

Changes to legislation: Goods Vehicles (Licensing of Operators) Act 1995, Paragraph 3 is up to date with all changes known to be in force on or before 22 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 4

TRANSFER OF OPERATING CENTRES

Modifications etc. (not altering text)

- C1** Sch. 4 excluded by 2006 c. 12, s. 16E(4) (as inserted (14.2.2012) by [London Olympic Games and Paralympic Games \(Amendment\) Act 2011 \(c. 22\)](#), ss. 9, 10(1))

Transfers in connection with the variation of licences

- 3 (1) Where in the case of an application for the variation of [^{F1}a heavy goods vehicle] licence under section 17—
- (a) the only direction applied for is one under subsection (1)(g) of that section that one or more new places be specified in the licence as an operating centre of the licence-holder,
 - (b) the requirements of sub-paragraphs (2) to (5) are satisfied at the time when the application is made, and
 - (c) the applicant so requests,
- the traffic commissioner may direct that paragraph 4 is to apply in relation to the application.
- (2) Each new place that is proposed to be specified in the licence must already be specified in another [^{F2}heavy goods vehicle] licence as an operating centre of its holder.
- (3) That other licence must be the same in the case of each such place, and no such place may be specified in more than the one other [^{F3}heavy goods vehicle] licence.
- (4) Where any conditions under section 21 or 23 relating to any such place are attached to that other licence, the applicant must have consented to conditions in the same terms being attached to the licence he is applying to have varied.
- (5) Where any undertakings relating to any such place are recorded in that other licence, undertakings in the same terms must have been given by the applicant (or have been procured by him to be given) for the purposes of the application.
- (6) In determining whether to give a direction under this paragraph, the traffic commissioner shall take account of whether any new adverse effects on environmental conditions are likely to arise from the use as an operating centre of the applicant of any such place, and may take account of any other matters he considers relevant.
- (7) A place is not to be regarded for the purposes of sub-paragraph (2) as being specified in [^{F4}a heavy goods vehicle] licence by reason only that it forms part of a place so specified; and a place that was, at the time mentioned in sub-paragraph (1)(b), a place

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specified in [^{F4}a heavy goods vehicle] licence as mentioned in sub-paragraph (2) shall be disregarded for the purposes of sub-paragraph (2) if, at that time—

- (a) that place was so specified by virtue of an interim direction such as is mentioned in section 25; or
- (b) such conditions relating to—
 - (i) the exercise of the right of any person to appeal against a place being specified in [^{F5}a heavy goods vehicle] licence, or
 - (ii) the review under section 36 of any decision so to specify a place, as may be prescribed were not satisfied in relation to that place.

(8) In this paragraph “[^{F6}heavy goods vehicle] licence” does not include an interim licence issued under section 24.

Textual Amendments

- F1** Words in Sch. 4 para. 3(1) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **55(3)(a)**
- F2** Words in Sch. 4 para. 3(2) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **55(3)(b)**
- F3** Words in Sch. 4 para. 3(3) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **55(3)(b)**
- F4** Words in Sch. 4 para. 3(7) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **55(3)(c)(i)**
- F5** Words in Sch. 4 para. 3(7)(b)(i) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **55(3)(c)(ii)**
- F6** Words in Sch. 4 para. 3(8) substituted (17.3.2022) by [The Goods Vehicles \(Licensing of Operators\) \(Amendment\) Regulations 2022 \(S.I. 2022/293\)](#), regs. 2(1), **55(3)(d)**

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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](#)