an offence such as is mentioned in that paragraph;
 - (c) any conviction of that person of a serious offence within the meaning given in paragraph 3; and

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- (d) any conviction of that person of a road transport offence within the meaning given in paragraph 4.

[^{F4}(4) For the purposes of determining in accordance with paragraph 14A whether a transport manager is of good repute, the reference in sub-paragraph (1)(a) to servants or agents is to be disregarded.]

Textual Amendments

- F4** Sch. 3 para. 1(4) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(3)**

[^{F5}2 Without prejudice to the generality of a traffic commissioner’s power under paragraph 1 to determine that a person is not of good repute, a commissioner shall determine that an individual is not of good repute if that individual has—

- (a) more than one conviction of a serious offence; or
(b) been convicted of road transport offences.]

Textual Amendments

- F5** Sch 3. para. 2 substituted (1.10.1999) by [S.I. 1999/2430](#), **reg. 2(1)**

- 3 (1) A person has a conviction of a “serious offence” if—
- (a) he has been convicted of any offence under the law of any part of the United Kingdom or under the law of a country or territory outside the United Kingdom, and
- (b) on such conviction there was imposed on him for that offence a punishment falling within sub-paragraph (2).
- (2) The punishments are—
- (a) a sentence of imprisonment for a term exceeding three months;
- (b) a fine exceeding level 4 on the standard scale;
- (c) a [^{F6}community order] requiring him to perform work for more than 60 hours [^{F7}or a community payback order requiring him to undertake unpaid work, or unpaid work and other activity, for more than 60 hours]; and
- (d) in the case of an offence committed under the law of a country or territory outside the United Kingdom, any punishment corresponding to those mentioned in paragraphs (a) to (c).
- (3) In sub-paragraph (2)—
- (a) the reference to a sentence of imprisonment includes a reference to any form of custodial sentence or order, other than one imposed under the enactments relating to mental health; ^{F8} ...
- [^{F9}(b) “community order” means a community order under section 177 of the Criminal Justice Act 2003 [^{F10}or Chapter 2 of Part 9 of the Sentencing Code], a community punishment order made under section 46 of the Powers of Criminal Courts (Sentencing) Act 2000 or a community service order under the Community Service by Offenders (Scotland) Act 1978][^{F11}; and

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- (c) “community payback order” means a community payback order under section 227A or 227M of the Criminal Procedure (Scotland) Act 1995 imposing an unpaid work or other activity requirement.]

Textual Amendments

- F6** Words in Sch. 3 para. 3(2)(c) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 68\(3\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(28\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(1))
- F7** Words in Sch. 3 para. 3(2)(c) inserted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, [Sch. para. 12\(2\)](#) (with art. 4(4))
- F8** Word in Sch. 3 para. 3(3) repealed (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, [Sch. para. 12\(3\)\(a\)](#) (with art. 4(4))
- F9** Sch. 3 para. 3(3)(b) substituted (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\), s. 336\(3\)\(4\), Sch. 32 para. 68\(4\)](#); [S.I. 2005/950, art. 2\(1\), Sch. 1 para. 42\(28\)](#) (with [Sch. 2](#)) (as explained (29.7.2005) by [S.I. 2005/2122](#), art. 2; and as amended: (14.7.2008) by [2008 c. 4, Sch. 26 para. 78, Sch. 28 Pt. 2](#); [S.I. 2008/1586](#), Sch. 1 paras. 48(s), 50(2)(d); (30.11.2009) by [S.I. 2009/3111](#), art. 2; (3.12.2012) by [S.I. 2012/2905](#), art. 4; (3.12.2012) by [2012 c. 10, Sch. 14 para. 17](#); [S.I. 2012/2906](#), art. 2(1))
- F10** Words in Sch. 3 para. 3(3)(b) inserted (1.12.2020) by [Sentencing Act 2020 \(c. 17\), s. 416\(1\), Sch. 24 para. 131](#) (with [Sch. 27](#)); [S.I. 2020/1236, reg. 2](#)
- F11** Sch. 3 para. 3(3)(c) and word inserted (16.9.2011) by [The Criminal Justice and Licensing \(Scotland\) Act 2010 \(Consequential Provisions and Modifications\) Order 2011 \(S.I. 2011/2298\)](#), art. 1, [Sch. para. 12\(3\)\(b\)](#) (with art. 4(4))

- [^{F124} “Road transport offence” means—
- (a) an offence under the law of any part of the United Kingdom relating to road transport including, in particular—
- (i) an offence relating to drivers’ hours of work or rest periods, the weights or dimensions of commercial vehicles, road or vehicle safety or the protection of the environment; and
- (ii) any other offence concerning professional liability; or
- (b) any corresponding offence under the law of a country or territory outside the United Kingdom.]

Textual Amendments

- F12** Sch. 3 para. 4 substituted (1.10.1999) by [S.I. 1999/2430, reg. 2\(2\)](#)

- 5 [^{F13}(1) In paragraph 1(3)(a) the reference to an offence mentioned in paragraph 5 of Schedule 2 includes an offence under section 42 of the Armed Forces Act 2006 as respects which the corresponding offence under the law of England and Wales (within the meaning given by that section) is an offence mentioned in that paragraph.
- (1A) In paragraphs 3 and 4, references to an offence under the law of any part of the United Kingdom include an offence under section 42 of that Act.
- (1B) In paragraph 3(2)(c) the reference to a community order includes a service community order or overseas community order under that Act.]

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- (2) For the purposes of [^{F14}determining under this Act whether a person is of good repute,]—
- (a) convictions which are spent for the purposes of the ^{M1}Rehabilitation of Offenders Act 1974 shall be disregarded; and
 - (b) a traffic commissioner may also disregard an offence [^{F15}if—
 - (i) such time as the commissioner thinks appropriate has elapsed since the date of the conviction, or
 - (ii) the commissioner, having considered the number of offences committed by a person, determines that due to specific circumstances a negative determination of good repute for the person would constitute a disproportionate response].

Textual Amendments

- F13** Sch. 3 para. 5(1)-(1B) substituted for Sch. 3 para. 5(1) (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\), s. 383\(2\)](#), [Sch. 16 para. 131](#); [S.I. 2009/812, art. 3\(a\)\(b\)](#) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167, art. 4](#)
- F14** Words in Sch. 3 para. 5(2) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), [54\(4\)\(a\)](#)
- F15** Words in Sch. 3 para. 5(2)(b) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), [54\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C2** Sch. 3 para. 5(1) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 34\(a\)](#)
- C3** Sch. 3 para. 5(1A) modified (24.4.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [The Armed Forces Act 2006 \(Transitional Provisions etc\) Order 2009 \(S.I. 2009/1059\)](#), art. 1(3), [Sch. 1 para. 34\(b\)](#)

Marginal Citations

- M1** 1974 c. 53.

Appropriate financial standing

^{F16}6

Textual Amendments

- F16** Sch. 3 para. 6 omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), [Sch. 2 para. 20\(2\)](#) (with Sch. 3 Pt. 2)

- [^{F17}6A.(1) An operator has appropriate financial standing under section 13A(2)(c) if the operator is able to demonstrate that it has at its disposal at all times capital and reserves—
- (a) for goods vehicles authorised to be used under a heavy goods vehicle licence, of—
 - (i) £8,000 for the first heavy goods vehicle,
 - (ii) £4,500 for each additional heavy goods vehicle and

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- (iii) £800 for each light goods vehicle (if any), or
- (b) for goods vehicles authorised to be used under a light goods vehicle licence, of—
 - (i) £1,600 for the first light goods vehicle, and
 - (ii) £800 for each additional light goods vehicle.
- (2) The operator must demonstrate appropriate financial standing—
 - (a) on the basis of the operator’s annual accounts if certified by a qualified auditor, or
 - (b) by producing other evidence to the satisfaction of a traffic commissioner that the operator has, in the name of the operator, the necessary capital and reserves, such as—
 - (i) a bank guarantee,
 - (ii) a document issued by a financial institution establishing access to credit, or
 - (iii) any other binding document.
- (3) In this paragraph—
 - “operator” means an applicant for, or a holder of, an operator’s licence in relation to which appropriate financial standing is required under section 13A(2)(c);
 - “qualified auditor” means a person who is eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006.]

Textual Amendments
F17 Sch. 3 para. 6A inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(5)**

Professional competence

F187

Textual Amendments
F18 Sch. 3 paras. 7-9 omitted (17.3.2022) by virtue of [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(6)**

F188

Textual Amendments
F18 Sch. 3 paras. 7-9 omitted (17.3.2022) by virtue of [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(6)**

F189

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Textual Amendments

F18 Sch. 3 paras. 7-9 omitted (17.3.2022) by virtue of The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **54(6)**

F19 10

Textual Amendments

F19 Sch. 3 para. 10 omitted (4.12.2011) by virtue of The Road Transport Operator Regulations 2011 (S.I. 2011/2632), reg. 1(1), **Sch. 2 para. 20(3)** (with Sch. 3 Pt. 2)

F20 11

Textual Amendments

F20 Sch. 3 para. 11 omitted (4.12.2011) by virtue of The Road Transport Operator Regulations 2011 (S.I. 2011/2632), reg. 1(1), **Sch. 2 para. 20(3)** (with Sch. 3 Pt. 2)

F21 12

Textual Amendments

F21 Sch. 3 para. 12 omitted (17.3.2022) by virtue of The Goods Vehicles (Licensing of Operators) (Amendment) Regulations 2022 (S.I. 2022/293), regs. 2(1), **54(6)**

- 13 (1) An individual shall be regarded as professionally competent if, and only if—
- (a) he has demonstrated that he possesses the requisite skills by passing a written examination organised by an approved body and is the holder of a certificate to that effect issued by that body; or
 - (b) he is the holder of any other certificate of competence, diploma or other qualification recognised for the purposes of this sub-paragraph by the Secretary of State.

[^{F22}(1A) The approved body may exempt an individual from certain parts of the examination mentioned in sub-paragraph (1)(a) if the individual is the holder of a certificate of competence, diploma or other qualification which covers those parts and which is recognised for the purposes of this sub-paragraph by the Secretary of State.]

[^{F23}(2) The written examination mentioned in sub-paragraph (1)(a) may be supplemented by an oral examination organised by the approved body in the form set out in Annex I to [^{F24}the 2009 Regulation].

(2A) The certificate mentioned in sub-paragraph (1)(a) must take the form of the certificate set out in [^{F25}Annex 3 to that Regulation and must have security features in compliance with Annex 2 to that Regulation].]

- (3) In sub-paragraph (1)—
- “approved body” means—
 - (a) a body approved by the Secretary of State for the purposes of that sub-paragraph; [^{F26}or]

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(b) a body approved by the [^{F27}department in Northern Ireland that, by order made under the Departments (Northern Ireland) Order 1999, is responsible for exercising the functions of a department under the Goods Vehicles (Licensing of Operators) Act (Northern Ireland) 2010] ; [^{F28}and]

(c) ^{F29} ...

[^{F30}“the requisite skills” means knowledge corresponding to the level of training, for either national or international transport operations as the case may be, provided for in Annex I to [^{F31}that Regulation] in the subjects there listed.]

Textual Amendments

- F22** Sch. 3 para. 13(1A) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(a\)](#) (with Sch. 3 Pt. 2)
- F23** Sch. 3 para. 13(2)(2A) substituted (1.10.1999) for para. 13(2) by [S.I. 1999/2430](#), [reg. 4\(1\)](#) (with saving in [reg. 5\(3\)\(4\)](#))
- F24** Words in Sch. 3 para. 13(2) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(b\)](#) (with Sch. 3 Pt. 2)
- F25** Words in Sch. 3 para. 13(2A) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(c\)](#) (with Sch. 3 Pt. 2)
- F26** Word in Sch. 3 para. 13(3) inserted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), [regs. 1\(1\)](#), [2\(3\)\(a\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F27** Words in Sch. 3 para. 13(3) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), [regs. 2\(1\)](#), [54\(7\)](#)
- F28** Word in Sch. 3 para. 13(3) substituted (31.12.2020) by [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), [regs. 1\(1\)](#), [2\(3\)\(b\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F29** Words in Sch. 3 para. 13(3) omitted (31.12.2020) by virtue of [The Licensing of Operators and International Road Haulage \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/708\)](#), [regs. 1\(1\)](#), [2\(3\)\(c\)](#); 2020 c. 1, Sch. 5 para. 1(1)
- F30** Definition in Sch. 3 para. 13(3) substituted (1.10.1999) by [S.I. 1999/2430](#), [reg. 4\(2\)\(b\)](#)(with savings in [reg. 5\(3\)\(4\)](#))
- F31** Words in Sch. 3 para. 13(3) substituted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), [reg. 1\(1\)](#), [Sch. 2 para. 20\(5\)\(d\)\(ii\)](#) (with Sch. 3 Pt. 2)

Modifications etc. (not altering text)

- C4** Sch. 3 para. 13 modified (1.10.1999) by [S.I. 1999/2430](#), [reg. 5\(4\)](#)

^{F32}14

Textual Amendments

- F32** Sch.3 para. 14 repealed and superseded (1.10.1999) by [S.I. 1999/2430](#), [reg. 5\(5\)](#)

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f³³ Requirements for a transport manager

Textual Amendments

F33 Sch. 3 para. 14A and cross-heading inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(8)**

- 14A. (1) A transport manager must be—
- (a) a resident of the United Kingdom,
 - (b) of good repute (as determined in accordance with paragraphs 1 to 5),
 - (c) professionally competent (as determined in accordance with paragraph 13), and
 - (d) able to manage effectively and continuously the operator’s transport service.
- (2) An individual designated under section 13A(3)(a)(ii), in addition to meeting the requirements set out in sub-paragraph (1), must be—
- (a) the operator,
 - (b) an employee, director, owner, or shareholder of the operator, or
 - (c) any other individual a traffic commissioner is satisfied has a genuine link to the operator.
- (3) An individual designated under section 13A(3)(b), in addition to meeting the requirements set out in sub-paragraph (1), must—
- (a) be a party to a transport management contract linking the individual to the operator,
 - (b) be able to—
 - (i) exercise the individual’s responsibilities as a transport manager independently of the operator, and
 - (ii) perform the tasks set out in the transport management contract solely in the interests of the operator, and
 - (c) not be, subject to sub-paragraph (4), at the same time designated under—
 - (i) section 13A(3)(a)(ii) or (b) in relation to any other operator’s licence, or
 - (ii) any corresponding law of Northern Ireland in relation to a Northern Ireland-issued licence.
- (4) A traffic commissioner may, if the commissioner considers it appropriate, allow an individual to be designated in relation to an operator’s licence despite sub-paragraph (3)(c) provided the individual is designated in relation to no more than four operators’ licences and Northern Ireland-issued licences authorising the use of a combined total fleet of no more than 50 motor vehicles or vehicle combinations.
- (5) In this paragraph—
- “Northern Ireland-issued licence” means a licence issued under the law of Northern Ireland that is equivalent to an operator’s licence;
 - “the operator” means the person who designated the individual under section 13A(3)(a)(ii) or (b);
 - “transport management contract” means a contract that—
 - (a) indicates the individual’s responsibilities as a transport manager, and
 - (b) specifies the tasks the individual is to perform as a transport manager for the operator, including those relating to—

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- (i) vehicle maintenance,
- (ii) vehicle management,
- (iii) verification of contracts and documents relating to the transport service;
- (iv) basic accounting,
- (v) the assignment of drivers and vehicles to transport services, and
- (vi) the verification of safety procedures.]

Transport manager to be notified of proceedings

- 15 (1) A traffic commissioner shall not in any proceedings under this Act [^{F34}or under the 2009 Regulation] make a finding that a transport manager is not of good repute or is not professionally competent unless the commissioner is satisfied that the transport manager has been served with a notice—
- (a) stating that the question whether he is of good repute or (as the case may be) professionally competent is an issue in the proceedings;
 - (b) setting out the nature of the allegations against him; ^{F35}...
 - (c) stating that he is entitled to make representations under this paragraph within 28 days beginning with the date on which the notice is served on him [^{F36}and
 - (d) stating that he is entitled to request an inquiry as provided in section 35]
- (2) Where a transport manager makes representations under this paragraph, the traffic commissioner shall consider the representations—
- (a) in considering [^{F37}whether or not an inquiry should be held] as provided in section 35; and
 - (b) in determining whether the transport manager is of good repute or (as the case may be) professionally competent.
- [^{F38}(2A) [^{F39}A traffic commissioner] must hold an inquiry as provided in section 35 if the transport manager requests one under sub-paragraph (1)(d)]
- (3) A notice shall be deemed for the purposes of sub-paragraph (1) to have been served on a transport manager on the date on which it would have been delivered in the ordinary course of post if it was sent by post addressed to him at his last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by him.

Textual Amendments

- F34** Words in Sch. 3 para. 15(1) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(a)(i)** (with Sch. 3 Pt. 2)
- F35** Word in Sch. 3 para. 15(1)(b) omitted (4.12.2011) by virtue of [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(a)(ii)** (with Sch. 3 Pt. 2)
- F36** Sch. 3 para. 15(1)(d) and word inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(a)(iii)** (with Sch. 3 Pt. 2)
- F37** Words in Sch. 3 para. 15(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)
- F38** Sch. 3 para. 15(2A) inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(6)(b)** (with Sch. 3 Pt. 2)

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 23 May 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

F39 Words in Sch. 3 para. 15(2A) 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)

^{F40}Determinations in respect of transport managers

Textual Amendments

F40 Sch. 3 para 16-17 and cross-headings inserted (4.12.2011) by [The Road Transport Operator Regulations 2011 \(S.I. 2011/2632\)](#), reg. 1(1), **Sch. 2 para. 20(7)** (with Sch. 3 Pt. 2)

16. (1) In proceedings under this Act or the 2009 Regulation for determining whether a person who is a transport manager is of good repute or professionally competent, a traffic commissioner must [^{F41}, in accordance with paragraph 5(2) (if applicable),] consider whether a finding that the person was no longer of good repute or (as the case may be) professionally competent would constitute a disproportionate response.
- (2) If the commissioner determines that the person is no longer of good repute or (as the case may be) professionally competent, the commissioner must order the person to be disqualified (either indefinitely or for such period as the commissioner thinks fit) from acting as a transport manager.
- (3) While a disqualification under sub-paragraph (2) is in force—
- (a) the person may not act as transport manager [^{F42}in relation to any operator's licence];
- ^{F43}(b)
- (4) A person in respect of whom an order has been made under sub-paragraph (2) may appeal to the Upper Tribunal against the order.
- (5) The traffic commissioner may direct that an order under sub-paragraph (2) is not to take effect until the expiry of the time within which an appeal may be made to the Upper Tribunal against the order and, if such an appeal is made, until the appeal has been disposed of.
- (6) If the traffic commissioner refuses to give a direction under sub-paragraph (5), the person in respect of whom the order has been made may apply to the Upper Tribunal for such a direction.

Textual Amendments

F41 Words in Sch. 3 para. 16(1) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(9)(a)**

F42 Words in Sch. 3 para. 16(3)(a) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(9)(b)(i)**

F43 Sch. 3 para. 16(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), **54(9)(b)(ii)**

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 23 May 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

Transport managers: cancellation or variation of disqualification order

17. (1) [F44 A traffic commissioner may, subject to [F45 sub-paragraphs (1A) and] (2), at any time cancel a disqualification order made under paragraph 16(2)] or, with the consent of the disqualified person, vary the order.

[If the disqualification order was made because a traffic commissioner determined F46(1A) that the disqualified person ceased to be of good repute, the order may be cancelled—

- (a) not before the end of the period of one year beginning with the day on which the order was made, and
- (b) only if the disqualified person has, after the order was made—
 - (i) passed the written examination referred to in paragraph 13(1)(a), or
 - (ii) for no less than three months undertaken training a traffic commissioner considers appropriate.]

- (2) The traffic commissioner by whom a disqualification order is made under paragraph 16(2) may specify measures with which the disqualified person must comply before the order can be cancelled or varied.

- (3) Measures specified under sub-paragraph (2) may be varied by the traffic commissioner [F47 who made the order or another traffic commissioner] —

- (a) on the application of the disqualified person, or
- [F48(b) at the instigation of the traffic commissioner.]

- (4) Before [F49 a variation is made under sub-paragraph (3)(b), a notice must be served] on the disqualified person—

- (a) stating [F50 an intention] to vary the measures specified under sub-paragraph (2);
- (b) stating that the person is entitled to make representations under sub-paragraph (5) within 28 days beginning with the date on which the notice is served on the person, and
- (c) stating that the person is entitled to request an inquiry as provided in section 35.

- (5) Where a person makes representations under this sub-paragraph, the traffic commissioner [F51 dealing with the matter] must consider the representations in deciding whether to vary the measures specified under sub-paragraph (2).

- (6) The traffic commissioner must hold an inquiry as provided in section 35 if the disqualified person requests one under sub-paragraph (4)(c).

- (7) A notice shall be deemed for the purposes of sub-paragraph (4) to have been served on a person on the date on which it would have been delivered in the ordinary course of post if it was sent by post addressed to the person at the person's last known address, notwithstanding that the notice was returned as undelivered or was for any other reason not received by the person.]

Textual Amendments

- F44** Words in Sch. 3 para. 17(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)

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 23 May 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](#)

- F45** Words in Sch. 3 para. 17(1) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(10)(a)**
- F46** Sch. 3 para. 17(1A) inserted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **54(10)(b)**
- F47** Words in Sch. 3 para. 17(3) 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)
- F48** Sch. 3 para. 17(3)(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)
- F49** Words in Sch. 3 para. 17(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)
- F50** Words in Sch. 3 para. 17(4)(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)
- F51** Words in Sch. 3 para. 17(5) 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)

Changes to legislation:

Goods Vehicles (Licensing of Operators) Act 1995, SCHEDULE 3 is up to date with all changes known to be in force on or before 23 May 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.

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Changes and effects yet to be applied to :

- Sch. 3 para. 3(2)(a) words substituted by [2003 c. 44 Sch. 32 para. 68\(2\)](#)
- Sch. 3 para. 3(2)(a) words substituted by [2012 c. 10 Sch. 10 para. 8](#) (Effect not applied. The words being replaced have not been brought into force.)

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](#)